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your trust in recommending
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you and your continued busi-
ness are the highest comple-
ments we could ever receive.

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Client Bulletin



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Home Affordable Refinance Program (HARP) Extended

The HARP program, for borrowers whose home mortgage is owned by Fannie Mae or Freddie Mac, has been extended for a year. A borrower who is current on the mortgage, and whose loan to value (LTV) ratio is between 80% and 125%, is eligible to refinance into a lower interest rate mortgage notwithstanding not meeting the usual requirement of an 80% or less LTV.

Next of Kin Notification/Emergency Contact

Although in 2008 the General Assembly enacted a law to require the Ohio Bureau of Motor Vehicles to maintain a free next of kin registry that could be accessed by law enforcement to notify the next of kin of those involved in a serious automobile accident, few drivers have signed up for the registry, probably because the law did not add an inquiry regarding the next of kin registry to the questions clerks are required to ask drivers renewing their license.

The registry, which can be accessed only by law enforcement personnel and the Bureau of Motor Vehicles (which maintains the database), lists for Ohio drivers license holders who chose to register the name, address and phone numbers of up to two emergency contacts.

Registration can be either online at www.ohiobmv.com or by completing and mailing to the BMV a Next of Kin/Emergency Contact Enrollment form. If you want to register and cannot obtain a form online, please call us (740-363-1313) and ask Chris Herring to mail an enrollment form to you.

Builder-Home Purchaser Contract Can Waive Implied Warranties, Including That of Good Workmanship

In Ohio, under the common law, there is a duty on builders and contractors in the construction of a home or other improvements on real property to perform in a workmanlike manner. For a number of years in Ohio, numerous builders and contractors in contracts for the construction of a new home or other improvements on real property have included provisions in which implied warranties are waived and express written limited warranties, usually for a stated limited time period, are provided. In a case of what it stated was of first impression in Ohio, the Franklin County Court of Appeals held that the implied in law duty to construct a home in a workmanlike manner can be waived, and that such a waiver is not against public policy, specifically citing to cases from Illinois, Vermont, North Carolina, Colorado, Tennessee, Arkansas, and Pennsylvania. The Court also relied on Ohio cases holding that "freedom of contract is the general rule; public-policy limits are the exception."

Congratulations:

To Linda and Joe Diamond (Rosebud Properties) for being awarded the Spirit of Main Street award by Heritage Ohio at its annual Preservation and Revitalization Awards ceremony in Columbus on April 28. In 1999, Joe managed the renovation/restoration of Manos, Martin, Pergram & Dietz's 1854 three-story building in downtown Delaware.

To 3 Pillar Homes, LLC for being listed at number 5 on Business First's 200 listing of Custom Homebuilders based on 2010 gross sales.

To Kevin Knight & Co. for being listed at number 9 on the 2010 Custom Homebuilders list.

To Delaware County Bank & Trust Company for being listed at number 2 on Business First's 2010 ranking, by central Ohio deposits, of community banks.

**MANOS, MARTIN,
PERGRAM & DIETZ
CO., LPA**

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Notice

This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

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