

# Stevens & Kuss S.C.

## Attorneys at Law

### **SIZING UP THE PROBLEM CLIENT**

A home inspector's greatest concern is the client who later files a lawsuit or reports the home inspector to the Department of Regulation and Licensing. Some clients will be happy with the home inspector, even if the home inspector overlooks certain defects. Other clients will be unhappy with the home inspector no matter how good of a job he does. Identifying the potential problem client in advance will help eliminate problems down the road. If the home inspector recognizes a client that has the potential for trouble, then extra measures can be taken to head off future problems. Based upon my past experiences representing home buyers in lawsuits, I have come up with categories of clients who should concern a home inspector. Some clients will fall into more than one of these categories. Here are some of the types of clients to be concerned about:

#### **THE UNHAPPY COMPLAINER**

These clients are unhappy no matter what happens to them. They complain about everything. They believe that everyone is out to take advantage of them. They believe everyone, but themselves, is incompetent. They are at war with the world. This type of client will eventually be unhappy with the job of the home inspector no matter what the home inspector does. The client may seem to like the inspector at the time, but if the client dislikes everybody else, be concerned.

#### **THE SINGLE WOMAN**

I have noticed that an inordinate amount of real estate lawsuits involve real estate purchases by single women. This might be because women are often less familiar with structural issues, maintenance issues, and repairs necessitated by homeownership. Many times they do not understand what the home inspector is telling them as the house is inspected. If something goes wrong shortly after the purchase of the house, they feel like they have been taken advantage of.

#### **THE MANIPULATOR**

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This person is always trying to work the angles. They often hire a home inspector as pretext to come up with ammunition for future negotiations with the seller. They want to use the home inspection report to negotiate a better deal. They are also looking for ways to get back the money they spent on the home inspection and possibly some additional funds from the home inspector.

### **THE FIRST TIME HOMEBUYER OPERATING ON A SHOESTRING**

Often a young, well-meaning couple buys a house with the belief that they will not have to stick any additional funds into the house for a considerable period of time. They don't have any fund to stick into the house because they have used all their money and credit to purchase the house in the first place. If they encounter a \$500.00 repair in the near future they will be completely devastated.

### **THE HYPER-PICKY HOMEBUYER**

This person looks at the house under a microscope. Any little defect or detail out of place causes the picky-homebuyer great concern. They expect perfection in the house. They expect everything to be absolutely perfect and have no tolerance of defects of any kind. This person looks on the home inspector as a guarantor of the house's condition and will hold the home inspector responsible for any defect, no matter how slight.

There may be other categories of problem clients, but these are some of the ones that I have dealt with in my practice. What the home inspector must do is identify these potential problem clients in advance and take extra precautions with regard to them. As the home inspector is often with the client for a couple of hours, it is very easy to ask clients questions that may reveal their true character. Some of the questions that the home inspector might ask are:

- Were you happy with your last home inspector?
- Why did you decide to have the house inspected?
- How did your negotiations with the seller go?
- What do you think about this house in general?

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- What is your most important objective in having the house inspected?
- Is there anything about this house that you don't like?
- Do you think the sellers were honest with you in their condition report?
- Have you budgeted money for any potential repairs?
- Are you handy or knowledgeable with regard to home maintenance?
- Do you realize that a home inspector may not be able to find all the problems?  
How do you feel about that?
- Do you have any plans to make any changes or do any remodeling if you buy this house?
- Have you ever owned a house with problems?

Get the homebuyer to discuss their feelings about homeownership, home problems, maintenance, and their expectations of the home inspector. Ask lots of questions. If the home inspector detects a client may be a potential problem, it is prudent to go to greater lengths to document defects in the report. Two phrases that should be used liberally in the report are:

1. There is a potential problem with the \_\_\_\_\_, the homebuyer should consider having this evaluated by an expert.
2. The home inspector is unable to fully evaluate \_\_\_\_\_, consider having this looked at by a \_\_\_\_\_ professional.

The use of one of these two phrases may help you head off potential problems.

Consider spending some time sizing up your clients during the course of the home inspection and if you see potential problems, take extra precautions.