

SCENARIO # 3:

Bernard owns a home in a condominium community subject to the governance of the NoOneLikesUs Condominium Association—in a recently built community. The COA is currently in active litigation with one of the contractors that supplied services in constructing the condo's clubhouse and pool. The Contractor is claiming that the COA failed to pay \$2,000,000.00 for the construction of the clubhouse and the pool. There are 500 units that are subject to the HOA's governance. The contractor has also filed a lien against the COA and all units within it for the COA's failure to pay. Bernard now wishes to sell his unit but the litigation is showing as a requirement to be resolved on the title commitment. The Buyer is scared of closing with this matter outstanding as he fears he may have to pay in a future special assessment.

QUESTIONS:

1. Is Bernard able to sell his home?
2. What methods or mechanisms can an attorney perform to allow Bernard to close which will relieve the Buyer's concerns?

SCENARIO # 4:

Kayla is the only child of Susan. Susan, a 95-year-old widow is the sole owner of a property located at 2122 Smith Lane. Susan has recently developed dementia and has relocated to a nursing home. Susan is, most of the time, sharp-witted and lucid, but at other times falls into a state of confusion. Prior to developing dementia, Susan gave Kayla a general power of attorney which allows Kayla to manage Susan's affairs, including to sell real, homestead property. Kayla thinks it's in her mother's best interest to sell the home and use the profits to pay for Susan's nursing home care, which costs \$2,200.00/month.

QUESTIONS:

1. Can Susan sell the home on her own? Why? Why not?
2. Can Kayla use the power of attorney to sell the home on her mother's behalf?
3. If so, why? If not, what other mechanisms can an attorney employ to enable Kayla to sell her mother's home.