

# SAN JUAN ISLANDS

REAL ESTATE TAB | JUNE 2024

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## HOME INSPECTIONS AND THEIR ROLE IN THE REAL ESTATE TRANSACTION

If you are a buyer or seller, I bet you thought just getting under contract was stressful for all parties; but, in reality, the home inspection and/or feasibility response and associated negotiations are often the more stressful event. Allowing a buyer to have a home inspection and hopefully a concurrent feasibility study is a very necessary part of the transaction.

### **Seller's Disclosure - Form 17**

As required by statute, the seller must provide a disclosure about the property. This is merely a disclosure, not a representation, guarantee or warranty. This disclosure should be given to your home inspector prior to their visit so they can focus on the seller's comments about defects and repairs made. Your agent should automatically do this but as a buyer you should ensure it happens.

### **Buyer's Due Diligence**

Washington is a buyer due diligent state, so basically, if the boilerplate language is used, the buyer gets a free ride to investigate whether the property is suitable or not. If they respond with notice to terminate within the deadline, their deposit is refundable unless the contract is written differently.

When the market is very competitive, some buyers elect to waive their rights to an inspection to attract the seller's attention. In the long term, allowing the buyer to have the inspection process and possible associated negotiations, will reduce the exposure to future disagreements about the condition of the home. The buyer needs the opportunity to research the property and condition of the improvements prior to closing. As a seller, if your buyer waives their rights to an inspection, be sure to obtain a copy of the waiver or a hold harmless agreement for the file.

The better approach versus wavier is to allow the buyer to conduct a home inspection and have the contingency, but to include in the offer that "Buyer acknowledges that property is being sold "as is" and that Seller will not make any repairs or price adjustments as a result of the Buyer's home inspection."

In most transactions, the buyer shall have anywhere from 10-45 days to process their home inspection contingency and feasibility study, with 15 days being typical for a home purchase. The home inspection contingency addresses the condition of the improvements on the property. The feasibility study addresses the "what if-s", a buyer is considering i.e., may I have a dog run, can I park an RV, what will the kitchen remodel cost, can I obtain a vacation rental permit, etc.

The inspections must be processed by the buyer, or a person licensed under chapter 18.280 RCW. Surprisingly, General Contractors and/or Sub-Contractors are not qualified under this chapter of the RCW. However, Contractors can enter the home and inspect under the "Additional Time for Inspection Clause" as part of the further evaluation processed by the buyer.

Reports are at the buyer's expense, ordered by them and performed by an inspector of their choice. If the seller has already obtained a home inspection, the buyer should not rely upon it exclusively, as there is no recourse against the inspector by a party not named in the report. The buyer may, however, hire that inspector for a new report in their name as it may save time.

The inspectors or contractors may not be invasive with their inspections or in preparing their estimate for the cost of repairs, without seller's consent and without the agreement that buyer will restore to the pre-inspection condition.

Some buyers and their agents are of the opinion that it is best to just get the property under contract and then plan to be aggressive during the home inspection and feasibility period. Only time will tell with this approach, it can backfire. It is true that the seller may be emotionally attached to the transaction as it is the solution they are looking for, however; they also need to feel that the transaction is fair. It may be their plan to be aggressive as well and perhaps they are not attached to the outcome. These are just some of the uncertainties that surround the process. During the inspection process of a transaction, sometimes not everyone is happy and sometimes all parties are slightly unhappy. It can be a stressful time for all. On the other hand, I have had the process run very smooth; it is a case-by-case situation. The goal is for everyone to be happy.

Just because you are under contract, it is still a long way until closing with numerous contingencies that must be satisfied along the way. No one should be packing until the contract is non-contingent and preferably not until you have signed your closing documents and the monies are deposited with escrow. It is for this reason that delayed seller possession is popular.

### **Inspection Response Procedures**

The buyers must respond within their inspection and/or feasibility deadline to the seller with their decision. The options for the buyer include:

- 1) Approve the inspection and waive the contingency
- 2) Disapprove the inspection and terminate the agreement with the deposit refunded
- 3) Give notice of additional inspections per the inspector's recommendation
- 4) Ask seller to make repairs or a monetary adjustment to the price or as a credit to their closing costs

The Buyer and their agent both need to be aware of how the inspection contingency form was structured or countered in the original offer. The inspection contingency form dictates whether the seller can be given the home inspection report or any portion of the report along with their request for repairs or a credit. If the buyer or their agent inadvertently provides the listing agent or seller with the report or a portion, without consent, the buyers contingency is deemed waived so the repercussion of non-compliance with the form is huge. If the original form stated buyer shall not deliver the report or any portions or the report to the seller, that can be amended with a 35 C Addendum where seller can...

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\$2,995,000 - MLS #2207273



**NEW LISTING**  
**WATER VIEW HOME**  
\$2,125,000 - MLS #2229323



**WATER VIEW RENTAL INVESTMENT**  
\$2,060,000 - MLS #222331



**ROCHE HARBOR RENTAL CONDOMINIUM**  
\$730,000 - MLS #2132058



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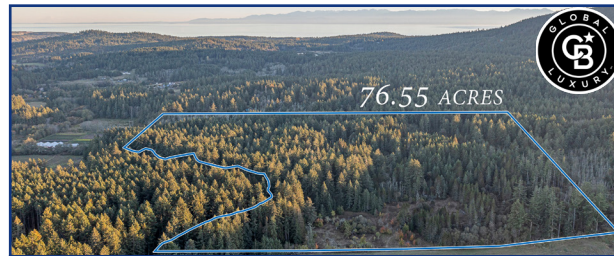
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**NEW / VACATION RENTAL**



**Listed for \$1,299,000 | Listing ID #2240088**

3 bedroom, 2 ½ bath custom home is approx. 2270 SF with spacious kitchen, newer appliances, ample storage, and inviting covered decks to sit and watch nature and the world slowly go by. Unique cord wood walls and shingle siding. +/- 7.99 acres, flower lined pond, old growth cedar forest with trails, cozy writers' studio, & fenced organic garden.



76.55 ACRES



**Listed for \$1,677,000 | Listing ID #2173781**

An incredible opportunity to own 76 plus acres of pristine and wild property, this is a delightful mix of orchards from an old farmstead, ponds, a year round stream, waterfall and numerous walking/riding trails grace the property. Towering trees abound in this peaceful verdant forest. End of the road location and borders preservation land.



**Listed for \$399,000 | Listing ID #2208315**

Beautiful 5 acre lot ready to build your custom dream home in the newly developed Prospect Mountain neighborhood. This gorgeous wooded acreage offers Cascades, Mt Baker, and valley views. Mossy rock outcroppings, with a driveway roughed in to several building sites. Water, power and phone! A short drive to town or Limekiln State park.

**PENDING**



**Listed for \$1,199,000 | Listing ID #2237968**

Easy living in this charming 2200 +/- SF single level NW home on 2 +/- acres. Thoughtful and flowing floor plan offers 2 bedrooms, 2 baths, and office. Beautiful bamboo floors, amazing gourmet's kitchen with eating bar, great room and fireplace. Over 1000 sf of new easy care decking for relaxing gatherings. Solar panels for energy saving.

**REDUCED**



**Listed for \$769,000 | Listing ID #2218640**

Charming rustic island home offers 3 bedrooms, 1 3/4 bath, with 1700 + SF, garage, with lovely detached 850 SF + studio/office with full bath, loft, additional garage. Over 1.4 beautiful wooded acres in park-like setting. Hardwood floors, vaulted ceilings, great room, wood paneling, huge wrap around decks, woodstove insert, and new kitchen stove.





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**REDUCED**



**CAPE COD WITH BEACH | MLS #2219709 | \$2,695,000**

Excellent quality east-facing Cape Cod with a low-bank gravel and sand beach at Cape San Juan with 2557 sf, 3 bedrooms, 3.5 baths, newly updated kitchen, with Cambria quartz countertops, and bathrooms, many built-ins, two propane fireplaces, Brazilian Koa flooring, beautiful custom curved staircase, extensive storage, large Evergreen decks, oversized detached 2-car garage with office and multiple storage areas, washed aggregate driveway, low maintenance mature landscaping, and a small fenced garden area. Great attention to detail, stunning and very interesting views, and a wide variety of marine life including whales, seals, and sea lions, and SJ Channel is kind of like a river that runs both ways so there is always engaging marine life.



**CUSTOM HOME ON ACREAGE | MLS #2160102 | \$2,495,000**

On the grid or off, your choice. Twelve outstanding deer-fenced acres, 1.16 mi from town center, with a custom 3080 sf home utilizing wood burls from Alaska, 675 sf log guesthouse with vacation rental permit, both overlooking the lake, 600 sf studio with bathroom, 140 sf studio, 550 sf detached garage, 3200 sf multipurpose shop with walk-in cooler, Starlink internet, 46 solar panels with bank of huge batteries, automated back-up generator, 2000 gallons of underground propane storage, large fruit and nut orchard, commercial garden including mature blueberry and raspberry bushes, a greenhouse, large chicken run, and a 2 acre lake. Commercial opportunity and/or completely self-sustaining if needed or desired.



**2 STORY CRAFTSMAN HOME | MLS #2175308 | \$1,200,000**

Discover the epitome of island living in this meticulously crafted home on a corner lot. Built in 2002, it has undergone two extensive additions and remodels, resulting in a seamless blend of modern luxury and timeless charm offering versatile living with a large primary suite with an adjacent elevator and bonus room, open-concept living areas flow effortlessly onto decks and covered patio, attached two-car garage complete with a hot tub, universal gym, and overflow closet, greenhouse, RV parking, and a heated, 220v 3 1/2 bay shop provides the ideal space for hobbyists. Enjoy exclusive access to coveted amenities: private beach, marina, and community building with a pool. Experience the ultimate coastal lifestyle!

**NEW**



**TINY HOME ON 17+ ACRES | MLS #2246794 | \$1,750,000**

Large acreage with lots of possibilities, featuring an upscale tiny house, fully furnished, with granite counters, a microwave drawer, free-standing propane heat stove, skylights, solar, security system, mini-split, and a sunroom. Great views of the water and Waldron Island, outdoor hot tub with an auto-retractable awning, deer fenced garden, RV parking, diesel generator, and security cameras throughout property.



**RARE OPPORTUNITY | MLS #2213831 | \$949,000**

Rare opportunity near Roche Harbor. Spectacular parcel, nearly 5 acres, ideally located for both privacy & easy access. Southwest-facing water views, open meadow, and woods, with water, power, phone, and a 4-bedroom septic design. High-speed fiber in road. All day sun on a quiet cove. Easy walk or bike ride to Roche Harbor airstrip, marina, shops, and restaurants.



**GORGEOUS VIEW ACREAGE | MLS #2192805 | \$665,000**

Expansive views across masses of water to Yellow Is, Jones Is, Orcas Is, Flat Top Is, Waldron Is, Saturna Is, and even Spieden Island, plus view of Mt Baker, on approx. 6.34 acres including half interest in a well, a 4-bedroom septic design, utilities close to the building site, a portion of a beautiful pond, and level wooded and steep ground. The ideal building scenario is a garage/shop with a 2nd story.





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