

What Kinds of Information Must a Real Estate Agent or Broker Disclose?

In real estate transactions, full disclosure typically means that the seller must disclose any property defects and **any other important information that could have an effect on a party's decision to enter into the deal.**

We have talked with numerous members who say that if they knew what they know now about Delaire, they would have never bought a home here. It is our position that all prospective buyers should be told via a physical document that only 285 lots out of 324 are dues paying members. They should be told of the number of members by category. They should be made aware of the [dues required from each category](#). This is in addition to the Articles of Incorporation, Amended Declaration of Covenants & Restrictions for Maintenance, Bylaws and Rules & Regulations, marked to reflect the fact that **not all 324 homes are in compliance** with the Declaration and the number can change from time to time. They should likewise be given all the Club governing documents. They should be notified that the Club believes it has a right to file a **Claim of Lien** on your property for unpaid dues, fees, assessments, etc., without benefit of a court decree or judgment. They should be given copies of the dues/assessments/fees for each category of membership. They should be **given a copy** of Treasurer Bob Hovanec's analysis showing how **each Resident member benefits by \$3400 annually** because of the discounted non-resident memberships. We don't know anyone who has ever seen this. We suspect it may be locked in the vault with [Curt Karpel's "detailed hole by hole plan"](#).

Failure to disclose this information may result in someone filing suit against the seller, Club, POA and real estate broker. Perhaps the most egregious aspect of these matters is that [Resident Members](#) are being thrown under the bus by the POA, who is charged as follows: **WHEREAS, Association has the responsibility to take actions necessary to preserve the [value of Owners' Lots](#) and the quality of lifestyle of the residents of Delaire Country Club;** The fact is that allowing approximately 10-12% of the lots to escape payment of full dues/assessments is an abdication of their fiduciary duty. Builder Agreements should be done away with entirely. If you want to renovate a home here, then buy it, join the club and renovate to your heart's content. [That's the way they do it at St. Andrews.](#) The POA should also speak up for the Residents regarding discounted non-resident memberships which dramatically erode the value of a home in Delaire. They should insist that the Club only offer non-resident memberships that are the same for all members. **Why would you buy a home here with all the rules, restrictions, higher dues/fees, etc., when you can buy one across the street and enjoy the same benefits at half the price?**

Bottom line is that one day, someone is going to become very upset that they've been defrauded and take legal action to rectify their situation. The experience at Delaire starts with failure to fully disclose and even continues after you join.

Make Delaire Great Again

ABOLISH MANDATORY MEMBERSHIP