**KNOW YOUR LEGAL RIGHTS**

**Essential Legal Tips for Homebuyers**

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By Atty. Kevin Trost, Trost LLC

With spring's arrival, many prospective homebuyers intensify their search as new properties enter the market. While most real estate transactions proceed smoothly, some buyers encounter unexpected issues post-purchase. To help ensure a satisfactory experience, consider the following tips:​

**Real Estate Condition Report**

Every seller in Wisconsin is required by law to complete a real estate condition report. On the report, a seller is required to answer a series of questions disclosing known defects with the property. A seller can potentially face civil legal claims if the seller fails to disclose known defects on the report**.** Buyers should carefully review this report before deciding to submit an offer to purchase.

**Professional Home Inspection**

The best way for home buyers to avoid unforeseen surprises is to carefully investigate the property before purchase. Buyers may hire a professional home inspector who is both experienced and registered with the state. A home inspector will conduct a general inspection of the house and its major components. Wisconsin law prescribes the components of the house on which the home inspector is required to inspect and comment.

**Limits to a Professional Home Inspection**

While a home inspection can be helpful, buyers should also be aware of those items about which a home inspector is not required to comment. For example, an inspector is under no obligation to mention the presence of rodents, insects, or pests, even if they see evidence of them.

An inspector is also not required to comment on items that are not readily observable. After all, the seller still owns the house at the time of the inspection. A home inspector does not want to face trouble for breaking a seller’s personal property. As a result, an inspector will not move a seller’s personal items to see if there is a concealed problem.

**Personal Inspection**

It is to the buyers’ benefit to pay close personal attention to the condition of the property during their tours of the house. Buyers often spend only a few hours in a house before purchase. Rather than using this limited time to plan the placement of furniture, buyers should check to see if the seller’s disclosures on the real estate condition report match their own observations.

Some sellers spend little time completing the real estate condition report and their disclosures may not be accurate. Buyers should check the attic and basement to see for themselves if there are signs of water problems or pests. They should not hesitate to request specialized inspections by roofers, chimney companies, pest control specialists, or arborists if their own observations raise questions.

**Consult Neighbors**

Engaging with neighbors can provide valuable insights about the property and community. For homes with shared wells, consult the well captain to ensure proper maintenance and adequate financial reserves for potential repairs.​

**Conclusion**

Conducting thorough due diligence before purchasing a home can minimize the risk of unforeseen problems, leading to greater peace of mind in your new investment.

*Kevin Trost is the founding attorney of Trost, LLC, and his legal practice includes resolving real estate disputes throughout Wisconsin. He is a member of the State Bar of Wisconsin’s Lawyer Referral Service, which connects Wisconsin residents with lawyers throughout the state. To find an attorney near you, visit*[*wislaw.org*](http://wislaw.org/)*.*