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WHAT YOU SEE IS NOT WHAT YOU GET

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KNOW THESE?- Here are some terms which you may not be familiar. Give them some thought and you will find the understandings toward the end of this edition of the Newsletter.

VANILLA BUILDING ABUT MEANDER LINE

*Please don't miss the **Professional of the Edition on Last Page***

KNOW WHAT YOU ARE SAYING- There are over 40 words that are used to describe certain type products, but they are not what you would get if you asked for it. The term is "generic". Here are some of the examples, Sheetrock, is manufactured by U. S. Gypsum and is their name for drywall which is made by other companies. Appraisers and others selling services or products need to be much aware of the use of generic terms. An appraiser was sued because the appraisal stated the windows were *Anderson* but they were not. The term is the generic term for insulated windows for which there are many other manufactures. The appraiser bought the new home owners new *Anderson* insulated windows. If you ask for personal tissues many still ask for *Kleenex* and are given one of many other tissues. *Jacuzzi* is the generic term for hot tubs; *Crock-Pot* is a brand name for slow cookers. *Popsicle* is a registered trademark of Unilever and can't be used to identify similar products by another manufacturer. Bet you have *Q-Tips* at home but its owned by Unilever. They originally were titled *Baby Gays*. Every enjoy a *Jet Ski*, well if it isn't manufactured by *Kawasaki* it ain't a *Jet ski* and is legally termed a personal watercraft. Ever package a fragile gift with "Bubble Wrap"? Well, the manufacture is *Sealed Air Corp*. Any thing similar ain't *Bubble Wrap*. Have chapped lips and you use *Chap stick*. Well that's owned by *Pfizer*. Any similar product isn't *Chap stick*, but we all call them *Chap stick*. Many of us use a sticky tape and refer to it as *Scotch Tape* which today is legally termed *Scotch "Magic Tape"*. If it doesn't say that on the box it isn't *Scotch Tape*. A huge mistake is referring to a real estate person as a *Realtor* when he / she is not a member of the *National Association of Realtors*. Yes, capitalize the word *Realtor*.

(CON'T For those involved with commercial properties you probably use the word *Dumpster*. It is a brand name owned by *APA* although they no longer enforce their ownership of the term. It was invented by the *Dempster Brothers* and they called the originals *Dempster Dumpsters*. Another one which may cause a problem is *Plexiglas* which is an acrylic glass or polymethyl methacrylate. One should cite when referencing what is thought to be *Plexiglas* as a "type" of *Plexiglas* with different components. For those involved with construction you have used *Styrofoam*. It is owned by *Dow Chemical Company* which has never made a product in the form of a plate, cup or cooler. So, make it a point to *know* the products you use or sell or rely upon to others.

Courtesy of

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VANILLA BUILDING- A building suitable for a wide variety of uses and brand names, rather than one with a distinctive architectural style or use such as *Taco Bell* or a car dealership.

ABUT- Next to or adjacent, touching or contiguous. Typically arises in the context of whether property owners have a duty to clean snow, ice or other maintenance conditions.

MEANDER LINE- An artificial line placed on a survey to describe the meandering course of a river or stream that forms a boundary of ownership. The use of a meander line indicates that the boundary is the waterway and changes if the waterway changes. If the surveyor does not use a meander line then the boundary line is fixed and constant.

VALUE OF A BRAND NAME- Brand names were in the 1960's—80's were the surging rage for investment. Primarily restaurant chains. It was thought by investors that if a franchise was purchased for huge dollars and annual payments the profits would well over-shadow the costs. And, for a period of years that was the case hence the enormous growth in number of stores and burgeoning. Appraiser's faced the task of the value of a brand name. The mathematically inclined created algorithms to measure the transfer value of a particular chain based on its brand. And, some came up with great premise. Some focused on amount of patronage and others on income gross and some on profits. Take your pick. Whether any of them were right actually isn't the case. The real point is that they created a means of making a decision and then relied upon it with their rationale convince the investment public and then the courts to accept their concept and valuation design. And, as it proved brand doesn't always work and everything in life is fleeting in the overall scheme of things.

Here are some of the brands in restaurants that were mostly nationally known and very successful until they weren't. Management and competition are the standards for success and then failure. One often questions how the excitement and public acceptance that provided the growth didn't provide the continuum of the success pattern. Simply, the Principle of Change which states, "nothing remains static". Companies must change with the changing times which reflect the mindsets of their public. The public also gets bored and feels it must move on. In the 1970's Throgs Neck, New York was the location of about 5 super successful bars. The profits were enormous. I only know that because my brother-in-law owned the most successful. He was an excellent businessman and knew how to measure his market. Unfortunately, his partners didn't agree and within 18 months the strip was vacant of all bars. All went bankrupt.

So, the following chains went out, White Towers, Bennigans, Tony Roma's, Bob's Big Boy, Ponderosa / Bonanza, Blimpie Subs, Steak & Ale, Ground Round, Country Kitchen, TCBY, Don Pablo's and Sambo's to name a few. A&W Root Beer eateries are still around although the company was sold. There are a few re-openings. But for the most part, they all bit the dust, as the saying goes and so does the investment dollar.

THIS EDITION'S SELECT PROFESSIONAL

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Mr. Tawil is experienced, forthcoming at all times, honest and innovative in his case management. He is incredibly successful in the courtroom and negotiations. His professional tact is to tell you the "truth" about your case. There's no sugar coating when he presents you the position in which you are. Some think it's a plan to fail, but the reverse is true. It's your plan to win or at least mitigate your exposure. In my field which is ancillary to that which attorney's are involved my continued use for about 25 years by the same clients is because I work the same way. This way allows the client to deal realistically with the problem; and, very often mitigates the damage to which you may be exposed. Mr. Tawil is a forward thinking attorney. As he deals with his clients, he considers to search how else he can help them. That's a professional who is concerned with your legal and financial position. His specialties are matrimonial, bankruptcy and real estate. If you are a repeat client, he will help with other legal scenarios, if he believes it is appropriate. His first and foremost concern is always the welfare of his client. Ralph is an excellent choice for people in need of an attorney who has tact and is as interested in their feelings and well being as the case