

"I would consider this the bible for any Canadians wanting to invest in US real estate."

– W. Brett Wilson, OC

# BUYING

# U.S.

# REAL ESTATE

The Proven and Reliable  
Guide for Canadians

RICHARD DOLAN • DON R. CAMPBELL • DAVID FRANKLIN

# Contents

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[Cover](#)

[Praise For Buying US Real Estate](#)

[Title Page](#)

[Copyright](#)

[Foreword](#)

[Introduction](#)

[Your Life's Intent: Applying the Right Mindset to Investing in Real Estate](#)

[Capitalizing on US Opportunities](#)

[Don't Confuse Lifestyle with Investment](#)

[A Longer-Term Strategy](#)

## [Part I: The Decision to Invest](#)

[Insight 1: The Economics Behind the US Market](#)

[What Trends Are Driving This Opportunity?](#)

[No Income, No Assets, No Worries!](#)

[How Big Is the Foreclosure Market?](#)

[The US Economic Recovery](#)

[New-Home Construction](#)

[The Rental Explosion](#)

[Prime Property Will Be in Hot Demand](#)

[Insight 2: Finding the Treasure with the Property Goldmine Scorecard](#)

[An Important Tool for Real Estate Investors](#)

[Property Goldmine Scorecard](#)

## Insight 3: Let Quality Research Drive the System

Getting Quality Information from the Internet and Other Sources

## Insight 4: Dig for Specific Information and Ignore Generalities

The Market Today and Tomorrow

## Insight 5: Jobs, Infrastructure, and Gentrification

Signs of Potential Economic Growth

Business-Friendly Policies Are Vital

Trains, Planes, Automobiles: Infrastructure Matters

Gentrification and Renewal

## Insight 6: A Closer Look at Three States

Florida

Arizona

Texas

## Part II: The Distressed Property Market

## Insight 7: Learn to Identify a Distressed Property

What Causes Distress

Volume Sellers South of the Border

Resist the Temptation to Think You're Different

What's Behind the Discount?

So, There's Money to Be Made

## Insight 8: Understand the Fundamentals of the US Foreclosure Process

Foreclosure Defined

## Insight 9: Commit to the Number One Rule, Then Get Your Options Straight

Three Ways to Buy

## Insight 10: More on Due Diligence

Five Market Fundamentals

An Extra Word on Vacancy Rates

More Market Facts

## Insight 11: Avoid the Snake-Oil Salesman

There's No Such Thing as 'Leading' or 'Only' Experts

Lender Scams

Housing Rip-Offs

## Insight 12: Recognize That a Bad Area in the United States Is Very Different from a Bad Area Elsewhere

Define Your Bad Area

Be Realistic

Know What You Need to Know

Weigh Risks and Returns

## Insight 13: Look for the Stability of a Good Neighborhood and Follow First-Time Homebuyers

The Benefits of Market Stability

What's Your Investment Plan?

A Final Word of Caution

## Insight 14: Choose Your Exit Strategy Before You Make the Deal

Identify Your Exit Strategy

Wholesale and Fix-and-Flip Options

Pick Your Partners Carefully

Choose an Exit Strategy That Makes Money

## Insight 15: Know Your Financing Options and Obstacles

[Portfolio Loans](#)

---

[Private Money](#)

[Leverage Your Canadian Successes](#)

[Insight 16: Understand the Real Estate Cycle](#)

[What Is the Real Estate Cycle?](#)

[Boom, Slump, and Recovery](#)

[Recognizing Cycle Shifts](#)

[Insight 17: Find the People Who Can Help You Find Foreclosures](#)

[The Not-So-Secret Way to Find Great Real Estate Deals](#)

[Understand What an Agent Can Do for Your Business](#)

[Getting an REO Agent's Attention](#)

[Beyond the REO](#)

[Check Out the Wholesaler Market](#)

[Deal Flow](#)

[A Recipe for Success](#)

[Insight 18: Benefit from the Five Profit Centers of Real Estate](#)

[Natural Appreciation](#)

[Forced Appreciation](#)

[Positive Cash Flow](#)

[Mortgage Reduction and Leverage](#)

[Tax Deductions](#)

[Insight 19: What a Full-Service Real Estate Investment Group Offers](#)

[What Full-Service Real Estate Groups Do](#)

[Good Full-Service Real Estate Groups](#)

[Bad Full-Service Real Estate Groups](#)

[Insight 20: Analyze Your Deal](#)

[Understand the Property's True Potential](#)

[Cash-Flow Statement](#)

---

[And the Final Number Is . . .](#)

[Checklist for Entering US Real Estate Markets](#)

[Ask Yourself the Tough Questions](#)

## [Part III: Renovations and Management](#)

[Insight 21: Work Smartly with Contractors and Subcontractors](#)

[Five Common-Sense Rules](#)

[Insight 22: Weigh Reno Must-Haves with Nice-to-Haves](#)

[The Kitchen: Put the Three E's to Work](#)

[The Bathroom](#)

[Insight 23: Dial Up the Intellect \(Dial Down the Emotions\)](#)

[Emotion Versus Passion](#)

[How Much to Spend](#)

[Exit Strategy](#)

[Look and Ask Around](#)

[Insight 24: Do the Big Four Renos on a Rental Property—Now](#)

[Make Sustainability a Fundamental Priority](#)

[The Big Four](#)

[Insight 25: Get Everything in Writing](#)

[The Six Golden Rules of the Written Contract](#)

[How to Handle Contract Changes](#)

[Keep It Simple](#)

[Insight 26: Curb Appeal: You've Got Seven Seconds to Impress Me](#)

[An Exterior Makeover](#)

[How Much Should You Spend?](#)

## Insight 27: Run If You Spot Any of the Top Three Reno Red Flags

---

Make Sure Your Project Is Efficient

Keep the Project Focused on What's Effective

Stick to Economical Options

The Top Three Reno Red Flags

## Insight 28: Hire the Right Property Manager

Zero in on Excellence: Seven Questions to Ask Potential Property Managers

## Insight 29: Make Money by Delegating to Your Property Manager

Put Your Money to Work

Professional Property Management Pays for Itself

## Insight 30: Set the Rules Up Front with Your Property Manager

Get Your Communications Plan in Place

Stick to business

Use technology wisely

## Insight 31: Be Smart about Rent Collection

From Delinquent to Delivered

It's All about the Business

## Part IV: Cross-Border Tax Planning

### Insight 32: Understanding US Tax Laws

Filing a US Tax Return

General Guidelines

### Insight 33: Taking Title to Your US Property Investments

Limited Liability Corporations

Corporations

## What Options Do Canadian Investors Have?

---

US Estate Tax

Gift Tax

### Insight 34: Deal with Depreciation

Depreciation Recapture

### Insight 35: Limit Your US Taxation if You're a Canadian Snowbird

Residence Rules

Renting Out Your Property

Selling Your Property

Gain: Filing Requirements

Foreign Tax Credit

Estate Taxes

Review US Estate Tax Plans

## Part V: Legal Planning

### Insight 36: The Three Pillars of Real Estate Asset Protection

The Three Pillars of Asset Protection

Learn What Asset Protection Is and Isn't

Perform Due Diligence

### Insight 37: Develop an Asset Protection Plan and Be Prepared to Avoid Lawsuits

Case 1: The Vexatious Litigant

Case 2: The Cyclist

Case 3: The Toppling Toddler

Case 4: The Weekend Getaway

Stay Out of Court by Being Prepared

### Insight 38: Counter Threats to Your Wealth with Foresight



## Insight 39: Draw Up a Blueprint for Your Estate Plan

Probate

Adopt a Plan

## Insight 40: Steer Clear of Asset Protection Fakes, Scams, and Planning Errors

Land Trusts

Limited Liability Companies

Understand Your Strategy: Probate versus Credit Protection

Offshore Trusts and IBCs

Homestead Exemption

Transferring Assets to Family Members

## Part VI: Cross-Border Banking and Financing

### Insight 41: Understand Cross-Border Issues

Overcome Your Citizenship Issues

### Insight 42: Familiarize Yourself with US Mortgage Financing

Loan Application

Investor Loans

### Insight 43: Buy US Real Estate Property with Other People's Money

Begin with People You Know

Keep Your Advisors Informed

## Part VII: Insurance and Investments

### Insight 44: Insure Your Investment

Find an Agent Who Can Shop Around

[Areas of Coverage](#)

---

[Replacement Cost Value and Actual Cash Value](#)

[Making a Claim](#)

[Location, Location, Location!](#)

[Insight 45: Carry Insurance Beyond the Property Line: Medical, Auto, and](#)

[Third-Party Liability](#)

[Medical Insurance](#)

[Automobile Insurance](#)

[Third-Party Liability Insurance](#)

[Appendix: Considerations for Buying a Second Home](#)

[Index](#)

[About the Authors](#)

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# Praise For Buying US Real Estate

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“I would consider this the bible for any Canadian wanting to invest in US real estate.”

— W. Brett Wilson, entrepreneur, philanthropist, adventurer and “Dragon,” and recipient of the Order of Canada

“*Buying US Real Estate* is a must-read for any boomer who wants to spend the next 30 years fulfilling dreams, leaving a legacy, and living a purposeful life.”

— Dr. Sherry Cooper, chief economist, BMO Capital Markets, and best-selling author of *The New Retirement*

“This book encourages you to take the time to figure out who you are, what you like, where you want to live, what you love and what you value. If you ask yourself the tough questions, the odds on finding your passion and living your dream dramatically increase.”

— Patricia Lovett-Reid, host of the *Pattie Lovett-Reid Show* and former chief economist, TD Bank

“The book's thesis is that the older people get, the more likely they will buy a home-away-from-home. The spoils will go to those who act in the next two years.”

— Jonathan Chevreau, editor of *MoneySense* magazine and author of *Findependence Done Right*

“Every now and then a book comes along that fundamentally changes the game. This book draws upon real science and substance to permanently elevate the way people and place come together.”

— Dr. Paul Stoltz, visiting professor, Harvard Business School

“As a proponent of education and lifelong learning, this body of work represents the foundation for anyone in the world to begin their journey to learn.”

— Rod Paige, former secretary of education of the United States of America (2001–2009)

“Brilliant collection of insights, education, research and direction.”

— Phil Town, MSNBC financial commentator, *New York Times* bestselling author of *Rule #1* and *Payback Time*

“Insightful. Canadians, especially baby boomers, will find a place on the planet to enjoy family life and more.”

— The Right Honourable Brian Mulroney

“Many Canadians are buying US property as retired or retiring individuals. This book is a smart start to buying south of the border.”

— David Sersta, vice president, Zoomer Media

“I understand *tailoring solutions* and suggest starting with this invaluable guide in tailoring your education about US real estate.”

— Harry Rosen, founder of Harry Rosen Inc.

“This book captures the essence of why owning real estate internationally can be a profitable venture in so many ways.”

— Dr. Richard Ragatz, president, Ragatz and Associates

“This is Canada's quintessential guide for buying US real estate today, wisely.”

— Hunter Milborne, chairman (ret.) and partner, Sotheby's International Realty Canada

“Anyone thinking about making an investment into US real estate will want to be educated. To make a final decision with comfort and ease, start here with this book.”

— David Pelletier, Canadian Olympic gold medalist

“A guide for Canadians with property dreams that's right for the time.”

— Jamaal Magloire, Toronto Raptors

“These authors are the world's greatest real estate educators, in my personal opinion.”

— Juwan Howard, Miami Heat, 2012 NBA Champion

# Buying US Real Estate

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The Proven and Reliable Guide  
for Canadians

**Richard Dolan**  
**Don R. Campbell**  
**David Franklin**



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### **Cataloguing in Publication Data**

Dolan, Richard, 1974-

Buying US real estate: the proven and reliable guide for Canadians/Richard Dolan, Don R. Campbell, David Franklin.

Includes index.

Issued also in electronic format.

ISBN 978-1-118-43120-7

1. House buying—United States. 2. House selling—United States. 3. Residential real estate—United States. 4. Real estate business—Law and legislation—United States. I. Campbell, Don R II. Franklin, David, 1946- III. Title.

HD259.D65 2012 643'.120973 C2012-905176-4

978-1-118-43978-4 (ebk); 978-1-118-43979-1 (ebk); 978-1-118-43977-7 (ebk)

### **Production Credits**

Cover design: Adrian So

Typesetting: Thomson Digital

### **Editorial Credits**

Executive editor: Don Loney

Managing editor: Alison Maclean

Production editor: Jeremy Hanson-Finger

John Wiley & Sons Canada, Ltd.

6045 Freemont Blvd.

Mississauga, Ontario



# Foreword

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by Ambassador Frederick Bush

Foreign investors are investing in US real estate at a record pace, and Canadians are a major part of that trend. Four-plus years of economic stagnation, combined with interest rates at an all-time low and the Canadian dollar at par, have resulted in billions of dollars flowing into the US. Should you join the crowd?

There is a lot to consider when investing over distance. How do you know if you're getting a good deal? What neighborhoods are worth looking at? How can you best manage the purchasing process? The writing team of Richard Dolan, Don R. Campbell, and David Campbell walk the potential investor through all the steps they need to take to acquire property in the US.

*Buying US Real Estate* is an info-packed road map for finding a property that meets an investor's wish list. The authors have covered the topic from A to Z, including the selection of investment properties, financing and ownership options, legal pitfalls to look out for, and the essential need for proper tax planning, as well as how to carry out renovations and work with a property manager. The authors are careful to warn against buying "emotionally" and provide excellent advice on the importance of investing with one's head and not with one's heart.

This definitive manual is easy to follow and provides the reader with all the tools needed to understand the financial implications of what has to be one of the most exciting real estate buying opportunities ever witnessed in North America.

*Frederick Bush served three US presidents—Gerald Ford, Ronald Reagan, and George H. W. Bush—in a variety of roles. He helped found the Canada Institute at the Woodrow Wilson International Center for Scholars while serving as the center's associate director. Frederick is currently an executive with the Vail Valley Foundation in Vail, Colorado.*



## Your Life's Intent: Applying the Right Mindset to Investing in Real Estate

As professionals in the real estate markets, we have worked with thousands of real estate investors and businesspeople, and we know that there is something different about the mindsets of successful individuals. They approach life with a certain set of assumptions, enabling them to apply analytic strategies to their decision-making and, as a result, create positive professional and personal lives.

Why is having the right mindset important? Investors the world over are reeling from the effects of the Great Recession. Those effects have, of course, been felt financially, but there are deep psychological scars as well, which have shaken investor confidence. Getting that mindset back, the inner game that is the ability to assess and embrace risk, knowing that some risk is inherent in every investment decision, is what all investors have to work at now. And that mindset is essential if you are going to achieve success in real estate investing in the United States.

We know that Canadian real estate investors like you are watching US property markets and looking for tried-and-true investment strategies. So the goal of this book is to give investors solid real estate investment principles to put into action—but we also realize that giving you this information without asking you to consider your mindset is a lot like giving you a car without a steering wheel!

When we work with real estate investors and professionals, we often hear them say they are “passionate about real estate.” Exploring this further (are they really passionate about bricks and mortar?), we find that in fact, it is not real estate they are passionate about, but rather what real estate can help them get. Some reasons are financial—the freedom to choose what you do with your time, time off work, and extra cash flow—but more often than not, their real passions are linked to family, spirituality, or a desire to give back to the community or others who need their help. Using money to accomplish our goals and living according to our values makes us happy.

We share this with you because we believe that it is important that you are very clear on “why” you are buying real estate before you start. This clarity will help you develop the mindset that will allow you to be more focused and, in turn, more successful, and will also give you the mental edge to bounce back from the days when things don't seem to be going right. Time and again, it is the investors who have a clear understanding of why they invest who are better able to get back up, dust themselves off, and move on when a situation knocks them down. In this business, that kind of resilience is a virtue.

The premise of this book is to show you how to use core principles to make US real estate investments work. The subject makes sense because there is no doubt that solid investment opportunities exist in the United States right now that, based on hard market fundamentals, are appealing because of their price (especially compared with hot urban markets in Canada).

But is the fact that you *can* invest in US real estate enough? And does the fact that now is a particularly good time for Canadian real estate investors (or Canadians who want to be real estate investors) mean that you should rush south and pick up a deal—or two or three?

The point is that long before you figure out what kind of real estate property you are going to buy in the United States and map out the road ahead, you need to determine why you are investing in the first place. Once you know that, it's relatively easy to look at the type of investment vehicle that best suits

you. The challenge is to recognize how you can fine-tune your goals to hone a business strategy that balances your investment and personal goals. In the meantime, be clear about *why* you want to invest in US real estate, because even the best investment market has risks. Figure out which investment vehicle you really want and be honest about how that decision will affect your life. Real estate investment is an enterprise best focused on long-term wealth, not short-term profit.

## Capitalizing on US Opportunities

By buying this book, you have decided that you are interested in investing in residential real estate in the United States. You may already be invested in the Canadian market, but you will assuredly find that your experience here is not directly transferable to the US market. For one thing, the American market is a lot larger than the Canadian market—the population of California, for example, is larger than all of Canada! This means that you have to focus on a couple of states and master the investment variables there.

The sheer size of the US market means that there are different opportunities on offer in different parts of the country. In some areas, the best investment play is the buy and hold—with relatively high *capitalization rates* (net income over purchase price) giving the investor steady income streams over the time it takes for property prices to recover and appreciate.

In other areas, the cap rate might be relatively low, but an expected influx of population will put upward pressure on property prices, and property values will recover more quickly. Consider, for example, the almost 34.5 million baby boomers currently living in the northern US states who may be looking to retire in Florida or Arizona over the next decade, when you are looking at investing in those markets.

A lot of Canadians' current interest in US real estate markets has strong ties to the *snowbird* community, that group of retired and semi-retired Canadians who routinely migrate south to escape the cold winter temperatures of their home country. Over the last couple of years, these seasonal US residents have noticed the dramatic proliferation of Foreclosure and For Sale signs, and a growing number are asking if they should be treating their routine US holiday homes as investment opportunities. The answer is a resounding maybe! With US residential real estate prices at deep discounts, can these people reasonably expect to buy a US property, use it personally for part of the year, and then rent it out the rest of the time? If this is what you're thinking of doing, we recommend extreme caution.

## Don't Confuse Lifestyle with Investment

Residential real estate is a major purchase. However, we see too many Canadians buying vacation property with an “investment” focus, who have no real clue about what's really at stake—it's like a “field of dreams” strategy. So let's be clear: just because you buy it, does not mean vacationers will rent. That doesn't mean that this strategy cannot work. But it won't work unless you treat it like a business strategy and have a solid marketing plan in place to make sure the property meets your revenue projections.

There are several key reasons why US vacation homes are not as easy to market as some Canadians expect, beginning with the fact that people looking for US vacation property currently have a great deal of choice. Why would they stay in your two-bedroom condo in a gated community for people

aged fifty-plus, when they may be able to rent a house with its own pool or a beachfront property?

Timing is another concern that many people fail to incorporate into their vacation-home investment dream. For all of the differences between the Canadian and US climates, our summers and winters follow a remarkably similar path. If you plan to use the vacation property during the coldest Canadian months—aka, a prime winter vacation period—who's going to rent it during the off-season? And there can be other problems, too. For example, the southern United States may be beautiful in the fall, but that's also prime hurricane season. In other parts of the United States, tornado season coincides with prime summer vacation periods.

Another factor to consider is financing. While some American banks will lend to Canadians to buy a second home, your options are limited. And if you are buying property as an investment, be aware that these loans are hard to come by because US banks know that real estate investment looks easier than it really is.

Think about what that means. The US lender is banking on your ability to meet a second-home payment. They think you have what it takes to make those payments. If you're buying that home because you think someone else (a renter) is going to make those payments, be careful. This strategy is not an investment if it puts your lifestyle at risk, so you have to consider that your investment property will have to be financed out of cash or against your existing Canadian property.

Financially, you have to consider your long-range view of the value of the Canadian dollar. Currently at par, the strong dollar makes investing in the United States attractive. If the US dollar increases against the Canadian dollar over time, your income and any appreciation in property value will be in US dollars, offering a higher rate of return. And as a Canadian, once you invest in a rental property in the United States, you are going to have to file a US tax return, and pay US income tax on your US income. This will be credited against any Canadian tax owing on the income, but you are going to have to hire a cross-border professional advisor to structure your investment so that you can reduce liability and US estate taxes.

You should also think about property management, because seasonal contracts are difficult to set up and tough to maintain. It makes sense to factor quality property-management fees into a buy-and-hold investment cash-flow strategy. But if your place is only rented a few weeks of the year, how will you handle ongoing maintenance or repair issues, let alone make sure the place is properly cleaned between vacation tenants? You can hire property managers, but if the property's not renting the way you figured it might, that may not be an affordable option.

From a control point of view, you will not be able to “touch” the property or undertake renovation or management yourself, largely because of the distances involved—much as if you were living in Toronto and wanted to invest in Calgary or Vancouver. The added wrinkle for the American market is that US law prevents you from working in the US without a visa. You will have to rely on American contractors and property managers or become a partner or joint venture with Americans and rely upon their capabilities. Alternatively, you can buy “turnkey” properties from providers, whose business is buying through foreclosure, short sales or “good” deals, and renovating, renting, and providing property management, which makes your cost and returns more defined.

## **A Longer-Term Strategy**

Let's say that you do a good job of goal planning and you know you want to retire in five to ten years. With that mind, you are looking for an investment that will help make that possible. In the meantime,

you don't want to live entirely for the future, but might want to break up the last years of your working life with a few special vacations.

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In the short term, Canadians in this situation may want to look at buying a US buy-and-hold rental property with positive cash flow. When you buy a single-family residential investment property in Canada, gross rent is considered attractive if it is 8 to 10 percent of the purchase price, whereas in the United States it is possible to achieve gross rents of 12 percent. These houses should be located in communities where capital appreciation is forecast and where there is an increase in first-time homeowners. As you're looking ahead and enjoying life now, you could use the cash flow you earn to fund those vacations you're dreaming about.

Down the road, several other options may open up. You could use that rental property as your second home, leverage it to buy a second home, or sell it and use the proceeds to buy your dream vacation home. Instead of tying yourself to an investment strategy premised on risk, you've used real estate investment fundamentals to create future wealth and some pretty exciting pre- and post-retirement options.

So let's begin the journey. In Part 1 of this book, we'll look at the economic factors that will affect your investment decisions, as well as our recommendations about the US states where the economic factors are positive. In Parts 2 and 3, we'll give you the ins and outs of buying distressed properties in the United States. In Parts 4 and 5, we'll examine tax and legal issues, while Parts 6 and 7 will be devoted to financing and insurance.

# The Decision to Invest

## The Economics Behind the US Market

Much has been reported and written about the collapse of US housing market values. Villains have been identified, bail-outs have been negotiated, and banks have new, more stringent lending rules. Media reports have focused on banks foreclosing on homeowners unable to meet their mortgage obligations, and for families who have lost their homes, it has been a cruel time. There is no doubt that since September 2008, foreclosures of distressed properties have been one of the prime investment opportunities in the United States.

So what is the situation at the writing of this book? Those Canadian investors looking for opportunities in the US real estate market will find that they do exist. But how is the market different than three years, a year, or even six months ago? A lot of factors indicate that while there are still opportunities in this market, they are decreasing. The lesson for the savvy investor is to work fast before they dry up. But first, let's look at some of the fundamentals behind today's US real estate market.

### **What Trends Are Driving This Opportunity?**

- Because of the economic crisis, people are defaulting on their mortgage payments and their homes are being foreclosed.
- Homebuilders, bruised by the faltering economy, were caught between slowing business and increased availability of vacant homes; in 2012, for the first time since 2005, US residential construction is expanding according to the US Census Bureau.
- While people have lost their homes, they still need somewhere to live, and because of that, the rental market in the United States is exploding.
- Baby boomers from Canada and the northern states are looking to migrate to warmer states like Florida and Arizona. To put this into perspective, 34.5 million people live in the northern United States and might soon be considering life without having to shovel snow!
- Global economic uncertainty acts as a catalyst for investors to look abroad for opportunities.

### **No Income, No Assets, No Worries!**

The economic catastrophe we've endured over the last few years can be traced to several conditions that combined to make the "perfect storm." One of these was the subprime mortgage crisis caused when lenders gave mortgages to home purchasers, many of whom who did not have the means to qualify. In some cases, no proof of income was required and mortgages were given for more than 100 percent of the purchase price (housing values were often inflated so the banks could lend out even larger amounts of money), giving rise to the infamous NINJA loan (no income, no job, no assets). To make it easier for people to get loans, banks offered forty- and fifty-year mortgages, negatively

amortization loans, and “no document” loans. In some cases, purchasers were encouraged to add the value of a new car or plasma TV to their mortgages. It didn't matter if the purchaser had a job—the bank was going to loan them the money anyway. Banks put anyone and everyone into a home, fuelling the “housing bubble.”

We all know that the sand that the housing and mortgage industry was built on shifted, and the market collapsed, leading to the merger of Bear Stearns with JPMorgan Chase, and the bankruptcy of Lehman Brothers and numerous small US banks. In addition, the US mortgage insurers, Fannie Mae and Freddie Mac, had to be bailed out by the United States government and remain under the conservatorship of the Federal Housing Financial Agency.

When the market crashed in 2008 and the banks came calling for their money, few people had the funds to pay. With house prices dropping up to 100 percent in some areas, the phenomenon of *negative equity* appeared—where homeowners owed more money on their mortgages than the actual value of their homes. Called the *underwater mortgage*, this term became familiar to the many mortgagors who borrowed money, bought houses, or refinanced during the housing boom.

Another consequence of the availability of cheap financing was that builders kept building homes. The end result was an oversupply of houses, especially in the states of Florida, Arizona, Nevada, and California. One of the main reasons for the oversupply in these particular states is that home builders expected baby boomers to move to these warmer states in droves. This over-building was another accident waiting to happen when the crash came, and contributed to the decline of housing prices.

## How Big Is the Foreclosure Market?

From September 2008 to April 2012, there were 3.6 million foreclosures across the United States. People continue to default on their mortgages, and there are presently 1.6 million more homes in “shadow inventory”—homes that could be foreclosed because they are technically in default. Together, Fannie Mae, Freddie Mac, and the Federal Housing Administration (FHA) now hold over 250,000 foreclosed properties.

At the beginning of 2012, more than 11.1 million US homes (or 22.8 percent of all mortgages) had negative equity, and an additional 2.5 million borrowers had less than 5 percent equity, or were considered near negative equity. The total mortgage debt outstanding on properties in negative equity is \$2.8 trillion; Nevada has the highest percentage of properties with negative equity at 61 percent. According to CoreLogic, Arizona, Florida, Michigan, and Georgia round out the list of the top five states with negative equity.

From an investment standpoint, you may be wondering how long this situation can last, and you would be right to wonder. Foreclosure filings for 2012 are decreasing at a rate of 1.45 percent, down from 2.2 percent in 2010, the lowest point since 2007. In addition, the shadow inventory of 1.6 million homes represents a five months' supply, down from 1.9 million last year. What's important for the investor to remember, though, is that prices have dropped by 50 percent and still haven't recovered pre-recession levels—presenting an opportunity, for now. And while it may sound like there is a lot of inventory around, it is important to identify the “good” foreclosures, where the market fundamentals add up to a good investment.

## Key Insight

Foreclosure filings are on the decrease, which means that this boom can't last forever. With housing prices still below pre-recession levels, now is the time for investors to act.

## The US Economic Recovery

For the last three years, we've watched as the Federal Reserve printed money as fast as it could in an effort to boost the economy. By introducing more physical currency in the world money supply, the net effect is that the value of each dollar is diminished, and the number of physical US bills worldwide has tripled in the last three years. Why would a government do this? Because it forces the value of its currency down while the actual numerical amount of debt owing on the ledger remains the same. The end result is that the government ends up paying off its debt with money that is worth less. And despite the current downward trend in unemployment, and a growing economy that has avoided a double-dip recession, there remains a protracted economic recovery. The constant politicking by both the Republicans and Democrats, exacerbated by the fact that this is an election year, is distracting the politicians from creating real and sustainable economic growth.

Some positive events are in the forecast too. Some elected representatives are trying to help the public, and a bill was introduced at the end of January 2012 to forgive \$100 billion in mortgage debt. There is opposition to this proposal, however, and it is uncertain whether it will ever pass. In addition, Fannie Mae is trying to get Wall Street back into the property market by offering 2,490 foreclosed homes for sale to larger investors. (At printing, news reports indicate that the first auction has been held and raised approximately \$330 million.) And finally, the Federal Reserve is trying to stem the flow of foreclosed homes coming to market by proposing new regulations that would allow banks to hold and rent foreclosed properties, instead of selling them and depressing prices further.

For Canadian investors, all these factors mean that the door on the foreclosure market remains open for now. But what if any of these solutions, or even new ones, come into play? The market could change overnight.

## New-Home Construction

The economic recession has shaken US consumer confidence, but more fragile than consumer confidence is builder confidence. In order for construction companies to build homes, they need customers who can borrow money—and that number has dropped. Builders are also competing with the glut of available homes that are facing foreclosure—they can only build when there is demand. What we are seeing now, however, are builders, who had been on the sidelines waiting for the foreclosure market to evaporate, starting to come back into the marketplace.

The US Congressional Budget Office reported that the annual number of housing starts required to house the growing US population is approximately 1.5 million. Because of the housing crisis, family formation dropped to 600,000 for 2009 and 2010, resulting in less demand for builders' homes. In 2011, family formation increased to 1 million, still below normal. While the drop has caused the “doubling up” of families, it does not mean that the actual demand for housing has dropped—it is just delayed. With the demand being short by nearly 1 million units over the last couple of years, how long



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