

STATE OF MAINE

YORK, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-99-133
PAF - YOR - 5/16/00

TRESA VIGUE,

Plaintiff

v.

ORDER
AND
DECISION

LAURETTE P. NADEAU, et al.,

Defendants

The plaintiff homebuyer sued her agent, the seller and the seller's agent, The Real Estate Store, because there were a variety of defects in the home she purchased in Biddeford. The Real Estate Store has filed a motion for summary judgment.

The statutory duties of a "seller agent" such as The Real Estate Store to a buyer are governed by 32 M.R.S.A. §13273(2). In subsection 2-A a real estate brokerage agency, such as The Real Estate Store, that is engaged by a seller ". . . May not knowingly give false information and shall disclose in a timely manner to a prospective buyer all material defects pertaining to the physical condition of the property of which the real estate brokerage agency knew or, acting in a reasonable manner, should have known A real estate brokerage agency is not obligated to discover latent defects in the property."

Summary judgment will be denied but the issues in the case will be reduced. There is no claim that the defendant The Real Estate Store knowingly gave false information. While it did not have to discover latent defects it did have to disclose material defects known to it or defects that, acting in a reasonable manner, it should

have known of. There are genuine issues regarding these requirements. In addition there may be an additional common law cause of action for any negligent misrepresentation. *Binette v. Dyer Library Association*, 688 A.2d 898, 902-4 (Me. 1996). Lastly, the plaintiff has agreed that she does not have the necessary evidence to pursue a claim for the costs to repair the roof or the electrical system.

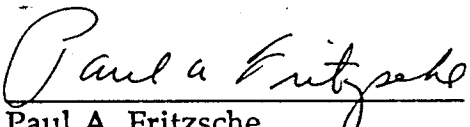
The entry is:

Defendant The Real Estate Store's Motion for Summary
Judgment is denied.

Dated: May 18, 2000

PLAINTIFF:

CRAIG J. RANCOURT ESQ
THE HORIZON PROFESSIONAL BLDG
13 CRESCENT ST STE 100
BIDDEFORD ME 04005


Paul A. Fritzsche
Justice, Superior Court

DEFENDANT: NADEAU

PETER SCHROETER ESQ
SMITH ELLIOTT SMITH & GARMEY
PO BOX 1179
SACO ME 04072

DEFENDANT: THE REAL ESTATE STORE

DAVID P VERY ESQ
NORMAN HANSON & DETROY
PO BOX 4600
PORTLAND ME 04112-4600

DEFENDANT: GREAT AMERICAN REALTY, INC.

ROY E THOMPSON ESQ.
THOMPSON & BOWIE
PO BOX 4630
PORTLAND ME 04112