



**JAMES G. DIBBINI
& ASSOCIATES, P.C.**
Attorneys At Law
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Avoiding Litigation in Real Estate Transactions: What Buyers, Sellers & Agents Must Know

At James G. Dibbini & Associates, P.C., we've represented buyers, sellers, and real estate professionals in thousands of transactions and disputes. Over time, we've identified key issues that frequently lead to costly litigation. Whether you're a buyer, seller, realtor, or attorney, awareness of these problem areas—and early legal guidance—can help avoid serious legal consequences. Here are the top transaction risks we see trigger lawsuits involving realtors, attorneys, and other third parties:

Septic Systems

Hidden or non-compliant septic systems can lead to major environmental and financial liabilities. Misrepresentations—or failing to confirm functionality and permits—often result in lawsuits post-closing.

Solar Leases

Solar panel leases often include complicated contractual obligations that can delay closings or burden new owners. Disclosing and properly reviewing these agreements is essential.

Failure to Disclose & Seller's Property Disclosures

Omissions or misstatements—intentional or not—can expose sellers and their agents to fraud claims. Thorough due diligence and documented disclosures are vital.

Water Rights

Particularly relevant for properties near lakes, streams, or shared wells. Overlooking water rights or assuming access without verification often results in boundary or usage disputes.

Miscommunication

Misunderstandings about timelines, contingencies, or responsibilities between parties, agents, and attorneys can quickly escalate to legal conflicts.

Agent-Owned Property

Transactions where an agent has a personal interest are subject to heightened scrutiny. Full disclosure and proper representation are non-negotiable.

❑ **Multiple Offers**

Improper handling of bidding wars or presenting offers unfairly can lead to claims of unethical conduct or breach of fiduciary duty.

❑ **Unpermitted Work**

Unapproved additions, conversions, or renovations may violate building codes and invalidate appraisals or financing—triggering post-closing litigation.

❑ **Easements, Shared Driveways & Adverse Possession**

Failure to clearly identify and disclose easements, shared access, or longstanding encroachments (which may lead to adverse possession claims) can result in boundary and usage disputes.

❑ **Flood Zones**

Unawareness or failure to disclose flood zone status can lead to surprise insurance requirements or devastating losses—along with litigation.

❑ **MLS & Marketing Issues**

Misleading MLS listings, inaccurate descriptions, or unauthorized drone images can open the door to liability for both sellers and agents.

❑ **Contract Deposit & “Time of the Essence” Deadlines**

Missing a deadline can lead to a lost deposit or litigation. Parties must strictly follow all contractual time frames—especially when a “time of the essence” clause is triggered.

❑ **Who Should Perform Due Diligence?**

Buyers, sellers, agents, and attorneys must all understand their roles. Failure to conduct inspections, title reviews, and municipal code checks can lead to costly mistakes.

❑ **How We Can Help**

Our law firm has extensive experience handling these disputes—from negotiation to litigation. Whether you're seeking to enforce your rights or defend against a claim, James G. Dibbini & Associates, P.C. stands ready to guide you through the complexities of real estate litigation.

Email James Dibbini now at jdibbini@dibbinilaw.com or call at 914-240-8270.

The attorneys at James G. Dibbini & Associates, P.C. collectively have over 70 years of experience providing legal services in the areas of:

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