

ESTATE SALE SURVIVAL GUIDE

August 22, 2018

Revised and Updated Frequently

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INTRODUCTION:

I go to a lot of estate sales and work at some of them. These sales are fun and you can find some real deals and unique items, but sometimes it gets chaotic…**very** chaotic, mainly because of the high number of people in confined spaces and vehicle traffic on narrow streets, cul-de-sacs and gated communities. Inasmuch, I hear a lot of complaining about how these sales are conducted, but most of those complaints arise out of ignorance of the law and confusion about the process – these are **not** garage sales!! So, I was prompted to write this guide for those new to estate sales and also for estate sale veterans in hopes that it would help explain how the sales are conducted and make them a more enjoyable experience for everyone.

1. GENERAL RULES and INFORMATION:

First and foremost, keep in mind that attending an estate sale is a **voluntary** activity, in other words, no one forced you to go to it.

Since most homes are on **public streets**, garage/estate sales **are allowed**, subject to local permitting requirements and ordinances, therefore homeowners' associations **may not prohibit** such commercial activities or the placement of advertising signage – doing so would be considered "restraint of trade" and a violation of local, state and federal antitrust laws, the Sherman Antitrust Act, and actionable under civil law. When it comes to gated communities, condo associations, etc., laws vary – check with the respective, local regulatory authorities, homeowners' associations and or an attorney. I see some very upset neighbors at some sales, especially in upscale neighborhoods, and I would just remind them that these sales only take up a few, very short hours over the course of a 48 – 72-hour period and someday, they may want/need to have a sale and that their patience during the sale is most appreciated.

Subject to local ordinances, estate sales companies **may** place off-site, temporary advertising signage on private property (with the property owner's permission), but not within the public easement or on any public property.

They may place traffic cones in and around the sale location to control traffic and parking. Do **NOT** move these cones!!

Rules, sale terms, etc., vary from sale to sale and company to company. Here are some general rules and what you can **generally** expect:

Sales are **usually** conducted on Saturday and Sunday, **usually** 9 am – 3 pm on Saturday and Noon to 3 on Sunday. Sometimes, if it is a large house and or there are a lot of items, a Friday and or Monday **may** be added or there may be multiple sales at the same address on different weekends, depending upon local permitting allowances. And sale times vary – read the published ads **carefully** for times and dates. Also look for the hours posted on signs at the sale.

If you like estate sales, most companies have **sign-up sheets** for e-mail notifications and or Facebook pages. Sometimes the largest company in the area allows the smaller companies to advertise on their website.

Sign-in sheets at the front door are there for several reasons, but mainly for fairness to those who arrive early to get in line and to control the flow of the number of people allowed into a confined space (the house) – this is for the comfort and safety of everyone and so the estate sales company can

adhere to the fire code. Be prepared to wait to get in, so arrive early and sign in if there is something inside that you must have. Remember to **legibly print** your name on the form, one person per line.

There may be a lot of little items you want to purchase, so bring one of those reusable shopping bags with you, but make sure it is folded flat before entering and, depending on the estate sales company, you may not be able to take it in with you depending on the estate sales company's policy. An alternative may be a small to medium-sized **clear** plastic storage tub – these are especially helpful if you plan on purchasing several small items.

Estate sales companies and property owners are not responsible for any injuries you may incur while attending the sale, so **watch your step** throughout the property – I have seen many people fall because they weren't paying attention. (Fortunately, there have been no injuries, so far.)

There may be stairs in the residence. Again, no one forced you to come to the sale, so quit complaining about them – no one can do anything about them and I don't know many people who actually like stairs – I certainly don't. Ditto for having to park and walk a long way to the sale up a steep hill or down a long driveway.

Estate sales are heavily advertised for obvious reasons. Ads are usually placed in the newspaper, on the Internet (Craig's List, Facebook, Twitter, etc.) and usually through the estate sales company's private e-mail list…and on the yard signs….and on the entrance door to the sale. So, if you get to the estate sale and they aren't open yet or are closed for the day, do not complain to the staff or police officer because the signs are still out at the intersections. Remember, **AMPLE, CONSTRUCTIVE, PUBLIC notice** of the dates and times have been published – **READ THEM!!**

No large bags, strollers, baby carriers, pets, food, or drinks, etc., allowed inside.

No public restrooms. (If you are going to a sale outside a town or city, make sure you stop somewhere relatively close to the outskirts of that town or city and make one last pitstop!)

No smoking or vaping on the property.

Do not touch items on the **"hold table"** – they have already been spoken for/sold.

If you bring children or pets with you, please keep them with you at all times and keep them under control. Be considerate of other shoppers; screaming/crying children should be taken outside immediately.

PLAN AHEAD!!

- Watch the weather forecast the night before and the day of the sale – you may have to stand out in the cold, heat or rain for an extended period before entering the house (see **sign-in sheets** above) so dress appropriately, take an umbrella, etc. If you are elderly, have a medical condition, or otherwise cannot tolerate the elements, you can very easily be overcome by the heat or cold and need medical assistance. Don't risk your health! Almost everyone has smartphones these days with the Weather Channel app, so there's no excuse not to be prepared.

- For liability and insurance reasons, there are usually no help or tools provided by the estate sales company's staff to disassemble, remove, move, carry out or load your purchases – this is normal. Have you ever been to a garage sale where the seller loaded your vehicle for you or delivered your purchase to your home? Of course not. Estate sales are no different.

- If you are going to buy numerous, small, fragile and or breakable items (dishes, collectible figurines, glassware, etc.), be sure to bring plenty of packing/tissue paper and boxes with you.

- **Be considerate of your spouse, friends, other shoppers, sales staff, etc., and don't purchase items that are big and heavy and ask them to help you lug and load them into your vehicle.** They may not be able to do so and asking them to assist puts them in a very awkward position and may risk their health. If you think you may buy a large item or items (appliances, very large furniture) be sure to bring the appropriate help (strong young men or professional movers), vehicle, trailer, dolly, bindings, blankets, tools, etc., that you will need to remove your item(s). Before you buy them, consider how you are going to remove them from the house and transport them. Measure the doors in the house and the appliance or item – are you going to have to remove the doors from the appliance and or the house? Also, take note of the path you will have to take through the house and outside to remove the item - remember, if you damage anything, you will be responsible for paying for it.

- In some cases, it will be necessary for you to arrange to pick them up after the sale closes on Saturday, before they open on Sunday or perhaps a different day so as to not disrupt the sale in progress. Ask the estate sale manager for a schedule time and **show up when you are scheduled!!** If you are unable to make your appointment, call the estate sale manager and re-schedule!

- **Note on appliances or other large items:** Also, if buying a dryer or stove/oven, check to see if it is electric or gas – you many not want one or the other.

- If you rent a U-Haul-type vehicle to move your purchases, make certain you get one of adequate size. Spending a little more for the next size up will save you a lot of headaches, time and money from having to make multiple trips with an undersized truck. If you will be bringing the truck to pick up the items near or during sales times, be cognizant of the parking, traffic and access situations. If you do not have a fair amount of experience driving one of these trucks, find someone who has to assist you – **do not attempt** to bring a large truck into this situation if do not have experience maneuvering that size of a vehicle – you run the risk of damaging other vehicles, persons and property and clogging up traffic and the estate sales staff or on-duty officer may ask you to leave and comeback later.

- If you hire people to help you move items or load your truck, make sure they will have the appropriate equipment to assist – tools, dollies, tie-downs, rubber band restraints, pads, etc. Also make sure they appropriately licensed and insured (property damage, worker's comp, etc.)

- **And One. More. Time.: No public restrooms. (If you are going to a sale outside a town or city, make sure you stop somewhere relatively close to the outskirts of that town or city and make one last pitstop!)**

Again, there **will** be chaos…..and rules to control it, so get used to it. Remember, no one forced you to go to the sale.

2. PARKING:

Parking can sometimes (actually, almost always) be a real challenge at these sales, especially on narrow streets, cul-de-sacs and gated communities. It is best not to drive down an obviously crowded street because you can get boxed in and cause a significant traffic tie-up. Be prepared to park 1 – 2

blocks away from the sale and **WALK**. Just because a sale is being conducted, it does **NOT** mean that parking laws are suspended. Ditto for common courtesy. Therefore:

- Do not block other people's/neighbors' driveways or you will be subject to ticketing and towing at your expense and without warning – city and state law.

- Do not block or park within 10 feet of a residential mail box or you will be subject to ticketing and towing at your expense and without warning – federal, state and city law.

- Do not park in the sale house's driveway – others will need to get their vehicles and trailers in to load out large items they buy.

- Do not park where curbs are painted red, yellow and or otherwise marked or you will be subject to ticketing and towing at your expense and without warning – city and state law.

- Do not park within: 20 feet of a crosswalk at an intersection; 30 feet of a stop sign or signal; 15 feet of a fire hydrant or blocking a fire lane or you will be subject to ticketing and towing at your expense and without warning – city and state law.

- Do not park with your vehicle's front end facing opposite the flow of traffic or you will be subject to ticketing and towing at your expense and without warning – city and state law.

- If the house is on a cul-de-sac, do not create parking spaces in the middle of the cul-de-sac itself or you will be subject to ticketing and towing at your expense and without warning – city and state law.

- Most jurisdictions require a 27-foot width distance between the curbs or vehicles on either side of the street to allow for fire trucks and other emergency vehicles to pass, so if the street is narrow, do not park opposite another car where your car may create a constriction or otherwise impede the flow of traffic in any manner or you will be subject to ticketing and towing at your expense and without prior warning.

- Watch for "No Parking" signs along the roads as some areas have restricted street parking hours or you will be subject to ticketing and towing at your expense and without warning – city and state law.

Are you starting to see the pattern with all those traffic rules and the consequences for disobeying them? The police have **very little patience** for this as they have much better things to do and with the Internet, there is no longer any excuse to be ignorant of the laws, rules and regulations regarding the operation of motor vehicles as all that information is online now and very easily accessible – just do a search for "(your city's name) municipal code."

On narrow streets, be sure to fold in your mirrors on both sides to prevent damage from other vehicles or people walking by.

If you can't parallel park or drive well, bring someone with you who can. If you get boxed in, don't ask the police officer on duty to move your car for you – he or she cannot leave their post to do so.

Unfortunately, but for all the obvious reasons, usually no special parking spaces are set aside for handicapped. Inasmuch, even if you do have a handicapped placard or license plate, it does **NOT** give you the right to violate motor vehicle operation, traffic and parking laws. In other words, you may

NOT block another resident's driveway just so you can get within close proximity of the sale – you will be ticketed and towed without prior notice!!

Have some common courtesy and use good sense when parking. Think about the other residents on the street – what if, for some reason, they needed an ambulance or fire truck – would emergency services be able to get to their house?

3. ITEM PRICING:

Sometimes prices **may** seem high. The pricing of items is up to the company conducting the sale and their agreement with the estate's owners. Most companies I've seen use the Internet and eBay to get prices for similar items. Sometimes they use local, professional appraisers for antiques and other unique items.

Reserve/Bidding: Sometimes the estate sales company will take bids or reserves on more expensive items. You usually have to fill out a form with your bid. Be careful – sometimes these bids are legally binding forms, so if you put in a bid, be prepared to pay if you win it. Again, terms vary from sale-to-sale and company-to-company, so ask whomever is staffing the sale for more information and make sure you **clearly understand** the process.

4. PAYMENT:

First a word on security: **Never, ever, for any reason at any time**, leave your wallet, purse, checkbook, cash, credit cards, or anything of value in your car, and if you must do this, don't leave it in plain sight. And that goes for any items you buy after you leave the sale.

Remember, estate sales companies are just that, companies. In most states, they have to get a permit to have the sale and therefore, are usually obligated to collect sales taxes just like any other business selling goods and products. It's the law.

Some companies have a single, central point to check out and other may have employees who write up tickets as you go along picking up items to purchase – just ask anyone who is working at the sale how the checkout process works.

Payment forms accepted vary according the company holding the sale. Be sure you take several options with you – cash, check, credit card(s). And be sure there are blank checks in your checkbook!

Have your form of payment ready when you get into the checkout line!

Cash is always the preferred method of payment, **so bring plenty** (plus some change for taxes) **before** you arrive at the sale and again, **don't leave it in your car**! Shockingly, I see a lot of people who do this – you are just asking for your vehicle to be broken into, money and credit cards stolen and even worse, ID theft. If you engage in this irresponsible and dangerous behavior, you will eventually need the information in my special report on ID Theft on the Publications page of my website[2].

Some companies **may** take credit/debit cards **for the convenience** of the shoppers, **BUT**, they are **NOT REQUIRED** to do so. Some may take credit/debit cards for any amount, others require a minimum purchase amount to offset the significant transaction surcharge fee they will have to pay to the credit card processing company, especially when processing purchases for smaller amounts and through a cell phone dongle, both of which are usually extra. The Dodd-Frank law and subsequent

[2] http://www.magnusomnicorps.com/publications.html

Durbin amendment to it allow for this, but, these laws do not address debit card minimums, so it is still technically legal. However, imposing minimums for debit card purchases **may** be a violation of the merchant's agreement with their card processing service. If you wish to belabor this point at the checkout counter with a long line of people waiting behind you, go ahead, but be considerate of the other shoppers, the merchant's situation and also the fact that you are on private property and they reserve the right to refuse to do business with anyone and may have you escorted out by the officer if you create a disturbance or hold up the line for an unreasonable amount of time.

Some companies may take checks, but fewer are doing so because of the high level of fraud with checks these days. If you plan to write a check, be sure you have a **valid** (that means **not expired**) state driver's license or state ID **on your person** when you enter the sale and definitely before you get into the checkout line.

PayPal is accepted at some sales if they are set up for it.

If you are a re-seller or tax-exempt entity, be sure to have a **hardcopy** of your tax ID information with you or on file with the estate sales company **prior to** the sale – **don't hold up the checkout line!**

All sales are final; there are no returns. Be sure you have all the proper parts, accessories, cords, remotes, etc., that go with your items before buying them.

5. POLICE/SECURITY:

Police/security are usually on duty at these sales – this is normal. They enforce order, control foot traffic and vehicle parking, resolve disputes, deter theft and protect persons and property.

The officer will usually be posted at the entrance. **DO NOT** crowd the entrance or the officer – this can be a fire hazard if you are obstructing an entrance/exit to the building/house.

Remember, sales are conducted on **private property** – the officer or any sales staff has the discretion/authority to deny entrance to anyone for any reason or ask anyone to leave for any reason. In many jurisdictions, failure to honor a request to leave may result in detention and or arrest for criminal trespass.

DO NOT ask the officer to help you disassemble, remove, move, carry, load your item(s) or assist you with your purchase in any other manner – they are employed by the estate sales company and are **ONLY** present for the public's safety and security and removing them from their post or otherwise distracting them jeopardizes everyone's security, so you should **PREPARE BEFOREHAND** (see 1. above) when attending these sales if you anticipate purchasing large and or heavy items.

Remember the officer at the sale is usually "off-duty" from his regular job with the police department and any parking issues outside of the line-of-site of the house will have to be resolved by on-duty law enforcement, so call 911 if that is the case.

If you are a neighbor nearby the sale house and a someone has blocked your driveway, by all means, ask the officer at the sale for assistance – he/she will go through the house, find the vehicle's owner and have them move it immediately.

Show the officer your sales receipt when you exit the sale.

6. TO REVIEW:

1. Watch where and how you park – obey the law and be courteous!

2. Before entering the sale, have plenty of money and a valid state ID on your person – **DO NOT LEAVE THEM IN YOUR VEHICLE!!!**

3. Sign in, if necessary, be courteous and patiently wait your turn to enter the sale.

4. Observe the sale's rules.

5. Estate sales staff and officers do not help you pack, move, transport, etc. your purchase, so come prepared to deal with your purchase and bring appropriate help and equipment.

6. Use a public restroom **BEFORE** you get to the sale.

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