

LANDLUST

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On a mild Sunday morning in late January 1981 my wife Andrea and I, in need of an escape from winter inactivity, set out on an expedition we had been discussing for some time. We got in the car, left our home on Chicago's North Shore, and headed for southwestern Michigan to look into the possibility of buying a small farm. Although we had done a little preliminary investigation, we had no specific properties in mind. We intended to scout the area to see if it held what we thought we wanted: about forty acres with a livable farmhouse, a stand of woods, a pretty setting, and maybe even access to a pond or a stream.

Why a farm? What interest did a middle-aged, city-bred lawyer and his city-bred wife have in forty acres totally devoid of asphalt or concrete? In my case, I think, the farm was a substitute for the ranch over which I had longed to ride, chasing outlaws, after returning from the B-grade cowboy movies that filled my Saturday afternoons as a child in the late 1940's. As for Andrea, it wasn't the farm she wanted so much as the farmhouse, perhaps to recapture happy times she had spent as a child at the rural home of a much-loved grandmother. Of course, we stated our reasons in different, more trendy terms: good investment, unpolluted air, place to unwind, and so forth. But those words were handy rationalizations for a deeper desire; a landlust, if you will.

Why forty acres with a woods? The acreage was limited by what we thought we could afford; I would have preferred four hundred or four thousand. The woods was the product of more elaborate reasoning. Andrea and I had no time to do any real farming; we couldn't abandon the city life that permitted us to afford a farm. But we both also knew it would be hard to sustain interest indefinitely in a place that offered little activity other than swatting

flies. A woods seemed a good compromise. It offered endless activity to one so inclined but was equally tolerant of years of neglect.

And lastly, why southwestern Michigan? The beaches, the sand dunes, and the warmer water on the eastern side of Lake Michigan have attracted vacationers and second-home owners for several generations. But of perhaps most importance to us was the amazing fact that, based upon our examination of real estate ads in the *Chicago Sunday Tribune* for a period of several months, southwestern Michigan farmland appeared to be about half as expensive as farmland equidistant from the Loop in any other direction. Bargains still abound there for weekend farmers who would like Lake Geneva convenience at Galena prices.

We didn't know any farm owners or other authorities on southwestern Michigan farmland, so we decided simply to begin our search in the part of Michigan located closest to Chicago, which is southern Berrien County. We purchased some very detailed maps of that area published by the U.S. Geological Survey. They showed wooded areas, orchards, ponds and streams, topography, buildings, and even fence rows on a scale of better than two inches to the mile. From these it was easy to see where farmland of the type we were looking for was located. This, then, was where we were bound on our late January journey.

We entered Michigan on Interstate 94 just south of New Buffalo, after a drive of about one hour and forty five minutes. Because it was a Sunday morning, the traffic was light all the way. The first interchange in Michigan with an east-west road was at Exit 4, where I-94 intersects U.S. 12. Acting upon our assumption that affordable farms would more likely be found at least a few miles away from Lake Michigan, we took U.S. 12 east. We spotted our first farm "for sale" sign within two or three miles. Though a farm bordering on a U.S. highway didn't interest us, the sign was encouraging.

About five miles east of I-94 on U.S. 12 is the small town of Three Oaks, Michigan. From our maps it appeared that the unnumbered county road running north from Three Oaks to Sawyer passed through an area of farms, so we turned in that direction. On our left

immediately after we turned stood a neat little white building labeled “Drier Real Estate Agency.” The office was closed, so we jotted down the telephone number. Little did we realize that by doing so we had acquired all the information we would need.

Just north of the three or four blocks that constituted the heart of Three Oaks I saw a type of town layout that was new to me. The town seemed to extend beyond the business district for maybe half a mile, with modest old frame houses situated close to each other on both sides of the road, but if one looked carefully one could see that behind the houses on the west side of the road were open fields. The houses continued even beyond the town boundary but grew further and further apart. It seemed as though these people had deliberately chosen to have a town-like setting out their front doors, and a country setting out their back doors. I liked that.

We continued north to Sawyer, where we again were near Lake Michigan. The Red Arrow Highway which parallels the lake here hosted a series of fruit stands (closed for the winter, of course), modest motels, and other slightly seedy structures that in many cases probably looked about the same as they did in the 1940s. Though we enjoyed the nostalgia, we didn’t find any farms for sale here, so we turned east on another county road near Bridgman, after stopping to write down the telephone number of another real estate agent.

Berrien County east of Bridgman is also agricultural, but different from what we saw near Three Oaks. Very flat at first, then rising into real hills further east, the land boasts numerous vineyards and orchards, but little woods. I made a mental note to look into the tax advantages of growing fruit, but I expected that orchards or vineyards would require tending on a scale I wasn’t ready to undertake.

We drove to Berrien Springs, on the east side of the county opposite Bridgman, where we again copied down names of real estate brokers. At Berrien Springs we crossed the St. Joseph River--a pretty sight--and then turned south, looking for farmland that might also have river frontage. We saw some, but, from the number of dwellings we counted, we concluded that the farms were considerably smaller than the forty acres we were looking for.

Perhaps these are what the real estate agents call “farmettes.”

We continued south until we reached Buchanan, where we wrote down more names and numbers and observed a lot of rolling, wooded hills. This area held a lot of promise. From there we drove back west to Lake Michigan and I-94, detouring only for a quick dip into northern Indiana, where for some reason (perhaps a glacial one) the countryside seemed distinctly rougher than that of the adjacent Berrien County. Except for some hills in Indiana and the very southernmost part of Michigan, the land reverted to a standard Midwestern flatness soon after we left Buchanan.

When we reached I-94 we headed home. The next day I started calling the numbers we had written down. Most of the brokers I talked to were surprisingly uninterested. Perhaps they had given too much time to curious Chicagoans with too few returns, or perhaps they just didn’t believe a city dweller could really want the rural properties they had to offer. But two brokers sounded genuinely helpful. As luck would have it, they came from opposite ends of our preliminary search area. One was with the Drier Real Estate Agency in Three Oaks, the first name we had written down, and the other was with a firm in Berrien Springs. Both agreed to put some listings in the mail that day. And, to my great delight, both wanted to show us properties the following weekend.

It occurred to me that maybe I needed to learn a little more about what I was getting into. Since I didn’t have any acquaintances to talk to who were familiar with buying and selling farmland, I did the next best thing: I looked for a book. I found a thick paperback on the very subject of how to buy country property, written by, of all people, another lawyer who had done so. I noted from the back cover that the author was a Californian, but I bought it anyway. The book unfortunately had more than a trace of a counter-culture bias and was aimed at younger buyers seeking a full-time escape from urban civilization. Nevertheless I read most of it and absorbed a heavy dose of lawyerlike over-caution mixed with advice as to how city slickers could avoid being cheated by canny country Realtors. In retrospect, the book made me much too suspicious. Perhaps the advice would have been more appropriate

had I been buying a farm in California.

The next Sunday, now February, Andrea and I met Ted Drier of Drier Real Estate at his little white clapboard office in Three Oaks. He was a pleasant older man with a twinkle in his eye and a serious cough that didn't keep him from chain smoking. He might have been the sort of fellow who would try to con you a little, but he was so charming we didn't care. We liked him right off. On the telephone he had told me of a farm his cousin was selling that sounded terrific but that was exactly twice as large as what I thought I could afford and that was being offered at exactly twice the amount I thought I could pay. We foolishly asked to see it anyway.

On the way there Ted stopped at another farm for sale just north of Three Oaks. This was one of the properties I had seen the week before with a house on the street and open fields behind. It had our desired forty acres, but no trees. We couldn't look at the house because Ted didn't have the key. A mile or so further on was the farm owned by Ted's cousin. It had eighty acres, about half of which were wooded, a small white house, an old red barn, and a few dilapidated outbuildings. The western side of the property bordered on a state park. The farmhouse was at the southeast corner of the property, near the road. Other, much more modern houses were located nearby, set on lots of about one or two acres. I remembered the advice I once heard that one should buy a house in a neighborhood of nicer houses. I wondered if it applied to farmhouses.

The tenants, who had not known that the farm was for sale, reluctantly allowed us to look through the house. Worn yellow-green carpeting covered most of the downstairs floors except in the kitchen, where there was a gritty layer of old linoleum. The two low-ceilinged upstairs bedrooms had no heat; and large, loose pieces of cheap paneling sagged from their walls and ceilings. The paint on virtually all the woodwork in the house was discolored, chipped, or cracking. But perhaps most repelling of all were the enormous rust stains in the kitchen and bathroom sinks and the tub-shower. We couldn't see much of the basement because the floor was under about a foot of water. It had, the tenants said, come in during

the thaw of the last few weeks.

We left the house, and Ted and I put on our boots so we could take a look at the rest of the property while Andrea waited in the car. Not far behind the house an unpaved pathway ran through a shallow ravine to give access to the fields beyond. I walked rapidly through the ravine, while Ted puffed along behind me. As I climbed out of the ravine on the other side my heart leapt. There stretched out before me close to half a mile of open field, rimmed on three sides by a dense woods. It wasn't quite a Montana ranch, but it conveyed as strong an impression of wide open spaces as I could hope for within two hours of Chicago.

I wanted to walk the perimeter of the entire field, but under the muddy conditions this would take a good half hour, and I felt that Ted might not be up to it. I settled for a ten minute stroll along the edge of the ravine we had crossed. Finally we returned to the car. Following the advice of my book, I mentioned to Ted only negative things about the property. "Doesn't seem very well drained," I ventured. "I don't imagine this land is too productive." Ted didn't disagree; he undoubtedly knew just what I was doing.

Andrea and I said good-bye to Ted and left the farm. As we drove away I turned to her and said, "I love it. Let's buy it."

Andrea looked shocked. "You liked it?" was all she said.

"It's beautiful. Just the kind of place we'll love walking around on and exploring."

"What about the house?"

"Not bad. Pretty little thing on the outside, isn't it? And didn't you like those doors between the two downstairs rooms with all the little panes of glass?" I couldn't think of any other good points to mention at the moment.

"We can't afford eighty acres, can we?"

"We might have to cut back somewhere else, but wouldn't it be worth it to have a place like that?"

"Why don't we think about it. We don't want to make a decision without knowing what else is available."

We were about to get some idea of what else was available. We had arranged to meet the agent from the Berrien Springs agency near an exit from I-94 in the north-central part of Berrien County, where he was going to show us some properties. We hadn't explored that part of the county, but it wasn't any further from Chicago than some of the southeastern parts of the county we had already looked at.

We found our agent, accompanied by his wife, in their little red Subaru, right where he said he would be. He was a short, earnest middle-aged man whose candor and genuine helpfulness were not typical of a hardened real estate salesman. (We subsequently learned that he had been a consultant to Michigan's fruit growers but had been forced to change professions when his deteriorating eyesight could no longer detect the tiny organisms responsible for the various fruit maladies.)

He showed us two farms of about thirty acres each. Both were in hilly country, but the only trees to be seen were in nearby orchards. (Apparently the stone fruits, such as peaches and plums, do best on hilltops, where good air drainage inhibits the formation of frost pockets when the trees are beginning to bud.) The openness made the properties seem small, but an even greater drawback was the houses on them: little, run-down places with dirt basements and frayed curtains partitioning the few rooms into enough spaces for the large families that were occupying them. We stayed long enough to justify the agent's efforts in showing the places to us, but no longer.

As we drove back home to Chicago, Andrea said, "Those places make the farmhouse in Three Oaks look like a palace." It was exactly what I wanted to hear.

In subsequent weeks the two agents showed us other farms. Ted took us to a fifty-five acre farm a little further north of Three Oaks. It had a well-kept if somewhat dark house and Galien River frontage, but the only woods was in the flood-prone area next to the river. Our Berrien Springs agent took us to a fifty acre property east of Berrien Springs that had a pretty wooded hillside, a pond, and twenty acres of tart cherry trees, but for some inexplicable reason the small house on the property had only six-foot ceilings. Ted also obtained for me

two very helpful items. One was a paperback tract book, published by a local title insurance company, which showed the ownership of all rural property in Berrien County. The other was a soil survey for Berrien County, recently published by the U. S. Department of Agriculture, containing detailed maps of soil types superimposed on aerial photographs of all the agricultural land in the county. I had no idea such things existed, much less that they were so easy to obtain. No would-be farmer should do without them.

By the beginning of March Andrea and I believed we had fairly well explored the market. I was still enthusiastic about the eighty acre farm Ted Drier had showed us the first day, and Andrea had reluctantly concluded that it was the best thing we had seen, although the most expensive. We returned to look at the farm again, accompanied by Andrea's sister, Anne, and her husband, Tim, who we thought might be interested in going into the venture with us on a joint basis. Tim and I spent a long time tramping through the woods, getting a feel for the outside, while Andrea and Anne scrutinized the farmhouse. I walked for the first time over to the western boundary of the property, beyond which was a state park with woods similar to the woods on the farm. My efforts left me with no doubt; I had to have this place. I felt like a child peering into a toy store window, seeing the best toy in the world and wondering how it could possibly become mine. Also, although there were still six inches of water in the basement, Andrea's creative imagination was beginning to see possibilities in the farmhouse. The old potbellied cast iron stove pouring heat into the living room was undeniably appealing. Anne and Tim liked the place, too, but their visit didn't result in the investment in the farm I had hoped for from them. Instead, they decided to start building a house of their own on some wooded property they owned southwest of Chicago.

My next best hope for financial assistance was my brother Rick, who practices law in a little town in far northern California. Most of the funds I intended to use to buy a farm came from the estate of our father, who had died the year before. Rick had received an equal share, which he had not yet invested. As it turned out, he was an easy touch. He had gone to the same Saturday afternoon cowboy movies that I had. He agreed to loan me up to a

quarter of the cost of the place, on the “have your cake and eat it” condition that if he wanted to he could exchange his loan for an equity interest.

We had decided to make an offer and we had found the necessary finances, but how should we go about it? Having bought and sold several suburban houses, and having settled dozens of lawsuits, I was not inexperienced in financial negotiations; but I had never dealt with rural property before. For advice I turned to the book I had bought. “You should always assume,” the book said, that the seller of a farm is willing to accept less than his asking price. Consequently, you should “never offer more than 75 percent initially.” Furthermore, with respect to rural properties, where it is customary for the seller to finance part of the purchase, your offer will be more attractive the more cash you offer.

These were plainly not the rules most people followed in buying North Shore residences, but perhaps country property was different. In the absence of any other direct guidance, I followed the book. Ted Drier’s cousin was offering the farm for one hundred thousand dollars, so we made a cash offer of seventy-five thousand. A few days later Ted had good news for us. His cousin had a counteroffer: he would sell us the farm for eighty-five thousand cash. It sounded good, although coming up with that much cash would be a strain. I again consulted my book. After the farm owner had made a counteroffer, it read, you should make your second offer, “which will be slightly higher than your first one.” Eighty-five thousand was not a bad price, but I had spent \$7.95 for the book and couldn’t bring myself to ignore it, especially when so far its advice appeared to be sound. We made a second offer of eighty thousand cash.

This was a mistake. If I had known Ted’s cousin then as well as I did later, I would have realized that he is not one to beat around the bush. He rightly considered his counteroffer to be a considerable concession made in part because Ted had given him a favorable report on Andrea and me. Ted advised us that not only was his cousin unwilling to take our second offer of eighty thousand, but he was withdrawing his counteroffer, taking the property off the market, and going to Florida for a vacation.

The news was distressing, but perhaps not all bad. We had started this venture as a lark, and it had almost turned into an expensive long-term commitment without our fully thinking through all the ramifications. Did we want a piece of property a hundred miles away to look after for the indefinite future? Did we need the money we were about to spend on it for something else? Andrea and I discussed these questions and others at length. We concluded with some conviction that the pros of buying a farm did indeed outweigh the cons, but that there were nevertheless some significant cons and that if we didn't wind up acquiring a farm it would not be the end of the world.

We looked again at the fifty-five acres on the Galien River and reluctantly decided it was not quite enough. We told our two agents to keep us in mind as future properties came on the market, but spring was almost here and we began turning our attention to other projects. We didn't need the search for a farm as an excuse to get out of the house.

A month passed in which we did not look at any farms. Then in early May Ted Drier called to let us know that his cousin, whose name was Ed, had been back from Florida for a while and that it might not be a bad idea for us to drop by and say hello. We drove again to Three Oaks and stopped to meet Ed at the butcher shop he operated. The visit to his shop was alone worth the trip. The business was started by Ed's father before the turn of the century, and he took great pride in its history. The shop contained numerous exhibits from its early years and the early years of Three Oaks, as well as mementos of famous customers, bits and pieces illustrating its owner's unique sense of humor, and probably the best hot dogs, bologna, and liver sausage between Chicago and Detroit.

We liked Ed, and perhaps the visit gave him a more favorable impression of us. In any event he indicated that he might again consider selling us the farm, and that he might even be willing to provide some financing. He then proceeded to tell us a little bit about the property. The western forty acres had been purchased by his father back in 1911. He had picked up the eastern forty a few years ago because it held the barn and farmhouse, which had originally been the office of the first doctor in Three Oaks and had subsequently been

moved from the town to its present location in 1906. He was hopeful that whoever purchased the place would appreciate its history and try to preserve the farmhouse.

Andrea and I spent the two hours driving home discussing what we should do. One thing was clear: we had suffered enough by trying to follow too literally the advice in our farm-buyer's guidebook. It no longer seemed important to get the best possible deal. On the other hand, although I still wanted the farm very much, I could live without it. The more we talked, the clearer the deciding questions became. What offer would be fair, and what could we really manage without endangering our other financial commitments?

We ultimately decided that ninety thousand dollars would be a fair price for all that land and all that history, if Ed would take back a mortgage for fifty per cent of it at a competitive rate of interest, and if we could have some assurance that the farmhouse was not about to fall down. In the event that these terms were not acceptable, we were going to forget about it. We obtained the name of a local contractor who agreed to inspect the house for us. He was not enthusiastic, opining that the property was probably worth as much without the farmhouse as with it, but he could find no obvious catastrophic defects. We then went ahead and made an offer through Ted and waited expectantly but not anxiously for the response.

Two days later Ed himself called to tell us we had a deal. We drove over the next weekend. It was now early June; the leaves were on the trees, the sun was shining, and the farm was the most beautiful piece of land I'd ever seen. When we got to Ed's butcher shop, he was waiting on a long line of customers. We waited patiently, but no sooner had these customers gone than others appeared. It seemed like everyone was out to enjoy the day, and that included a stop at Three Oaks' only butcher shop. Finally, for a moment we were the only people there. Ed apologized for the wait and sat down to go over the contract we had brought. Satisfying himself that it was the same as our proposal, he signed it, and we had bought a farm. Some more customers came in the door, but before Ed went over to serve them we all shook hands happily.

“Oh,” Ed said. “One more thing.” He reached into the refrigerator case and pulled out half a smoked ham. “To seal the bargain.” He handed it to Andrea.

In medieval England a sale of land was consummated by the symbolic transfer of a clod of dirt. I’m not sure what they did with the clod after it was transferred. Frankly, I’d much rather have half a ham.