



## Marketing Tip of the Week

**For customer service reasons, as well as for your own protection - document, document, document!**

Do you give much thought to how to protect yourself (and your income) after you've done some great marketing to get business?

The following scenario recently happened with one of my real estate coaching clients. While this exact situation may not happen if you're not a real estate professional (or other professional for which proving you're the "procuring cause" of a sale is crucial in determining whether or not you get paid), the concepts are valuable for life and business in general:

Shortly after she and I began working together, my client began working with a couple who wanted to buy a home. She showed them several properties, one of which they were interested in buying. They made arrangements to meet her at the home the next day so they could look at it one more time and sign an offer to purchase it. They never showed up. She called and called, leaving several messages on cell phones and home phones, worried that something had happened to them. She even e-mailed them, worried that maybe their cell phones weren't working, or they weren't able to pick up their phone messages.

A few days later, the home went under contract and she learned through the grapevine (remember, no matter how big your area is, it really IS a small world!) that her buyers were the ones who were under contract to buy that property; the offer had been submitted by a different real estate agent. She also learned that this agent was selling their home in another area and when he discovered that they had already found another home to purchase, promised to "kick back" a substantial sum of money to them if they'd put the offer in through him vs. the agent who had shown them the home. (For those of you wondering, no - she had not asked them to sign an exclusive buyer agency contract, which may have prevented this problem from happening.)

**The upshot of the entire situation is this:** The case ended up going to arbitration so each side could present their arguments as to why they deserved the selling side commission. My client had brought the home to their attention, brought them there (as well as to other properties), done research for them and made plans with them to submit an offer. The other agent had never seen the home, didn't know it existed until his sellers told him they'd found it, and then simply convinced them to disrespect their own agent (out of greed - shame on them) and put the offer in through him (out of greed - shame on him).

As I mentioned, my client had just started working with me and had just begun using several checklists I gave her for documenting her efforts. She was also making copies of EVERYTHING she did: letters sent or faxed, e-mails, even writing down dates, times and brief details of phone conversations. Due to these efforts, she had all the proof the arbitration committee needed to convince them that she actually **had been** the procuring cause of the sale and she won the case! Oh, and did I mention that this home sold for nearly \$900,000? This was a substantial commission at risk.

What convinced the arbitration committee to rule in her favor? The fact that she had everything documented and organized, with copies for everyone on the arbitration committee, and she then presented her arguments in a logical fashion (which her documentation helped her do). The other agent had no documentation (no surprise, since he hadn't done anything with regard to the home prior to submitting the offer) and had no organized or logical arguments to help them rule in his favor.

I have been told by several attorneys that documentation is KEY whenever presenting an argument in a legal or quasi-legal proceeding.

Documentation is proof of the facts. Without proof, there is no argument. (If you don't believe it, just watch Judge Judy or The People's Court sometime and watch those people try to "dance" without proof!)

**Also, by documenting everything, you serve your customers better by:**

1. helping refresh your memory on what you've already done for them, eliminating redundancy and confusion
2. documenting and reminding you (and them) of what was said, so you can determine their needs
3. helping them prioritize by providing lists of factors they must use as criteria to enable a sale
4. acting as a checklist to prevent forgetting a crucial item that must be accomplished

This is a good strategy for business and for life: be thorough, be organized, be documented - and this will help you proceed with confidence!

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