

Wainscoting: Knowing is Half the Battle

By Michelle St. Germain, Levison Group, under analysis

My sense of style, when it comes to home decorating, is traditional. When it comes to paint, I like neutrals, classic colors--nothing jarring. Some would say that's boring, but coming home to me means escaping the craziness of the world and entering a calm haven.

The people that lived in my house before me did not share my sentiment. As a result, when I first moved into the abode it was a multi-colored disaster: electric blue walls in the downstairs bath, terra cotta-type color in the kitchen (sponge-painted which results in a look that says you won't notice if you get copious amounts of mud on me), and an acid yellow guest bathroom with plastic white wainscoting, greeted me upon arrival. If that wasn't bad enough, every closet and adjacent ceiling was painted to match the offending wall colors.

Over the first few months after I moved in, with some elbow grease and ambition (and weekends wishing I was doing something else), I successfully repainted every room in the house to an acceptable palette, save one.

The sole remaining sentinel from the army of the color-impaired was the acid yellow guest bathroom with plastic white wainscoting. I saved this room for last because, in my mind, it would be an easy project. I'm sure you can see where this story is heading.

I set out one weeknight, to get the last room project started. I thought I would prepare the bathroom for paint by taping the edges, cleaning off the dust, and removing the wainscoting. It sounded simple enough at the time.

No one was in the house to witness the sounds that came out of my mouth that night once I successfully removed the wainscoting. Suffice it to say, however, that if my dog could assess medical injuries by sound, she would have thought a limb was being severed.

As my siren-like wail subsided, I found myself simply staring at the wall where the wainscoting had been. My eyes were fixed, in wonder, at the Little Mermaid wallpaper border, perched "lovingly" above two shades of sponge-painted blue on a white background. They then wandered to what appeared to be large patches of drywall ripped off from the wall, thanks to the adhesive from the wainscoting or the failure to use any primer. Lastly, my gaze came to rest upon two dozen holes, apparently from nails, that had been covered up, but never filled.

So, yes, this column is about real estate law. While I stood there, mouth agape, taking in The Little Mermaid tableau on that night of first discovery, my mind went back to law school, specifically, property class. I remembered, instantly, a few things from that class. First, the Rule of Perpetuities has something to do with 21 years after something or other. Second, the professor made a poor choice to call on me about it in class. Finally, there is something called "caveat emptor – let the buyer beware."

I remembered immediately the discussion about what a seller does and does not have to disclose when selling property – whether you have to disclose if your house is haunted or a murder occurred there, or that none of the plumbing works, or that a lawsuit that has been going on for years about whether your property even belongs to you.

Most people know that, when doing a walk-through of a potential home purchase, you should flush all the toilets and run all the faucets, turn on all the lights. I now know that you should also take a peek to see what is behind wainscoting when no one is looking. At a minimum, a savvy home buyer or his or her attorney should require a detailed disclosure of what lies behind any iconoclastic wainscoting. Absent a formal request for information, the question of what lies behind your wainscoting probably falls into that category of caveat emptor. The bottom line, however, is that if you haven't gotten a chance to take that peek, and have not received that full written disclosure, you can still profit from the lesson that neither I, nor my dog, will ever forget: just leave up the wainscoting.

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