

# Don't Mess with the Tar Baby

By George Porter

When I was growing up one of my favorite books was "Uncle Remus", in fact I guess it still is. For those who don't know, it is a book about a very kind and gentle elderly black man who told stories about "B'er Rabbit" and lots of other creatures to little children on the plantation in the early 1800's. One I remember particularly well was the story of the "Tar Baby". It seems that B'er Rabbit was a sort of a sassy overconfident type and B'er Fox made a little figure out of tar and put it next to where B'er Rabbit was sure to pass by. When B'er Rabbit saw the very quiet little "Aperson" it would not respond to his greeting. B'er Rabbit got angry and hit the Tar baby in the mouth for being so rude and of course his fist got stuck. Then he kicked it and his foot got stuck and before long every limb was stuck and B'er Rabbit was completely and thoroughly attached to the Tar Baby. Then along came ole' B'er Fox chuckling and lickin' his chops.

Sometimes installation can be the same way. B'er Rabbit should have had more sense than to mess with that Tar Baby, but he just couldn't help himself. He was very used to having his way with everything and he was not going to be denied his proper due by the Tar Baby.

Have you as an installer, or dealer for that matter, ever found yourself looking a difficult situation right in the face and suddenly you get this burst of "can do" attitude? You will not be intimidated by the fact that this job does not look like anyone could ever do it and it will probably turn into a big legal nightmare. I have done it and I bet you have too if you have been in the business very long.

Let me give you two good examples that I know of:

#1 A person in a New England State bought a new home from a dealer and wanted it put on his old lot in a community. The home was big, the lot was small, the road was narrow and it would not make the turn to go on the lot. The delivery folks got tired of messing with the thing and put a piece of plywood on the side of the home and shoved the whole home sideways across the pavement with the toter bumper, then backed it on to the lot. (They didn't have any rollers) This was dumb and the home looked like a banana, the frame was bent about 6 inches out of line and so was the box. (Step one in the creation of a "Tar Baby")

The homeowner did not want to live in a banana shaped house so he called the factory that built the home and complained. The good folks that the factory quickly sent a serviceman out to look at the problem. (Step two, serviceman looks at Tar Baby)

The good service man looks at the bent frame and box with broken walls and roof and says "I can fix this" (Service man Strikes Tar Baby on behalf of factory)

Homeowner is not pleased with Banana home even after serviceman spends weeks trying to get to look right. (Factory is stuck up to its neck in "Tar Baby")

Along comes B'er Lawyer licking his chops. Now in all fairness the lawyer didn't make the Tar Baby, but he will be glad to partake of whatever it catches.

#2 Future homeowner buys an inexpensive lot and wants a “reasonably priced” home to place on it. Dealer sells “no frills” home to customer at a price that includes installation and delivery. Contract is signed and installer is called to deliver home. When installer gets the home to the lot it is sporting a very healthy growth of cattails and a few muskrats. It is basically a swamp. (Installer is face to face with the “Tar Baby”)

Installer needs money and doesn't want to tell the dealer he can't do the job, so he proceeds to set the home. (Installer strikes Tar Baby)

After six months the homeowner is upset because the floors are wavy, the walls have mold, and the doors won't open. The installer has been back to the home lots of times to fix things (for free) but they just won't stay fixed! (Installer is now permanent part of Tar Baby) B'er Lawyer is going to show up soon!

In Uncle Remus, B'er Rabbit got away from the fox by tricking him, you'll have to read the book to find out how. The point is, B'er Rabbit never hit a Tar Baby again, ever. He considered himself very lucky to have survived the one time and he knows he could never trick the fox like that again.

Our world is changing and although we as an industry have survived several Tar Babies, there are some very large sticky ones out there right now. Mold and anchoring, just to name a couple, are growing legal matters in the industry. While it may be a fun to talk about Tar Babies you can't make a future by fighting them, you have to avoid them altogether if you can. You can't believe that you will always get unstuck before the fox shows up, no matter how lucky you have been in the past. Joel Chandler Harris wrote Uncle Remus in 1880. I seriously doubt that he had any idea that 122 years later, Tar Baby would be used in place of another word, “liability.”