

But Your Honor . . .

By George Porter

Whenever you hear someone begin a sentence with the words, “but your honor,” he is generally learning a very expensive lesson. I’ve heard several stories about this form of education and it might be worth a few minutes of your time to read through them and see if they can possibly reduce your tuition in the school of hard knocks.

I received a call one day from a person in the local area asking me if I could possibly help with a legal problem he had. He said he had sold a customer a home and had stated very clearly on the contract that she could have either central air conditioning or footings beneath her double-wide. The customer chose the air conditioning by marking the “X” and putting her initials there and was now suing him because her double-wide was falling apart. This dealer could not understand for the life of him why the judge sided with the customer. She had clearly made her choice and that was that. I tried to explain to him that things of equal value are not necessarily of equal importance and that setting a multi-section on top of the ground when the frost line is 24” deep was a very big mistake. Sadly, none of this made any impression on him whatsoever and he went out of business grumbling about how unfair life is and how stupid people are.

I also knew a fellow who couldn’t understand why he had a problem. It seems he made a deal with the customer that the customer would make the foundation and basement for the home he was selling them. When the time came to deliver the home, he noticed that the basement was 4” shorter than the house, whereupon he decided it was not his problem and put the house on it anyway. When the end of the house started to fall off and sag, the customer then sued the dealer, and the dealer said, “But your honor, the customer built the basement. That was our deal.” And his “honor” replied “but Mr. Dealer, you put the house on top of that bad basement when you knew it wasn’t right. So all the damage to the house is yours.”

Making deals with customers is very hairy business. One should be extremely careful because when push comes to shove, you will be considered the expert and the customer will be the poor, innocent deprived person who knew absolutely nothing and was taken advantage of by you. Boiled down to its simplest terms, if you know you’re doing something wrong and do it anyway, you can just about always expect to end up being held responsible for it.

How many customers have said, “I’ll take care of clearing the lot myself. You just bring the home.” When you get there, the lot looks almost exactly as it did the first time you ever saw it and the customers telling you how hard he worked to get it in this great shape. What you end up doing if you want to do it right is doing all the work yourself all over again and that big discount you gave that customer is out the window. Of course, you might just want to install it on that customer’s ill prepared mud pie and suffer the consequences of that decision for a long time to come. Can’t you just hear yourself saying “but your honor, the customer was in charge of fixing the lot.” And his honor says again, “but Mr. Dealer, you’re the one who put it there in that mud pie and that’s why the house is sagging, settling, leaking, creaking and rotting. Besides that, you’re the expert, not him.”

Ninety-nine times out of a hundred, you will lose these little battles and my suggestion for you would be to stay away from these problems as much as possible. Do you what you’ve got to do right up front. It’s cheaper and it’s a lot easier on the nerves.