

# *Four Season Paradise* Deep Creek Lake

**Buyer Handbook**



# Buyer Handbook

## Representing Buyers at Deep Creek Lake

**Expert representation is something buyers can't afford not to have.** Railey Realty agents are committed to providing valuable information and the highest level of guidance from start to finish, which can potentially save you thousands of dollars and avoid areas of risk.

The Buyer's Agent works for you. The Seller's Agent does not. As a Buyer's Agent, we will:

- **Provide resources for discovering defects and evaluating the entire property**
- **Assist in finding the best qualified experts for inspections and all vital information about a prospective property**
- **Help you gain invaluable details about the properties you're considering and those not on the market**
- **Obtain detailed information on comparable solds and provide guidance the Seller's (Listing) Agent can't**

This Deep Creek Lake Buyer's Handbook serves as an outline of key items to consider when [purchasing a vacation home, townhouse, or condo in the Deep Creek Lake or Wisp Resort areas.](#)

Qualified professionals should be consulted for inspections, legal and tax advice.

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## Common Property Conditions A Buyer Should Investigate

Every home and community is different. Property conditions and neighborhood features will vary. This is by no means a complete list of every possible situation that could exist.

### *Appraisals*

When financing is involved, the lender will order an appraisal after there is a fully executed contract. The appraisal will determine the value of the property for the bank. The buyer is not obligated to provide a copy to the seller unless the property appraises for less than the contract price and the buyer requests the contract price be reduced to the appraised value. If the property appraises for more than the contract price, though, the buyer is not obligated to pay more than the contract price.

### *Buffer Strip Violations*

If the property is lakefront or split-lakefront, the buyer will have the option to get an inspection of the state-owned buffer strip. The Maryland Department of Natural Resources (DNR) will inspect for any violations and provide the buyer with a Buffer Strip Use Permit Eligibility Letter. This letter will list the type of boat dock permitted to that property, whether the property has the buydown parcel, and any violations that must be corrected before the permit will be issued.

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## *Buydown Property*

A lakefront property owner may have previously purchased additional land located between their property and the state of Maryland owned buffer strip, known as the 'Buydown Property'. The Buydown Property is subject to a Conservation Easement that restricts tree cutting and building. The Buydown Property must always remain attached to that lakefront property.

## *Chimney Inspections*

Many of the homes and townhomes at Deep Creek have either a wood-burning or gas fireplace. These systems typically consist of a firebox, flue, crown, and cap. A licensed home inspector can visually inspect the firebox but is unable to evaluate the entire chimney system. It is recommended to use a licensed chimney inspector to inspect the entire chimney system for safety, fire code violations, and structural integrity. Cracked flue liners and firebox panels are a safety hazard and can be quite expensive to repair.

## *Community Lake Access Areas*

Deep Creek has several residential communities that have a lakefront common area for property owners in those neighborhoods to access the lake. These areas are private and only for the use of that community's owners and guests. The common boat dock for the community will be located in this area. The settings of these community lake access areas can vary quite a bit. When searching for homes or townhomes, it's important to evaluate that neighborhood's lake access common area, as well.

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## *Conservation Easement*

All Deep Creek Lake Buydown parcels are restricted by a conservation easement. The main restrictions on the Buydown property prohibit tree cutting and building improvements unless DNR approves. If the lakefront property you are purchasing has the Buydown property, you will be given a copy of the entire conservation easement to review in the contract phase.

## *Covenants & Deed Restrictions*

If the property is located in either a Homeowner's or Condominium Association, the recorded declaration of covenants and restrictions empower that association to control certain aspects of property use that are enforceable. Generally, most associations at Deep Creek aren't very restrictive, but most have architectural guidelines and some prohibit cutting certain diameter trees. The recorded declaration will also define and assign any docking rights. Some properties not located in an association may also have certain deed restrictions. It's very important to carefully review the deed and any covenants prior to purchasing.

## *Dock Types*

**Type A** - Most lakefront properties are eligible for private buffer strip use permits, commonly known as a Type A, issued by DNR. This type of permit allows a property owner to put a private boat dock in the lake adjacent to their property. Most Type A permits allow for 3 power boats (provided 1 is a PWC) and 1 non-power boat. However, some Type A permits limit the dock to 1 power boat. The docks in Deep Creek Lake must be floating and taken out of the water no later than December 1st. They may be placed back in the lake starting April 1st each year.

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## *Dock Types - continued*

**Common Docks & Boat Slips** - Several communities and neighborhoods around Deep Creek Lake have private lake access areas adjacent to the buffer strip. With a few exceptions, these communities are permitted to place a common dock in the water with a set number of boat slips determined by DNR. The recorded declaration of that community defines which property owners get a permanent boat slip and which ones do not. Property owners who do not have docking rights are allowed to use the lake access area but can only swim from the common dock. Not all lake access communities have the same organization. Some have boat slips on a first come, first serve basis while some have waiting lists. Because the boat slip and docking rights are a large component of a property's value, it's crucial to verify the docking rights of the property you are purchasing.

## *Driveways*

With varying topography and mountainous terrain, driveways in the Deep Creek area come in a wide variety of levelness. Some are flat, some are steep, but most are in between flat and steep. A driveway encroaching onto a neighbor's property isn't common but can happen. This situation is more likely to happen on a steeper property where the driveway follows a switch-back configuration. A survey can identify a driveway encroachment. Most driveways at Deep Creek are gravel or 'tar and chip' for increased traction. Paved driveways may look nice but can have less traction in the winter. Some communities require either a paved or 'tar and chip' driveway. It's important to understand the complete driveway situation of the property you are purchasing as driveway modifications can be expensive and properties with steep driveways can sometimes be harder to re-sell.

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## *Furniture*

While it may not specifically say in the remarks, almost every vacation home at Deep Creek is sold with the furniture shown in the MLS photos. This usually includes all furniture, furnishings, decorations, electronics (TVs), kitchenware, bedding, and outdoor furniture. The transfer of these items is usually handled with a separate Bill of Sale that will be prepared in conjunction with the sales contract. This Bill of Sale is contingent upon the completion of the real estate settlement. Because it's used furniture, there are no warranties. The seller will usually exclude personal items such as family photos, clothing, sporting equipment, and certain pieces of furniture that may have been a gift or family heirloom.

## *HOA & Condo Documents*

Homeowner (HOA) and Condominium Associations have recorded documents that empower the association to control certain aspects of a property in that association. As the purchaser in either type of association, you are bound by these covenants. In Maryland, if you are purchasing a property in an HOA the seller(s) must provide an association disclosure that contains basic info about the association, including the fees and contact info for the association's management. The seller(s) must also provide any recorded declaration, covenants, and by-laws if available. For an HOA, you have five days from receipt to cancel the contract based on any of this information. If you are purchasing a property in a condominium association, the seller and association must provide the recorded declaration, by-laws, rules, and a re-sale certificate that discloses certain information, including, but not limited to, fees, assessments, and budget. For a condominium association, you have 7 days from receipt to cancel the contract based on this information. It is essential to thoroughly review this information as many of the local associations have different rules and restrictions.

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## *Home Inspection Report*

For your protection, the importance of having a home inspection performed by a licensed inspector cannot be over-emphasized. For a fee, the inspector will visually and physically exam the entire home to identify any structural or mechanical defects. The inspector will provide a written report that points out existing problems and potential problems. The inspector will go over the entire report with the buyer at the house at the end of inspection.

## *Homeowner's Insurance (Rental Insurance)*

If you plan to make the house a vacation rental, you need a rental policy in addition to the normal homeowner's policy. Most purchasers use their current insurance agent as multiple policy discounts are available. However, some of the larger insurance carriers currently do not provide rental insurance. It's important to check with the insurance agent to get that coverage.

## *Hot Tubs*

Many of the houses and townhomes at Deep Creek Lake convey with a hot tub. As a purchaser, you will have the option of getting a hot tub inspection by a certified hot tub technician. The inspector will make sure the tub isn't leaking, all the jets and pumps are in good working order, and the cover isn't damaged.

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## *Ice Damming*

The average seasonal snowfall total at Deep Creek and Wisp Resort is 110 inches. The roofs in our area are structurally built to code meant to withstand very harsh winter conditions. Ice damming can occur when a roof accumulates snow, it melts, and then refreezes. Roof dormer areas and edges near gutters are especially susceptible to ice damming. It is recommended that heat tape be installed in those areas to prevent ice damming.

## *Mineral Rights*

Mineral rights may include coal, oil, gas, and other valuable resources under the surface. The minerals associated with the property may be owned by the same people who own the surface of the property or the mineral ownership may be severed from the surface ownership by a deed, lease, or other agreement. Unless otherwise stated in the contract of sale, or transferred by previous deed, lease or other agreement, all mineral rights shall convey to the buyer. A lawyer may conduct a mineral rights title search if there is any question about ownership.

## *MLS Printout*

When a seller lists a property for sale, they authorize the listing broker and agent to submit information to the MLS. The MLS that covers Garrett County and Deep Creek Lake is BrightMLS. The MLS printout is similar to an advertisement and contains a limited description of a property, including size, utilities, amenities, and what type of boat dock. This information was obtained from the seller, the public tax records, or list agent, and could be inaccurate, incomplete, or just an approximation. The buyer should always verify any important information contained in the MLS printout.

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## *Mold*

Mold naturally occurs in the environment and can be present in any home. Many of the vacation homes in the Deep Creek area have finished walk-out basements on sloped lots. Humidity levels in these walk-out basements can be higher than other levels of the house. It's always a good idea to get a mold inspection for any house you are purchasing. A mold inspection will determine whether or not elevated mold conditions exist inside on certain levels of the house. If elevated conditions do exist, it's typically allergenic mold spores that are found and not toxic mold. Typically, the allergenic mold spores are found in carpet fibers and can be remediated by an outside company like ServiceMaster. Going forward, installing a properly sized dehumidifier can prevent the possibility of elevated mold conditions.

## *Propane Tanks*

Most of the houses built prior to the mid 1990s in the Deep Creek area have baseboard heat and no ductwork. Most homes built after that time have gas/propane furnaces. Many of these propane tanks are buried underground. In most instances, the homeowner owns the propane tank. However, there could be instances where the homeowner leases the tank. The seller should disclose whether or not they own the tank. If the tank is leased, it's important to review the lease as many contain a buy-out clause and restriction that the homeowner only buy propane from that particular gas company. A lease situation prevents the homeowner from using another gas company that may have lower prices.

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## *Property Survey*

A survey confirms the accuracy of the land area and identifies any encroachments onto the property or the neighbor's property. Older fences and sheds can also encroach. Shared driveways, shared wells, and right-of-ways are not uncommon in the Deep Creek area, either. A survey by a licensed surveyor is strongly recommended and can identify any concerns or issues.

## *Property Disclosures/Disclaimers*

Provided they aren't exempt, sellers of residential property in Maryland can elect to provide either a Disclosure or Disclaimer statement before or after they accept a purchase contract. If they elect to provide a Disclosure statement, they will answer 19 questions about the property's condition, including any latent defects (issues that can't be seen) they may know about. This statement is intended to provide the buyer assistance in evaluating the property. If the sellers elect to provide a Disclaimer statement, they still must disclose the existence of any latent defects they may know about, however, they are not providing any additional information about the property. It's very important to read and review the Disclosure/Disclaimer statement carefully to know exactly what issues might currently exist.

## *Public Tax Records*

The State of Maryland public tax records contain a variety of information, including the assessed value of the property for tax purposes and some physical features of the property. Please note that the information contained in the public tax records are often inaccurate and should always be verified. In addition, the tax assessed values generally do not reflect current market value.

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## *Roofs*

Roofs in the Deep Creek area are typically fiberglass shingles. There are some roofs that are metal or cedar shakes. During the home inspection the inspector will evaluate the age and condition of the roof. The seller will also provide the age of the roof if they elected to provide the Disclosure statement. If the roof shingles are cracking and appear to be older, the home inspector might recommend that it be further evaluated by a licensed contractor.

## *Septic Permits*

While some areas are served by public sewer around Deep Creek Lake, many of the properties have a septic system for sewage disposal. The northern to mid-lake locations are primarily served by public sewer. Most of the southern lake properties have septic systems for sewage disposal. In Garrett County, the septic permits are approved by the number of bedrooms, not bathrooms. If you are purchasing a property with a septic system, it is wise to have the home inspector perform a septic evaluation and review the septic permit to verify it is approved the correct number of bedrooms.

## *Sprinkler Requirements*

All new construction in Maryland, including Garrett County, are required to have a sprinkler system. This cost can vary between a property serviced with public water or well. Garrett County also requires sprinkler systems for any non-grandfathered 6-8 bedroom home that is converted to a Transient Vacation Rental Unit (see next page).

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## *Square Footage*

The square footage listed on an MLS printout, internet listing, or public tax record is often inaccurate and should not be relied upon. The total square footage displayed is usually close, but can sometimes be off by several hundred square feet. Only an appraiser or architect can properly measure the home to verify the exact square footage.

## *TVRU Licenses*

The Deep Creek Lake Watershed Zoning Ordinance was amended in 2003 to specifically address vacation rental properties (Transient Vacation Rental Units). **All vacation rentals in the zoning district must have a TVRU license and conform to specific guidelines, including, but not limited to:**

- One off-street parking space for each bedroom
- Adequate sized windows in each bedroom allowing egress in case of fire or evacuation
- A bear-proof trash container with adequate volume
- A posted notice about quiet hours
- A posted floor plan with fire evacuation plan

TVRUs are limited to a maximum of 8 bedrooms, and TVRUs that have 6-8 bedrooms in Lake Residential Zoning are subject to a special exception hearing.

The formula for the maximum advertised occupancy is 2 people per bedroom, plus an additional 4 guests. Therefore, the maximum advertised occupancy for a 5 bedroom rental house would be 14 guests.

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## *Vacation Rental Property Management Agreements*

If you decide to rent out your vacation house to tourists, more than likely, you will work with a local property management company. The property management company will handle everything required to rent your house and will require you to execute a property management agreement with them. Each local vacation rental company will have different wording in their agreements, but all will contain language that provides details of the fees charged and exact services provided.

## *Water Depths*

Deep Creek Lake is a freshwater, man-made lake with a dam and hydroelectric facility. The lake level gradually rises to its highest point after the winter thaw and peaks in May and June. The lake level is then gradually drawn down throughout the summer and fall months. The Maryland Department of the Environment (MDE) regulates the release of water and establishes an operating rule band to protect lake users' interests. The water depths at the back of many of coves are naturally shallower, which may affect the property's value and recreational use. When evaluating properties, it's important to check the water depths.

## *Wells*

Most properties in the Deep Creek area are serviced by a private well for water. A typical well is approximately 200-300 feet deep and contains a pump that draws water from an underground aquifer. This water then goes to a pressurized tank and can be distributed throughout water lines in the home. The well water quality in Garrett County is considered to be excellent. When purchasing, you can get a water bacteria test, a chemical analysis, and well flow/yield analysis.

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## *Wood Destroying Insects*

The Deep Creek area typically has some but very few instances of termites. However, our area does have carpenter ants, carpenter bees, and powder post beetles that are wood destroying insects and can damage wood trim and cedar siding on a house. All Maryland Association of Realtor sales contracts contain a provision that allows the purchasers to get a wood destroying insect inspection.

## *Zoning*

Unlike every other county in Maryland, Garrett County lacks county-wide zoning. Certain areas and smaller towns in Garrett County have zoning regulations, including the Deep Creek Lake watershed area, which is subject to the [Deep Creek Lake Watershed Zoning Ordinance](#) that became effective in 1975. This also includes the current TVRU (vacation rental) ordinances and Scenic Protection Overlay District. Buyers are advised that current zoning ordinances restrict certain permitted and non-permitted uses in different zoning areas around the lake - and also defines permitted sideline, rear, and front building setbacks.

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## Other Ways to Obtain Property Information

Finding information on a specific property is easy with Google and larger online real estate sites like Zillow and Realtor.com. While there are many home search sites, they all generally pull the same information from the local MLS and public records. Be aware the data found on the larger websites can sometimes be inaccurate or not updated. The best source for timely and accurate information is working with a licensed real estate agent.

Speaking with neighbors is a good way to obtain more information that may not be available online, too. Neighbors can provide a wealth of information and history about a property and neighborhood.

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## Contact Us

Ready to start the home buying process? Open 7 days a week and with two convenient locations, Railey Realty is here to help!

### *Main Office*

2 Vacation Way  
McHenry, MD 21541  
301.387.2000 | [info@railey.com](mailto:info@railey.com)

### *Mid-Lake Office*

19956 Garrett Highway  
Oakland, MD 21550  
301.387.2900 | [info@railey.com](mailto:info@railey.com)

