

Outline of Changes to and New REALTORS® Commercial Alliance Forms

Agency Forms Checklist (Commercial Sales & Leases) Form 501 (NEW)

This is a new form which is a “revival” of a form that used to be in place prior to the significant forms revisions in 2004. The form is intended to be a guide to the various circumstances under which the various forms can and should be used. It also provides a grid/checklist (last page) for tracking of the use of forms under possible transactional circumstances.

Confidentiality Agreement Form 511 (NEW)

This is a new form to be used when a party to a transaction and an agent may be provided with information which is confidential in nature. The agreement sets forth the terms under which the information is to be used and disclosed.

Exclusive Right to Sell Listing Agreement Form 571 (REVISION)

Change in Section 7.a(i) to clarify that an offer which entitles the agent to compensation may come from the Firm, Client or anyone (to clarify that this is an exclusive right to sell listing).

Change to add a checkbox in Section 7.a(i) to provide the option to permit, as to sales commissions, a differing split on cooperating sales and sales by the listing agent. The provisions define a cooperating broker as anyone other than the individual listing agent.

Adds an EIFS disclosure provision as Section 15.

Adds a grant as to intellectual property rights as to pictures and other property information as Section 16.

Exclusive Right to Lease and/or Sell Listing Agreement Form 570 (REVISION)

Change in Section 7.a(i) to clarify that an offer which entitles the agent to compensation may come from the Firm, Client or anyone (to clarify that this is an exclusive right to sell listing).

Change to add a checkbox in Section 7.a(i) to provide the option to permit, as to sales commissions, a differing split on cooperating sales and sales by the listing agent. The provisions define a cooperating broker as anyone other than the individual listing agent.

Change in 7.b(i) to clarify that an offer which entitles the agent to compensation may come from the Firm, Client or anyone (to clarify that this is an exclusive right to lease listing).

Addition of a checkbox in Section 7.(b)(ii) to add to the existing differing split provision a definition of a cooperating broker as anyone other than the individual listing agent

Adds an EIFS disclosure provision as Section 14.

Adds a grant as to intellectual property rights as to pictures and other property information as Section 15.

Exclusive Right to Lease Listing Agreement Form 572 (REVISION)

Change in Section 7.a(i) to clarify that an offer which entitles the agent to compensation may come from the Firm, Client or anyone (to clarify that this is an exclusive right to lease listing).

Addition of a checkbox in Section 7.(a)(ii) to add to the existing differing split provision a definition of a cooperating broker as anyone other than the individual listing agent.

Adds an EIFS disclosure provision as Section 15.

Adds a grant as to intellectual property rights as to pictures and other property information as Section 16.

Agreement for Purchase and Sale of Real Property Form 580-T (REVISION-Jointly approved with NCBA)

The changes to this form are being considered for approval by the Real Property Section Council on May 1, 2008.

Added amortization period as an option to the loan contingency terms in Section 1(b)(ii)

Revised and amplified that assumption contingency terms in Section 1(b)(iv) to incorporate more of the terms and conditions of a typical commercial assumption and to add a contingency mechanic.

Added a checkbox at Section 1(j) to reference the new Additional Provisions Addendum.

Modified Section 15(a) regarding assessments to include a more specific definition, similar to the residential form.

Added a checkbox to make an EIFS disclosure regarding a property if applicable.

Additional Provisions Addendum (NEW)

This form is being considered for approval as a jointly approved form to go with 580-T by the Real Property Section Council on May 1, 2008.

Allows for addition to the 580-T of certain common paragraphs. There is an additional earnest money provision to allow for extra earnest money at the end of the Examination Period; a provision which allows for a per acre price; a provision which allows for a termination right if the acreage varies by more than a stated percentage from the expected acreage; a confidentiality provision under which the parties agree not to disclose the existence of or the terms of the contract; a provision which allows for an intended use to be specified as a condition of the agreement (not intended as a land use contingency, only as a condition that a planned use is permissible).

Contingency/Critical Date Log for Agreement for Purchase and Sale of Real Property (NEW)

This is a new form that is intended as a tool for an agent to use to track and detail the important dates under and with respect to the Form 580-T. Since the Agreement to Amend Contract has been withdrawn from consideration due to questions raised by the Bar, we would request approval of this form with those lines removed.

Professional Services Disclosure and Election Form 595 (NEW)

This form is new but is substantially similar to the same residential form, modified to address commercial transaction due diligence items.

Commercial Lease Agreement (Single Tenant Facility) Form 590-T (Revision)

The only change to this form is to add a note at the top that the form is not intended to and should not be used as a sublease.

Commercial Lease Agreement (Multi-Tenant Facility) Form 592-T (Revision)

The only change to this form is to add a note at the top that the form is not intended to and should not be used as a sublease.