

2017 GAR FORMS TABLE OF CONTENTS



2017 Printing

LICENSE AGREEMENT

L1 License for Use of 2017 GAR-Approved Real Estate Forms

GAR CONSUMER BROCHURES

- Use these!

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B3 Protect Yourself When Buying a Home to be Constructed
B4 What to Consider When Buying a Home in a Condominium
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BROKERAGE ENGAGEMENTS, AUTHORIZATION TO SHOW UNLISTED PROPERTY, AGENCY EXHIBITS, CUSTOMER ACKNOWLEDGEMENT

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SPECIAL STIPULATIONS INDEX

SPECIAL STIPULATIONS (See Special Stipulations Index)

2017 GAR FORMS INDEX

2017 GAR FORMS CHANGES

2017 GAR Forms Changes



as of January 2017



The following pages will list the changes to the forms in the entire GAR Form Library. Paragraph numbers on the left, are the original numbers of the ¶'s in the previous years' (2016) form.

B1 Protect Yourself When Selling a House

*** Removed cover page and removed paragraph numbering

¶3 Prepare the property for showing – Modified language regarding keeping the door locked for added safety

¶6 Read and keep a copy of contracts – modified language regarding compliance with contract deadlines

¶10 Comply with fair housing laws – added “gender identity”

¶11 Have a plan for pets – changed “Seller’s” to “Sellers”

B2 Protect Yourself When Buying a Home

*** Removed cover page and removed paragraph numbering

B3 Protect Yourself When Buying a Home to be Constructed

*** Removed cover page and removed paragraph numbering

¶5 Have Realistic Expectations Regarding the Closing Date – removed “form”

B4 What to Consider When Buying a Home in a Condominium

*** Removed cover page and removed paragraph numbering

¶7 Removed the word “may” and the phrase “or the members”

B5 What to Consider When Buying a Home in a Community with a Home Owners Association (“HOA”)

*** Removed cover page and removed paragraph numbering

B6 What Buyers and Sellers Need to Know About Short Sales & Distressed Property

*** Removed cover page and removed paragraph numbering

B7 What Buyers Should Know About Flood Hazard Areas & Flood Insurance

*** Removed cover page and removed paragraph numbering

B8 What New Landlords Need to Know About Leasing Property

*** Removed cover page and removed paragraph numbering

B9 The ABC’s of Agency

*** Removed cover page and removed paragraph numbering

F1 Exclusive Seller Listing Agreement

¶A1(b) Legal Description #4 – added “NOT TO BE USED IF PROPERTY IS A FEE SIMPLE TOWNHOME”

¶A5 Brochures – Added the ABC’s of Agency and the Mold Pamphlet – Mold, Moisture, and Your Home to the list of brochures; reformatted

¶A6 Marketing – Removed section (a) Scope

¶A8 Protected Period – language updated

¶B2(a) Added title “Initial Listing Period” to subsection; capitalized “agreement”

¶B3(b) Broker’s Duties to Seller – removed “a sales price of at least”

¶B6(a) Marketing – Generally – added language regarding Broker control in marketing. Also added clarifying language at the end of the section that a Broker cannot place sign on property once it has been sold without the new owner’s permission.

¶B7(a) Commission – added language that makes a commission due for the sale of any ownership interests in a legal entity that owns the property

¶B8 Protected Period – added language that the Protected Period applies to options to sell and contracts to sell ownership interests in the legal entity which owns the Property

*** Moved Seller acknowledgement section to top of signature page

*** Moved Seller receipt of agreement box to bottom of signature page

*** Reformatted Signature Page and added Additional Signature Page option

F2 Non-Exclusive Seller Listing Agreement

- ¶A1 Added "Non-Exclusive Seller Listing Agreement" to introduction
- ¶A1(b) Legal Description #4 – added "NOT TO BE USED IF PROPERTY IS A FEE SIMPLE TOWNHOME"
- ¶A5 Brochures – Added the ABC's of Agency and the Mold Pamphlet – Mold, Moisture, and Your Home to the list of brochures; reformatted
- ¶A6 Marketing – Removed section (a) Scope and (b) Broker agrees to file this listing with the following MLS; added right for agent listing in any media of Broker's choosing and to install a "For Sale" sign on property
- ¶A8 Protected Period – language updated
- ¶B1 Non-Exclusive Listing Agreement – added clarifying language on the rights of the seller
- ¶B2(a) Added title "Initial Listing Period" to subsection; capitalized "agreement"
- ¶B2(b) Extension – added language regarding a broker who introduces a buyer to the property
- ¶B3(b) Broker's Duties to Seller – removed "a sales price of at least"
- ¶B2(a) Negotiations – modified language requiring the seller to cooperate with broker
- ¶B6(a) Marketing – Generally – added language regarding Broker control in marketing. Also added clarifying language at the end of the section that a Broker cannot place sign on property once it has been sold without the new owner's permission.
- ¶B6(b) Multiple Listing Service(s) – removed; all subsequent ¶s renumbered
- ¶B7(a) Commission – modified language about when a commission is owed
Added new subsection (b); all subsequent ¶s renumbered
- ¶B7(b) Commission – now subsection (c) – changed "procures" to "assists Broker in procuring"
- ¶B7(c) Commission – now subsection (d) – removed title of subsection
- ¶B8 Protected Period – added language that the Protected Period applies to options to sell and contracts to sell ownership interests in the legal entity which owns the Property; removed language regarding any buyer who visited, received information or inquired about property
- ¶C6(f) Miscellaneous – Limits on Seller's Responsibility – changed "contacted" to "introduced to the Property"; added phrase "on a non-exclusive basis"
- ¶C6 Miscellaneous – added new subsection (j) Definition of "Introduced"
- *** Moved Seller acknowledgement section to top of signature page
- *** Moved Seller receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

F3 Authorization to Show Unlisted Property

- ¶15 Receipt by Owner of Consumer Protection Brochures – Reformatted
- *** Moved Seller receipt of agreement box to bottom of last page
- *** Reformatted Signature section and added Additional Signature Page option

F4 Exclusive Buyer Brokerage Agreement

- ¶8 Protected Period and Commission – added language that the Protected Period applies and Commission is owed on options to purchase and contracts to exchange ownership interests in the legal entity which owns the Property
- ¶26 Receipt by Buyer of Consumer Protection Brochures – Added the ABC's of Agency and the Mold Pamphlet – Mold, Moisture, and Your Home to the list of brochures; reformatted
- *** Moved Buyer acknowledgement section to top of signature page
- *** Moved Buyer receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

F5 Non-Exclusive Buyer Brokerage Agreement

- ¶8 Protected Period and Commission – added language that the Protected Period applies and Commission is owed on options to purchase and contracts to exchange ownership interests in the legal entity which owns the Property
- ¶26 Receipt by Buyer of Consumer Protection Brochures – Added the ABC's of Agency and the Mold Pamphlet – Mold, Moisture, and Your Home to the list of brochures; reformatted
- *** Moved Buyer acknowledgement section to top of signature page
- *** Moved Buyer receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

F6 Agreement to Work With Buyer As a Customer

- ¶5 Receipt by Buyer of Consumer Protection Brochures – Added the ABC's of Agency and the Mold Pamphlet – Mold, Moisture, and Your Home to the list of brochures; reformatted
- *** Moved Buyer receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

F7 Exclusive Leasing Listing Agreement

- *** Moved Owner acknowledgement section to top of signature page
- *** Moved Owner receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

F8 Exclusive Leasing/Management Agreement
*** Moved Owner acknowledgement section to top of signature page
*** Moved Owner receipt of agreement box to bottom of signature page
*** Reformatted Signature Page and added Additional Signature Page option

F9 Exclusive Tenant Brokerage Agreement
*** Moved Tenant acknowledgement section to top of signature page
*** Moved Tenant receipt of agreement box to bottom of signature page
*** Reformatted Signature Page and added Additional Signature Page option

F10 Non-Exclusive Tenant Brokerage Agreement
*** Moved Tenant acknowledgement section to top of signature page
*** Moved Tenant receipt of agreement box to bottom of signature page
*** Reformatted Signature Page and added Additional Signature Page option

F11 Agency Exhibit (Owner/Landlord and Tenant)
*** Reformatted initial lines

F12 Agency Exhibit (Buyers and Sellers)
*** Reformatted initial lines

F13 Agreement to Work With Tenant As a Customer
*** Moved Tenant receipt of agreement box to bottom of signature page
*** Reformatted Signature Page and added Additional Signature Page option

F17 Non-Exclusive Leasing Listing Agreement
*** Moved Owner receipt of agreement box to bottom of signature page
*** Reformatted Signature Page and added Additional Signature Page option

F18 Services to Be Performed by Manager Exhibit
*** Reformatted Owner and Manager Initial Lines

F20 Purchase and Sale Agreement

- ¶A2 Survey – Section deleted; all subsequent ¶'s renumbered
¶A5(b) Closing and Possession – Seller Retains Possession of Property Through – now ¶A4(b) – renamed to Possession of the Property Shall Be Transferred to Buyer; added options for the transfer of the property
¶A11(c) Brokerage Relationships in this Transaction – Material Relationship Disclosure – now ¶A10(c) – modified language regarding disclosure of material relationships
*** Reformatted Initial lines at bottom of first page
¶B1(b) Purchase and Sale/Title – Examination – added “and obtain a survey of the Property” to first line of section
¶B2 Survey – Section deleted; all subsequent ¶'s renumbered
¶B4(a) Closing Costs and Prorations – Items Paid by Buyer – now ¶B3(a) – added “limited” before “warranty deed”
¶B4(c) Closing Costs and Prorations – Prorations – now ¶B3(c) – added “professional” in second to last sentence of section. Added “for the year in which the Property is sold” in the last sentence of section
¶B5(a) Closing and Possession – Right to Extend the Closing Date – now ¶B4(a) – under (2) removed “if any, (including..)” and replaced it with “even”. Added “where Buyer is obtaining a mortgage loan” language. Added “is delayed and” after “of the closing attorney”
¶B9(a) Inspection and Due Diligence – Right to Inspect Property – now ¶B8(a) – added “Upon prior notice to Seller,” to the beginning of the section. Added language to the end of the section regarding the Buyer's duty to restore the Seller's property to the condition it was in prior to tests or evaluations conducted on the property.
¶B9(b) Inspection and Due Diligence – Duty to Inspect Neighborhood – now ¶B8(b) – added language where Buyer can learn whether Property was used for the production of methamphetamines
¶B9(d) Inspection and Due Diligence – Property Sold “As-Is” Unless this Agreement is Subject to Due Diligence Period – now ¶B8(d) – Subsection (1) General – Added language about Seller's duty to disclose latent defects even if Property is sold as-is
¶B11(a) Agency and Brokerage – Agency Disclosure – now ¶B10(a) – modified language in first sentence
¶B11(b) Agency and Brokerage – Brokerage – now ¶B10(b) – added language to the end of the section regarding the Brokers' agreement to be Holder in the transaction
¶B11(c) Agency and Brokerage – Disclaimer – now ¶B10(c) – added language to protect broker when writing special stipulations on behalf of the client
¶C2 Default – new subsection (c) Attorney's Fees
¶C3 Risk of Damage to Property – added “without penalty” to sentence that states that either the buyer or seller can terminate the agreement within 14 days of notice of property destruction

F20 Purchase and Sale Agreement (cont.)

- ¶C4(a) Other Provisions – Entire Agreement, Modification and Assignment – modified assignment language to state that the Seller could withhold approval to assign contract for any reason or no reason
- ¶C4(b) Other Provisions – Survival of Agreement – added language that condemnation section would survive agreement
- ¶C4(c) Other Provisions – Governing Law and Interpretation – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force
- ¶C4(f) Other Provisions – Binding Agreement Date – added missing “of” into section
- ¶C4(k) Other Provisions – No Authority to Bind – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized
- ¶C4 Other Provisions – new subsection (l) Condemnation
- *** Reformatted Signature Page and added Additional Signature Page option

F21 Special Stipulations

- *** Modified introduction
- *** Reformatted initial lines

F22 Counteroffer or Modification of Unaccepted Original Offer

- *** Modified top paragraph describing the counteroffer
- *** New ¶B Relationship between Original Offer and This Counteroffer
- All subsequent ¶’s renumbered
- ¶B Effect of Accepting this Counteroffer – now ¶C. Language modified and shortened based on new ¶B
- *** Buyer and Seller Initials added to bottom of first page

F23 New Construction Purchase and Sale Agreement

- ¶A2 Survey – Section deleted; all subsequent ¶’s renumbered
- ¶A5(b) Closing and Possession – Seller Retains Possession of Property Through – now ¶A4(b) – renamed to Possession of the Property Shall Be Transferred to Buyer; added options for the transfer of the property
- ¶A15(c) Brokerage Relationships in this Transaction – Material Relationship Disclosure – now ¶A14(c) – modified language regarding disclosure of material relationships
- *** New ¶A16 Home Inspector options; All subsequent ¶’s renumbered
- ¶B1(b) Purchase and Sale/Title – Examination – added “and obtain a survey of the Property” to first line of section
- ¶B2 Survey – Section deleted; all subsequent ¶’s renumbered
- ¶B5(a) Closing Costs and Prorations – Items Paid by Buyer – now ¶B4(a) – added “limited” before “warranty deed”
- ¶B5(c) Closing Costs and Prorations – Prorations – now ¶B4(c) – added “professional” in second to last sentence of section. Added “for the year in which the Property is sold” in the last sentence of section
- ¶B6(a) Closing and Possession – Right to Extend the Closing Date – now ¶B5(a) – under (2) removed “if any, (including..)” and replaced it with “even”. Added “where Buyer is obtaining a mortgage loan” language. Added “is delayed and” after “or the closing attorney”
- ¶B15(a) Agency and Brokerage – Agency Disclosure – now ¶B14(a) – modified language in first sentence
- ¶B15(b) Agency and Brokerage – Brokerage – now ¶B14(b) – added language to the end of the section regarding the Brokers’ agreement to be Holder in the transaction
- ¶C1 Risk of Damage to Property – added “without penalty” to sentence that states that either the buyer or seller can terminate the agreement within 4 days of notice of property destruction
- ¶C2(a) Right to Inspect Property – now ¶B16
- ¶C2(b) Private Inspectors – now ¶C2(a) – removed inspector requirements that are now inspector options on page two of form.
- ¶C3 Disclaimer – moved to ¶B14(c) – all subsequent ¶’s renumbered; added language to protect broker when writing special stipulations on behalf of the client
- ¶C5 Default – now ¶C4 – new subsection (c) Attorney’s Fees
- ¶C8(c) Other Provisions – Entire Agreement, Modification and Assignment – now ¶C7(c) – modified assignment language to state that the Seller could withhold approval to assign contract for any reason or no reason
- ¶C8(d) Other Provisions – Survival of Agreement – now ¶C7(d) – added language that condemnation section would survive agreement
- ¶C8(e) Other Provisions – Governing Law and Interpretation – now ¶C7(e) – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force
- ¶C8(h) Other Provisions – Binding Agreement Date – now ¶C7(h) – added missing “of” into section
- ¶C8(n) Other Provisions – No Authority to Bind – now ¶C7(n) – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized
- ¶C8 Other Provisions – now ¶C7 – new subsection (o) Condemnation
- *** Reformatted Buyer and Seller Initial Lines
- *** Reformatted Signature Page and added Additional Signature Page option

F24 New Construction Exhibit

- *** Reformatted Buyer and Seller Initial Lines

F25 Pre-Construction Specifications Exhibit

Reformatted Buyer and Seller Initial Lines

F26 Walk Through List

Reformatted Signature Page and added Additional Signature Page option

F27 Lot Purchase and Sale Agreement

¶A2 Survey – Section deleted; all subsequent ¶'s renumbered

¶A5(b) Closing and Possession – Seller Retains Possession of Property Through – now ¶A4(b) – renamed to Possession of the Property Shall Be Transferred to Buyer; added options for the transfer of the property

¶A10(c) Brokerage Relationships in this Transaction – Material Relationship Disclosure – now ¶A9(c) – modified language regarding disclosure of material relationships

¶A12 Time Limit of Offer – now ¶A10 – flipped with Consent to Share Non-Public Information

¶B1(b) Purchase and Sale/Title – Examination – added “and obtain a survey of the Property” to first line of section

¶B2 Survey – Section deleted; all subsequent ¶'s renumbered

¶B4(a) Closing Costs and Prorations – Items Paid by Buyer – now ¶B3(a) – added “limited” before “warranty deed”

¶B4(c) Closing Costs and Prorations – Prorations – now ¶B3(c) – added “professional” in second to last sentence of section. Added “for the year in which the Property is sold” in the last sentence of section

¶B5(a) Closing and Possession – Right to Extend the Closing Date – now ¶B4(a) – under (2) removed “if any, (including..)” and replaced it with “even”. Added “where Buyer is obtaining a mortgage loan” language. Added “is delayed and” after “or the closing attorney”

¶B9(a) Inspection and Due Diligence – Right to Inspect Property – now ¶B8(a) – added “Upon prior notice to Seller,” to the beginning of the section. Added language to the end of the section regarding the Buyer's duty to restore the Seller's property to the condition it was in prior to tests or evaluations conducted on the property.

¶B9(b) Inspection and Due Diligence – Duty to Inspect Neighborhood – now ¶B8(b) – added language where Buyer can learn whether Property was used for the production of methamphetamines

¶B9(d) Inspection and Due Diligence – Property Sold “As-Is” Unless this Agreement is Subject to Due Diligence Period – now ¶B8(d) – Subsection (1) General – Added language about Seller's duty to disclose latent defects even if Property is sold as-is

¶B10(a) Agency and Brokerage – Agency Disclosure – now ¶B9(a) – modified language in first sentence

¶B10(b) Agency and Brokerage – Brokerage – now ¶B9(b) – added language to the end of the section regarding the Brokers' agreement to be Holder in the transaction

¶B10(c) Agency and Brokerage – Disclaimer – now ¶B9(c) – added language to protect broker when writing special stipulations on behalf of the client

¶C2 Default – new subsection (c) Attorney's Fees

¶C3 Risk of Damage to Property – added “without penalty” to sentence that states that either the buyer or seller can terminate the agreement within 14 days of notice of property destruction

¶C4(a) Other Provisions – Entire Agreement, Modification and Assignment – modified assignment language to state that the Seller could withhold approval to assign contract for any reason or no reason

¶C4(b) Other Provisions – Survival of Agreement – added language that condemnation section would survive agreement

¶C4(c) Other Provisions – Governing Law and Interpretation – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force

¶C4(f) Other Provisions – Binding Agreement Date – added missing “of” into section

¶C4(k) Other Provisions – No Authority to Bind – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized

¶C4 Other Provisions – new subsection (l) Condemnation

Reformatted Buyer and Seller Initial Lines

Reformatted Signature Page and added Additional Signature Page option

F28 New Construction Plans and Specifications Exhibit

Reformatted Buyer and Seller Initial Lines

F29 Lease Purchase and Sale Exhibit

Reformatted Buyer and Seller Initial Lines

F30 Lease for Lease/Purchase Agreement Exhibit

Reformatted Signature Page and added Additional Signature Page option

F31 Option Agreement

Reformatted Signature Page and added Additional Signature Page option

F32 Instructions to Closing Attorney

Reformatted signature lines

F33 Condominium Resale Purchase and Sale Exhibit

*** Reformatted Buyer and Seller Initial Lines

F34 Land Purchase and Sale Agreement

- ¶A2 Survey – Section deleted; all subsequent ¶'s renumbered
¶A3 Now ¶A2, "new" removed
¶A6(b) Closing and Possession – Seller Retains Possession of Property Through – renamed to Possession of the Property Shall Be Transferred to Buyer; added options for the transfer of the property
¶A13(c) Brokerage Relationships in this Transaction – Material Relationship Disclosure – modified language regarding disclosure of material relationships
¶B1(b) Purchase and Sale/Title – Examination – added "and obtain a survey of the Property" to first line of section
¶B2 Survey – Section deleted; all subsequent ¶'s renumbered
¶B5(a) Closing Costs and Prorations – Items Paid by Buyer – now ¶B4(a) – added "limited" before "warranty deed"
¶B5(c) Closing Costs and Prorations – Prorations – now ¶B4(c) – added "professional" in second to last sentence of section. Added "for the year in which the Property is sold" in the last sentence of section
¶B6 Closing and Possession – Right to Extend the Closing Date – now ¶B5 – under (2) removed "if any, (including..)" and replaced it with "even". Added "where Buyer is obtaining a mortgage loan" language. Added "is delayed and" after "or the closing attorney"
¶B10(a) Inspection and Due Diligence – Right to Inspect Property – now ¶B9(a) – added "Upon prior notice to Seller," to the beginning of the section. Added language to the end of the section regarding the Buyer's duty to restore the Seller's property to the condition it was in prior to tests or evaluations conducted on the property.
¶B10(b) Inspection and Due Diligence – Duty to Inspect Neighborhood – now ¶B9(b) – added language where Buyer can learn whether Property was used for the production of methamphetamines
¶B10(d) Inspection and Due Diligence – Property Sold "As-Is" Unless this Agreement is Subject to Due Diligence Period – now ¶B9(d) – Subsection (1) General – Added language about Seller's duty to disclose latent defects even if Property is sold as-is
¶B13(a) Agency and Brokerage – Agency Disclosure – now ¶B12(a) – modified language in first sentence
¶B13(b) Agency and Brokerage – Brokerage – now ¶B12(b) – added language to the end of the section regarding the Brokers' agreement to be Holder in the transaction
¶B13(c) Agency and Brokerage – Disclaimer – now ¶B12(c) – added language to protect broker when writing special stipulations on behalf of the client
¶C3 Risk of Damage to Property – added "without penalty" to sentence that states that either the buyer or seller can terminate the agreement within 14 days of notice of property destruction
¶C4(b) Other Provisions – Survival of Agreement – added language that condemnation section would survive agreement
¶C4(c) Other Provisions – Governing Law and Interpretation – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force
¶C4(f) Other Provisions – Binding Agreement Date – added missing "of" into section
¶C4(k) Other Provisions – No Authority to Bind – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized
¶C2 Default – new subsection (c) Attorney's Fees
¶C4 Other Provisions – new subsection (l) Condemnation
*** Reformatted Buyer and Seller Initial Lines
*** Reformatted Signature Page and added Additional Signature Page option

F35 Dwelling and Land Both Have Value Exhibit

*** Reformatted Buyer and Seller Initial Lines

F36 Option Agreement to Purchase Leased Property Exhibit

- ¶B4(a) Closing Costs and Other Settlement Expenses – Items Paid by Buyer – added "limited" before "warranty deed"
¶B4(c) Closing Costs and Other Settlement Expenses – Prorations – added "professional" in second to last sentence of section. Added "for the year in which the Property is sold" in the last sentence of section
¶B5 Closing and Possession – Right to Extend the Closing Date – under (2) removed "if any, (including..)" and replaced it with "even". Added "where Buyer is obtaining a mortgage loan" language. Added "is delayed and" after "or the closing attorney"
¶B7 Title – subsection (b) Examination - added "and obtain a survey of the Property" to first line of section
¶B7 Title – subsection (c) Survey removed
¶B11(a) Agency and Brokerage – Agency Disclosure – modified language in first sentence
¶B11(b) Agency and Brokerage – Brokerage – now ¶B12(b) – added language to the end of the section regarding the Brokers' agreement to be Holder in the transaction
¶B12 Disclaimer – added language to protect broker when writing special stipulations on behalf of the client
¶B15 Default – new subsection (c) Attorney's Fees
¶B16(c) Other Provisions – Entire Agreement, Modification and Assignment – modified assignment language to state that the Seller could withhold approval to assign contract for any reason or no reason
¶B16(d) Other Provisions – Survival of Agreement – added language that condemnation section would survive agreement
¶B16(e) Other Provisions – Governing Law and Interpretation – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force
¶B16(h) Other Provisions – Binding Agreement Date – added missing "of" into section

F36 Option Agreement to Purchase Leased Property Exhibit (cont.)

- ¶B16(m) Other Provisions – No Authority to Bind – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized
- ¶B16 Other Provisions – new subsection (n) Condemnation
- *** Reformatted Signature Page and added Additional Signature Page option

F37 Leasing Commission Confirmation Agreement

- *** Reformatted signature lines

F38 Co-op Commission Agreement

- *** Reformatted signature lines

F40 Lease for Residential Property

- *** Reformatted Signature Page and added Additional Signature Page option

F43 Move-In/Move-Out Inspection Form

- *** Reformatted initial lines at the bottom of each page
- *** Added Additional Signature Page Option

F44 Rental Application

- *** Changed all "Landlord" to "Owner" on first page
- ¶3 Removed "Landlord"; changed "Tenant" to "Applicant"
- ¶4 Added definition of "Agent"
- ¶5 Changed Reservation Fee being applied towards security deposit to being applied towards rent; changed "rental deposit" to "Reservation Fee"
- ¶8 Information About Applicant – moved to page two
- ¶9 Warranty of Applicant – now ¶8
- ¶10 Commitment to Equal Housing – now ¶9
- ¶11 Reason for Denial – now ¶10; change "Landlord's agent" to "Agent"
- *** Added disclaimer right before signature line
- *** Moved applicant signature line to page 1
- *** Added options for Applicant to select whether or not s/he has seen the Property
- ¶B Employment – now ¶C – added lines for previous employer
- *** Added Residence History Section; all subsequent ¶s renumbered
- ¶C Removed References section
- *** Other Matters – now ¶D – Added several yes or no questions
- *** Added Property Address and Applicant Initials to the bottom of pages 2 and 3 for reference

F49 Owner's Property Disclosure Statement (Lease) Exhibit

- *** Added Additional Signature Page Option

F50 Seller's Property Disclosure Statement Exhibit

- ¶A3 Instructions to Seller in completing this Statement – added "unless the "yes" answer is self-evident
- ¶C4 Structural Items, Additions and Alterations – subsection (c), added clarifying language
- ¶C5 Systems and Components – added age of HVAC system
- ¶C6 Sewer/Plumbing Related Items – subsection (g), added "or damage therefrom"
- ¶C8 Flooding, Draining, Moisture, and Springs – subsection (a), added "or damage therefrom"
- ¶C10 Termites, Dry Rot, Pests and Wood Destroying Organisms – subsection (b), added line for expiration and renew dates of termite bond or warranty
- ¶C12 Litigation and Insurance – added new question regarding condemnation action
- ¶D Added Free Standing Freezer, Refrigerator/Freezer and Other Section to the Appliance list
- *** Modified signature lines and added Additional Signature Page Option

F51 Seller's Property Disclosure Statement (New Construction) Exhibit

- *** Added Additional Signature Page Option

F52 Seller's Property Disclosure Statement (Condominium) Exhibit

- *** Form Reformatted
- ¶A Instructions to Seller in Completing This Disclosure Statement – instructions revised
- ¶B How This Statement Should be Used By Buyer – language revised
- ¶C Renamed Disclosures to Seller Disclosures; reformatted each section into boxes – combined sections and renamed as needed; added and removed questions under each section as necessary
- ¶C2 Fees, Assessments and Property Management removed

F52 Seller's Property Disclosure Statement (Condominium) Exhibit (cont.)

- ¶D Items to Remain with Property – renamed to Fixtures Checklist
- Reformatted checklist – removed several items and added and “Others” section
- Eliminated “Location of items checked above,” “Other items, and its location, included in the sale of the Property shall be,” and “other items not included in the sale of Property shall be.”
- Added Clarification Regarding Multiple Items section
- Added Items Needing Repair section
- *** Modified signature lines and added Additional Signature Page Option

F53 Land/Lot Seller's Property Disclosure Statement Exhibit

- *** Added Additional Signature Page Option

F54 Lead-Based Paint Exhibit

- *** Added Additional Signature Page Option

F57 Broker's Information Disclosure

- *** Modified introduction
- *** Reformatted form to add lines
- *** Added two additional Question, Answer and Source sections

F59 DeKalb Country Plumbing Disclosure

- *** Reformatted Buyer and Seller Initial Lines

F60 New Construction Seller Disclosures Exhibit

- *** Reformatted Buyer and Seller Initial Lines

F61 Loan Assumption

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Buyer and Seller Initial Lines

F63 FHA Loan Contingency Agreement

- *** Reformatted Signature lines
- *** Added Additional Signature Page Option

F64 Conventional Loan Contingency Agreement

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Signature lines
- *** Added Additional Signature Page Option

F65 VA Loan Contingency Agreement

- *** Reformatted Signature lines
- *** Added Additional Signature Page Option

F66 Institutional Second Mortgage Contingency Exhibit

- *** Reformatted Buyer and Seller Initial Lines

F67 Seller Financing (First Mortgage) Exhibit

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Buyer and Seller Initial Lines

F68 Seller Financing (Second Mortgage) Exhibit

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Buyer and Seller Initial Lines

F69 Seller Financing (Third Mortgage) Exhibit

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Buyer and Seller Initial Lines

F70 Seller Financing (Wrap Around Mortgage) Exhibit

- *** Changed all “Amendment to Reduce Sales Price” and “ATRSP” to “Amendment to Sales Price” and “ATSP”
- *** Reformatted Buyer and Seller Initial Lines

- F74 Request for Loan Information**
*** Added Additional Signature Page option
- F76 Reminder of Important Dates in the Purchase and Sale Agreement**
*** Added extra address lines
- F77 Disclosure to Principal of Fees Paid or Received by Broker**
*** Reformatted Signature lines
*** Added Additional Signature Page Option
- F78 USDA-Rd Loan Contingency Exhibit**
*** Changed all "Amendment to Reduce Sales Price" to "Amendment to Sales Price"
*** Reformatted Signature lines
*** Added Additional Signature Page Option
- F79 All Cash Sale (No Financing Contingency) Exhibit**
*** Reformatted Buyer and Seller Initial Lines
- F80 Earnest Money Held by Seller Exhibit**
*** Reformatted Buyer and Seller Initial Lines
- F81 Additional Earnest Money Held by Seller Exhibit**
*** Reformatted Buyer and Seller Initial Lines
- F82 Earnest Money Transfer to Seller Amendment**
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option
- F83 Unilateral Notice to Terminate Purchase and Sale Agreement and Proposed Disbursement of Earnest Money**
*** Modified introduction
*** Added Additional Signature Page Option
- NEW FORM F84 Agreement for Escrow Agent to Serve as Holder of Earnest Money**
- F85 Escrow Agreement**
*** Added Additional Signature Page Option
- F86 Agreement to Disburse Trust Funds Prior to Closing**
*** Added Additional Signature Page Option
- F87 Unilateral Termination of Brokerage Engagement Agreement**
*** Added Additional Signature Page Option
- F88 Mutual Agreement to Terminate Purchase & Sale Agreement/Disburse Earnest Money**
*** Added Additional Signature Page Option
- F89 Mutual Termination of Brokerage Engagement Agreement**
*** Added extra lines for a second client signature
*** Added Additional Signature Page Option
- F90 Sale or Lease of Buyer's Property Contingency Exhibit**
*** Added line for City in address field
*** Reformatted Buyer and Seller Initial Lines
- F91 Back-Up Contingency Exhibit**
*** Reformatted Buyer and Seller Initial Lines

F92 General Contingency Exhibit
*** Reformatted Buyer and Seller Initial Lines

F94 Short Sale Contingency Exhibit
*** Reformatted Buyer and Seller Initial Lines

F100 Amendment to Remove Inspection Contingency
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F102 Amendment to Remove Contingency
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F103 Amendment to Remove Contingency of Sale or Lease of Buyer's Property
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F104 Amendment to Change Closing/Possession Date
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F105 Amendment to Agreement
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F106 Amendment to Brokerage Engagement
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F107 Amendment to Address Concerns with Property
*** Made form a two-page form
*** Modified introduction
*** Placed termination of Due Diligence section prior to section that addresses concerns with property and removed encompassing box
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F108 Amendment to Reduce Sales Price
*** Renamed to "Amendment to Sales Price"
*** Modified introduction
*** Changed all "purchase" to "sales"
*** Added option to attach or not attach appraisal
*** Added option to have the Amendment remain open for acceptance until a certain period
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F109 Amendment to Change Due Diligence Period
*** Renamed to "Amendment to the Due Diligence Period"
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F110 Amendment to Lease Agreement
*** Added various checkbox options for amending a lease
*** Modified introduction
*** Reformatted Signature lines
*** Added Additional Signature Page Option

F120 Additional Page

*** Reformatted Initial Lines

F121 Arbitration/Mediation Agreement

*** Added Additional Signature Page Option

F122 Assignment of Purchase and Sale Agreement Rights

*** Added lines to insert property address

F123 Community Association Disclosure

*** Added "Directions for Filling Out This Disclosure"

*** Added section that describes the Seller's liability for failure to disclose full amount of fees

F124 Binding Agreement Date Notification

*** Added Additional Signature Page Option

F126 Buyer's Authorization to Make Repairs and/or Improvements Prior to Closing

*** Modified introduction

*** Reformatted Signature lines

*** Added Additional Signature Page Option

F127 Condominium Legal Description Exhibit

*** Reformatted Buyer and Seller Initial Lines

F128 Exhibit to Agreement

*** Reformatted Buyer and Seller Initial Lines

F129 Property Sold with the Right to Request Repairs Exhibit

*** Reformatted Buyer and Seller Initial Lines

F132 Unilateral Notice to Withdraw Offer

*** Renamed form to "Notice to Withdraw Offer"

*** Modified introduction

*** Combined Buyer and Seller Sections

*** Changed Signature lines to "Signature of Party Giving Notice"

*** Added Additional Signature Page Option

F133 Notice to Unilaterally Extend Closing Date for Eight Days

*** Modified introduction

*** Combined Buyer and Seller Sections

*** Changed Signature lines to "Signature of Party Giving Notice"

*** Added Additional Signature Page Option

F134 Notice to Unilaterally Extend Inspection Period

*** Added language under title regarding when this form should be used

*** Modified introduction

*** Added Additional Signature Page Option

F135 Notice

*** Modified introduction

*** Combined Buyer and Seller Sections

*** Changed Signature lines to "Signature of Party Giving Notice"

*** Added Additional Signature Page Option

F136 Personal Property Agreement (Bill of Sale)

¶1 Changed "consummation" to "closing" and "consummated" to "closed"

*** Added Additional Signature Page Option

F137 Pet Exhibit

- *** Added various pet fee options and initial boxes
- ¶2 Modified language
- *** Reformatted Owner and Tenant Initial Lines

F138 Survey Resolution

- *** Reformatted Buyer and Seller Initial Lines

F139 Temporary Occupancy for Prior to Closing Exhibit

- *** Reformatted Buyer and Seller Initial Lines

F140 Temporary Occupancy for Seller After Closing Exhibit

- *** Changed occupancy period from 30 days to 60 days
- *** Reformatted Buyer and Seller Initial Lines

F142 Agreement to Keep Offers Confidential

- ¶4 Limited Disclosure of Offer Permissible – Added the word “are” into last sentence
- *** Reformatted Signature Page and added Additional Signature Page option

F143 Notice of the Exercise of Tenant’s/Buyer’s Option to Purchase Property

- *** Added Additional Signature Page option

F144 Notice to Reject Offer/Counteroffer

- *** Modified introduction
- *** Combined Buyer and Seller Sections
- *** Changed Signature lines to “Signature of Party Giving Notice”
- *** Added Additional Signature Page Option

F145 Notice to Tenant of Changes Affecting the Rental of Property

- *** Added Additional Signature Page option

F147 Legal Description Exhibit

- *** Reformatted Buyer and Seller Initial Lines

F148 Confidentiality and Non-Disclosure Agreement

- *** Reformatted Signature Page and added Additional Signature Page option

NEW FORM F149 Additional Signature Page (Buyers and Sellers)

NEW FORM F150 Additional Signature Page (Tenants and Landlords)

CF1 Exclusive Seller Listing Agreement

- ¶A5 Marketing – Removed section (a) Scope
- ¶A7 Protected Period – language updated
- ¶B5(a) Marketing – Generally – added language regarding Broker control in marketing. Also added clarifying language at the end of the section that a Broker cannot place sign on property once it has been sold without the new owner’s permission.
- ¶B6(a) Commission – added language that makes a commission due for the sale of any ownership interests in a legal entity that owns the property
- ¶B7 Protected Period – added language that the Protected Period applies to options to sell and contracts to sell ownership interests in the legal entity which owns the Property
- *** Moved Seller acknowledgement section to top of signature page
- *** Moved Seller receipt of agreement box to bottom of signature page
- *** Reformatted Signature Page and added Additional Signature Page option

CF2 Purchase and Sale Agreement

¶A3 Added "Closing Costs." title to section

¶A13(c) Brokerage Relationships in this Transaction – Material Relationship Disclosure – modified language regarding disclosure of material relationships

¶C2 Default – new subsection (c) Attorney's Fees

¶C3(d) Other Provisions – Survival of Agreement – added language that condemnation section would survive agreement

¶C3(e) Other Provisions – Governing Law and Interpretation – added language that if any provision is unenforceable, it will be severed from the agreement and the remainder of the agreement will remain in full force

¶C3(h) Other Provisions – Binding Agreement Date – added missing "of" into section

¶C3(m) Other Provisions – No Authority to Bind – added language that Broker does not have the ability to bind the client but may accept notice on behalf of the client if authorized

¶C4 Other Provisions – new subsection (n) Condemnation

*** Reformatted Initial lines at bottom of first page

*** Reformatted Signature Page and added Additional Signature Page option

CF3 Exhibit "A" Legal Description

*** Reformatted Buyer and Seller Initial Lines

CF4 Exhibit "B1" Due Diligence Business & Property

*** Reformatted Buyer and Seller Initial Lines

CF4 Exhibit "B2" Due Diligence Office, Retail, Industrial

¶1(b) "tile" changed to "title"

*** Reformatted Buyer and Seller Initial Lines

CF4 Exhibit "B3" Due Diligence Personal Property

*** Reformatted Buyer and Seller Initial Lines

CF5 Exhibit "C" Additions to Seller's Closing Documents

*** Reformatted Buyer and Seller Initial Lines

CF6 Exhibit "D" Seller's Warranties and Representations

*** Reformatted Buyer and Seller Initial Lines

CF7 Commercial Open Listing Agreement (For Leases)

*** Moved Owner acknowledgement section to top of signature page

*** Moved Owner receipt of agreement box to bottom of signature page

*** Reformatted Signature Page and added Additional Signature Page option

CF8 Commercial Exclusive Leasing/Management Agreement (For Leases)

*** Moved Owner acknowledgement section to top of signature page

*** Moved Owner receipt of agreement box to bottom of signature page

*** Reformatted Signature Page and added Additional Signature Page option

CF9 Commercial Lease Agreement (Single-Tenant Facilities)

*** Reformatted Signature Page and added Additional Signature Page option

CF10 Commercial Lease Agreement (Multi-Tenant Facilities)

*** Reformatted Signature Page and added Additional Signature Page option

CF11 Commercial Lease Agreement Amendment

*** Reformatted Signature Page and added Additional Signature Page option

CF12 Commercial Sublease Agreement

*** Changed "Tenant's" signature lines to "Subtenant's" signature lines; changed "Landlord's" signature lines to "Tenant's" signature lines

*** Reformatted Signature Page and added Additional Signature Page option

CF15 Commercial Lease Termination and Release Agreement

*** Added Additional Signature Page option

*** Reformatted REALTOR membership line

CF16 Commercial Lease Commission Assumption Agreement

*** Reformatted Signature Page and added Additional Signature Page option

CO1 Independent Contractor Agreement

*** Reformatted REALTOR® membership lines

CO3 Agreement Between Licensee, Georgia Broker and Out-of-State Broker

*** Reformatted REALTOR® membership lines

CO4 Agreement for Licensee Use of a Real Estate Assistant

¶5 Corrected the word "Agreement" to "Agreement"; corrected the word "comencement" to "commencement"; corrected the word "writen" to "written"

*** Added lines for Assistant's broker's signature if Assistant is licensed with a different brokerage firm

CO8 Agreement Between Georgia Broker and Out-of-State Broker (Listing of Georgia Property)

*** Reformatted REALTOR® membership lines

CO9 Agreement Between Georgia Broker and Out-of-State Broker (Purchase or Lease of Georgia Property)

*** Reformatted REALTOR® membership lines

CO10 Referral Agreement (Broker to Broker)

*** Reformatted REALTOR® membership line

CO12 Agreement Between New Broker and Former Broker of a Transferring Licensee

*** Reformatted REALTOR® membership lines

L1 Licensing Agreement

¶1A Changed first "2016" to "2017" and second "2016" to "2018"

Removed language referring to when Forms are uploaded by GAR Forms Vendors

¶1B Removed language referring to when Forms are uploaded by GAR Forms Vendors

¶1C Removed language about thirty (30) days after issuance of form and replaced with "As of January 1, 2017"

*** New ¶1G; all subsequent ¶s renumbered; added section that clarifies that attorneys are not to use the GAR forms in a real estate transaction unless s/he also holds a real estate license

Special Stipulations

*** New Special Stipulation SS364 SURVEY

2017 GAR Forms Revisions Package Changes



Changes as of May 2017

The following pages will list the changes to the forms in the entire GAR Forms Revisions Package. The changes noted below are changes made after the initial release of the forms dated 01/01/2017.

B1 Protect Yourself When Selling a House

*** Choose a REALTOR® - corrected "ill" to "fill"

F4 Exclusive Buyer Brokerage Agreement

¶7 Commission – Subsection (A) Broker's Entitlement to Commission – added language that broker is entitled to commission "at the closing of the transaction"

¶8 Protected Period and Commission – corrected last line into two separate sentences

F5 Non-Exclusive Buyer Brokerage Agreement

¶7 Commission – Subsection (A) Broker's Entitlement to Commission – added language that broker is entitled to commission "at the closing of the transaction"

¶8 Protected Period and Commission – corrected last line into two separate sentences

F20 Purchase and Sale Agreement

¶A4(b)(2) Possession of the Property Shall be Transferred to Buyer – Added AM and PM options

¶B8(b) Duty to Inspect Neighborhood – moved National Clandestine Laboratory Register to ¶B4(a) Right to Inspect the Property

F22 Counteroffer or Modification of Unaccepted Original Offer

¶E Possession of the Property Shall be Transferred to Buyer – Added AM and PM options

F27 Lot Purchase and Sale Agreement

¶A4(b)(2) Possession of the Property Shall be Transferred to Buyer – Added AM and PM options

¶B8(b) Duty to Inspect Neighborhood – added information regarding the Georgia Violent Sex Offender Registry

¶B8(b) Duty to Inspect Neighborhood – moved National Clandestine Laboratory Register to ¶B4(a) Right to Inspect the Property

F34 Land Purchase and Sale Agreement

¶A5(b)(2) Possession of the Property Shall be Transferred to Buyer – Added AM and PM options

¶A7 Holder of Earnest Money; renumbered to ¶A6; all subsequent ¶'s renumbered

¶B9(b) Duty to Inspect Neighborhood – moved National Clandestine Laboratory Register to ¶B9(a) Right to Inspect the Property

F40 Lease for Residential Property

*** Added MLS Listing Number line back onto Signature Page

F50 Seller's Property Disclosure Statement Exhibit

¶C5 Systems and Components – corrected second Section (b) to Section (c)

¶D Fixtures Checklist – moved "Well Pump" from "Safety" subsection to "Systems" subsection

F52 Seller's Property Disclosure Statement (Condominium) Exhibit

¶A(5) Instructions to Seller in Completing this Statement – changed F123 from "Community Association Disclosure" to "Payment of Community Association Fees and Disclosure Exhibit" to match new name for form

¶D Fixtures Checklist – moved "Well Pump" from "Safety" subsection to "Systems" subsection

*** Corrected page numbering

F79 All Cash Sale Exhibit

¶1 All Cash Sale – rephrase section and added in options if Buyer can still seek mortgage

New ¶2 Right to Unilaterally Extend Closing Date - all subsequent ¶s renumbered

F80 Earnest Money Held by Seller Exhibit

¶2 Added the word “unexpired” to subsection (2)

F94 Short Sale Contingency Exhibit

New section - ¶6 Property in a Community Association

F123 Community Association Disclosure Exhibit

*** Renamed to Payment of Community Association Fees and Disclosure (“Disclosure”) Exhibit
*** Form reformatted

*** Modified the Directions for Filling Out This Disclosure section and labeled as ¶I

*** Added new section “General Disclosures” as ¶II

¶A Type of Association – renumbered to ¶II(A)

¶B Size of Community, if Condominium – renumbered to ¶II(B)

¶C Renumbered to ¶II(C) – added subsection title “Age Restrictions”

¶D Existence of Master Association – renumbered to ¶II(D)

¶E Contact Information for Association – renumbered to ¶II(E)

*** Added new section “Information Regarding Who Pays Different Fees at Closing to the Association or the Manager of the Association” and labeled as ¶III

*** Added new section “Fees to be Paid to the Association” and labeled as ¶IV

¶F Annual Association Assessments – now ¶IV(A)

¶J Special Assessments – now ¶IV(B)

*** Added new subsection “Transfer and Initiation Fees”

¶I Litigation – now ¶V

*** All other ¶’s deleted

¶K Assessments Pay for Following Services and Amenities – reinserted into June 1st version – now Section IV(D)

F140 Temporary Occupancy for Seller After Closing Exhibit

¶1 Rephrased section to match language in Purchase and Sale Agreements

F144 Notice to Reject Offer/Counteroffer

*** Removed first offer/counteroffer date line from introduction section

F149 Additional Signature Page (Buyers and Sellers)

*** Added lines to identify which form the Additional Signature Page is being added to

*** Removed one set of signature lines for buyers and sellers.

*** Added Additional Signature Page option

F150 Additional Signature Page (Tenants and Landlords)

*** Added lines to identify which form the Additional Signature Page is being added to

*** Removed one set of signature lines for tenants and landlords

*** Added Additional Signature Page option