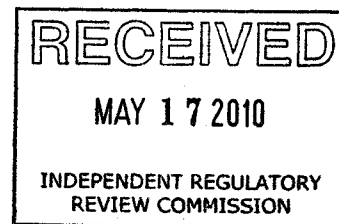


Schulder, Judith 2838

**From:** Diane M. LePera [lepera.realty@comcast.net]  
**Sent:** Wednesday, May 12, 2010 2:01 PM  
**To:** Schulder, Judith  
**Subject:** Proposed Regulations for the Sellers Disclosure  
**Importance:** High



Hello,

I see many more lawsuits for REALTORS with this regulation as to if the Agent knew the condition of the home.

- 1) What defines knowledge? Does a previous inspection that might not be accurate define knowledge? How does the agent know if an inspector was correct in defining a problem? What defines a major defect verses a potential problem or issue?
- 2) What constitutes the ability of the agent to understand the problem. Will there be education required to ensure we understand what you have defined as a major defect? For example is death in a home a necessity to disclose? Is Suicide? What exactly is an agent to disclose?
- 3) Where does our Fiduciary Responsibility end and Your Sellers Disclosure Regulation Supersede that responsibility? Can that point of ending the Fiduciary Responsibility be upheld in a court of law? The need for an agent to disclose a potential problem in a home overrides their fiduciary responsibly to the client? Will we have the Listing Contract UPDATED to TELL THE SELLER your requirements?
- 4) What about Corporate "AS IS" properties , what is the agent to do about a sellers disclosure since they are not required? This puts agent like myself doing REO's in a very bad situation. The houses are sold in "AS IS" condition and never occupied. Are we to be responsible for defects? Again who defines the defect especially when no inspection is done. Are we responsible to understand and define problems in the home.

This regulation puts a responsibility onto the agent that cannot be filled. This will only create more lawsuits and problems for agents, brokers and offices. This new proposal will make life impossible for agents to SELL real estate. If the commission wants agents to be Home Inspectors, Contracts, Engineers, Lawyers, and REATORS than require these degrees to sell Real Estate. Otherwise let us SELL REAL ESTATE and let the appropriate groups of expertise be responsible for their work and not the REALTOR. Your regulations put the Realtor in jeopardy and are defined so ambiguously we have great difficulties trying to determine where are fiduciary responsibilities stop and your new regulations supersede that responsibility.

Please stop making ambiguous regulations that make are lives and jobs harder and write LAWS that define requirements where they belong; on the Seller, Contractors, Inspectors and Lawyers rather than shouldering responsibilities on to REALTORS to do everyone else's jobs.

Diane M. LePera RS270684

REALTOR

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A Successful person told me I should **ASK For Your Business**, so please remember me to your Family, Friends & Neighbors.