

Index

ABANDONMENT

- Negotiations, procuring cause, § 189
- Options, § 190

ACCOUNT, DUTY TO ACCOUNT

- Obligations of broker, § 266

ACCOUNTS AND ACCOUNTING

- Brokers, disclosing of securities, § 56

ACKNOWLEDGMENTS

- Real estate brokers, dual agency, disclosures, § 294

ACTIONS AND PROCEEDINGS

- Remedies of principal, § 276

ADVERSE OR PECUNIARY INTEREST

- Civil rights, § 309
- Dual agency, § 268
- Purchase of property, brokers, § 263

AFFIRMATIVE DEFENSES

- Frauds, statute of, § 103

AFRICAN AMERICANS

- Housing, § 310

AGENTS AND AGENCIES

- Dual agency
 - Conflict of interest, § 268
 - Obligations of broker, § 268

AIDS

- Real estate brokers, disclosures, prior occupants, § 299

APPRAISALS AND APPRAISERS

- Disciplinary proceedings, § 53
- Licenses and permits
 - Improper appraisals, § 53

ASSOCIATIONS AND SOCIETIES

- Real estate brokers, membership, qualifications, § 45

ATTORNEYS

- Approval of contract of sale, commissions, § 157
- Broker, conflicts, § 29
- Frauds, statute of, written listing, § 108

ATTORNEYS—Cont'd

Licenses and permits, § 25

Exemptions, § 108

ATTORNEYS FEES

Damages, recovery, § 306

AUCTION

Agreement with broker, § 16.50

BANKRUPTCY

Brokers compensation, shareholder liability, § 216

Seller

Payment of commission, § 217

BANKS AND BANKING

Real estate licenses, exemptions, § 26

BLOCK BUSTING

Brokers

Discrimination, § 310

BREACH OF CONTRACT

Earnest money, forfeiture of, § 164

Obligations to other persons, § 295

BROKERAGE AGREEMENTS

Combination of listings, § 93

Commercially reasonable efforts, use of, exclusive sales listing agreement, § 86

Commission rights

Real estate broker, notice of, § 72.25

Defenses, § 72.60

Equal division of commission between brokers, § 226

Exclusive, buyers, § 87.25

Exclusive right-to-sell contract, § 87

Formal requirements, § 101 et seq.

Frauds, statute of, § 103 et seq.

Conflict of laws, § 112

Real Estate Commission rules, § 104

Jury instructions

Commission claim, sample, § 72.75

Listing agreements

Broker cooperation/agency relationships, §§ 86, 87.50

Exclusive, § 226.25

Residential leases, purchase options, § 94

No leasing commission agreement, § 94.50

Notice

Commission rights of real estate broker, § 72.25

Productive activity

General or open listing, § 73

INDEX

BROKERAGE AGREEMENTS—Cont'd

Provision

No real estate broker's commission, § **72.50**

Sales

Real property and business, § **101.75**

BROKERS

Acquisition, powers and duties, § **91**

Attorney, conflict with, § **29**

Auction agreement, § **16.50**

Authority, § **12**

Business opportunity broker, § **20**

Commercially reasonable efforts, use of, exclusive sales listing agreement, § **86**

Commission agreement, form, § **2**

Compensation

Complaint against real estate broker, § **226.50**

Intentional interference with property rights, § **226.50**

Misrepresentation of real property to buyer, § **226.50**

Complaint

Real estate broker compensation, § **226.50**

Conspiracy, § **251**

Definitions, §§ **12, 13, 18**

Specific activities, §§ **14, 15**

Statutes, § **16**

Dual agency, § **268**

Disclosure, § **294**

Duty to public at large, § **302**

Frauds, statute of, § **103**

Fraudulently induced

Complaint for constructive trust where it is alleged real estate sale, § **251.70**

Gratuitous services, duty of care, § **272**

Intentional interference

Property rights, compensation, § **226.50**

Listing agreements, broker cooperation/agency relationships, §§ **86, 87.50**

Malpractice, § **278**

Misrepresentation

Compensation, real property to buyer, § **226.50**

Obligations

Other persons, § **292 et seq.**

Principal, § **263 et seq.**

Professionalism, § **1**

Purchase of premises for himself, commissions, § **121**

Qualifications

Education and experience, § **45**

Tortious interference with contractual relationship, § **249.50**

Tort remedies, miscellaneous torts, § **251.50**

Untrustworthiness, failure to return deposit, § **56**

BURDEN OF PROOF

Fiduciary duties, breach, § 276

BUSINESS AND COMMERCE

Income taxes, exchange of property, § 368

BUSINESS OPPORTUNITY BROKERS

Generally, § 20

License, necessity, § 123

Real estate, transfer of interest, § 123

BUYER LIABILITY

Contract theories, § 161

CHANGING MIND

Seller

Completion of contract, § 157

CHILD SUPPORT

Real estate brokers, arrearages, suspension or revocation, § 58

CIVIL RIGHTS

Adverse or pecuniary interest, § 309

CLOSINGS

Checklists

Generally, § 354.50

Escrow agreements, postponed exterior improvements, § 355

Loan closing, § 354

CLOSINGS AND CHECKLISTS

Checklist in representing purchaser at fee closing, § 354.75

COMMISSIONS

Generally, § 213 et seq.

Agreement, equal division between brokers, § 226

Agreement to pay, § 118

As running with the land, § 216

Amount

Compromise, § 213

Brokerage agreements

Jury instructions sample, claim, § 72.75

Business opportunity brokers, § 123

Buyers liability

Contract theories, § 160

Implied contract, § 161

Collection

Bulk Transfer Act, § 217

Equitable lien, § 217

Contract completed after termination of protective period, § 195

Earnest money, forfeiture, § 164

Enforcement, § 101.50

INDEX

COMMISSIONS—Cont'd

- Finder's fee, distinguished, § 22
- Listing agreements
 - Agreement to pay a commission distinguished, § 109
 - Amount, § 213
 - Commission earned at closing, § 165
 - Persons liable for payment, § 216
 - Ready, willing and able buyer, § 144 et seq.
 - Unauthorized sale or withdrawal, § 215
- Multiple listings, § 219
- Procuring cause, § 186 et seq.
 - Seller's intervening effort, § 188
- Quantum meruit, § 117
- Reasonable value of services, § 214
- Salesperson, § 221
- Schedule of sale and lease commissions, § 213.50
- Unlicensed brokers, restitution, § 121
- When earned, § 212

COMPENSATION AND SALARIES

- Person liable for payment, § 216
- Real estate brokers, necessity of earning commission, § 150
- Third persons, sales, § 75
- Unauthorized sale or withdrawal, § 215

COMPLAINT

- Brokers compensation
 - Misrepresentation of real property to buyer, § 226.50
 - Real estate broker, intentional interference with property rights, § 226.50
- Fraud misrepresentation and breach of fiduciary duty, purchase of apartment building, § 313.25
- Recovery funds
 - Deposit on contract to purchase land, the terms of the memorandum, statute of frauds, § 332

COMPROMISE AND SETTLEMENT

- Commissions, § 213
- Sales, broker qualifications, § 15

CONDOMINIUMS

- Definitions, § 19
- Listing agreement
 - Description of property, § 106
- Sales
 - Brokers, § 15

CONFLICT OF LAWS

- Licenses and permits, § 127

CONFLICTS OF INTEREST

- Obligations, § 304

CONSIDERATION

Appeal and review

Waiver, § 54

Listing agreement, modification, § 119

CONSPIRACY

Fraud, § 250

CONSTITUTIONAL LAW

Licenses and permits, suspension or revocation, § 53

CONSULTANTS

Brokers

Distinguished, § 14

CONSUMER PROTECTION

Generally, § 303

CONTRACTS

Enforcement, § 101.50

Formal requirements, enforcement, § 101.50

Listing broker

Commission

Producing willing buyer, § 74

List of duties owed by real estate licensee, § 280

Real estate brokers, powers and duties, § 13

Tortious interference with contractual relationship, §§ 249.50, 279

CORPORATIONS

Fraud, §§ 324, real estate recovery fund

COVENANT RUNNING WITH THE LAND

Commission

Payment, § 216

CRIMES AND OFFENSES

Real estate brokers, disclosures, prior occupants, § 299

CUSTOMS AND USAGES

Listing agreements

Admissibility of evidence, § 120

Interpretation, § 119

DAMAGES

Amount, § 215

Brokers, duty to the public at large, § 302

Expectation damages, § 215.50

Listing agreements

Unauthorized sale or withdrawal, § 215

DANGEROUS PREMISES

Brokers

Liability for personal injuries, § 312

INDEX

DEATH

- Hearing officers
- Successor, powers and duties, § 54

DEEDS AND CONVEYANCES

- Real estate brokers, powers and duties, § 13

DEFENSES

- Obligations, other persons, § 314

DEFINITIONS

- Broker, §§ 12, 13
 - Specific activities, §§ 14, 15
 - Statutes, § 16
- Broker-Salesperson, § 18
- Business opportunity brokers, § 20
- Investment broker, § 20
- Multiple listing agreements, § 218
- Real estate, § 19
- Salesperson, § 17

DESCRIPTION OF PROPERTY

- Frauds, statute of, § 106
- Listing agreements, exclusive, §§ 86, 87.50

DISCIPLINARY IMMUNITY

- Brokers
 - Purchases, § 306

DISCIPLINE

- Brokers commissions, statute of frauds, § 104
- Licenses and permits, suspension or revocation, § 53
- Real estate brokers, § 54
- Unlicensed persons, § 53

DISCLOSURE

- Breach of fiduciary duties, § 262
- Dual agency, § 268
- Statutory disclosure form, § 275.50

DISCRIMINATION

- Generally, § 307
- Civil Rights Act of 1866, § 308
- State Fair Housing Acts, § 310

DOCUMENTS

- Actions and proceedings, § 297
- Evidence, § 277
- Exculpatory clause, §§ 298, 299
- Materiality, § 298

DOCUMENTS—Cont'd

Misrepresentation, § 296

Intentional

Affirmative, § 297

Omission, § 298

Negligent

Affirmative, § 300

Duty, § 299

Inspection, § 301

Omission, § 301

Promise to purchase property without intent to complete transaction, § 162

Recovery funds

Actions and proceedings, § 324

Reliance, § 299

Seller, § 250

DOWN PAYMENT

Real estate brokers

Failure to return to purchaser, § 56

Trust accounts, § 329

DRIVING BY PROPERTY

Broker bringing parties together, § 187

DUAL AGENCY

Obligations of broker, § 268

EARNEST MONEY

Default

Payment of commission, § 164

Forfeiture

Agreement to share, § 164

Real estate brokers, trust accounts, § 329

ECONOMIC RELATIONSHIPS, INTERFERENCE

Brokers tort remedies, § 242

Courts denying recovery, § 244

Elements, § 247

Elements of offenses, § 243

Miscellaneous, § 248

Parties, § 243

EDUCATION

Brokers

Qualifications, § 45

Salespersons

Qualifications, § 45

ERRORS AND MISTAKES

License suspension or revocation, rehearings, § 54

INDEX

ESCROW AGREEMENTS

Closings

Checklists, postponed exterior improvements, § 355

ETHICS

Brokers

Buying his way out of unethical conduct, § 306

EVIDENCE

Fraud, § 296

Liquidated damages, § 215

EXCHANGE OF PROPERTY

Commissions, § 213

Income taxes

Like-kind exchanges, § 368

Multiple party exchanges, § 369

Like-kind exchanges, § 367

EXCLUSIVE

Listing agreement, residential leases, purchase options, § 94

EXCULPATORY CLAUSE

Fraud, § 298

EXEMPLARY DAMAGES

Amount, § 306

EXPECTATION DAMAGES

No written contract required, § 215.50

FAIR HOUSING ACT OF 1968

Brokers, discrimination, § 309

FALSE DOCUMENTS

Preparation, § 56

FIDUCIARY DUTIES

Generally, § 262 et seq.

Breach, § 56

Disclosure form, § 275.50

Dual agency, § 268

Failure to account, § 266

Full disclosure, §§ 269, 270

Good faith, § 273

Loyalty, § 274

Net listings, § 267

Obligations

Duties to others, § 293

Principal, § 263 et seq.

Third parties, § 292 et seq.

Presenting offers, § 271

Principal's remedies, § 276

FIDUCIARY DUTIES—Cont'd

- Purchase by broker, § 263
- Purchase by broker's associates or family, § 264
- Reasonable care and skill, § 272
- Statutory obligations, § 275
- Ultimate buyer, disclosure, § 265

FIDUCIARY DUTY

- Complaint, purchase of apartment building, breach of, § 313.25

FINDERS FEE

- Payment, § 22

FINES AND PENALTIES

- Improper practices, § 53

FLOOD PLAINS

- Disclosure, §§ 297, 298
- Knowledge of broker
- Misrepresentation, § 301

FLOODS AND FLOODING

- Real estate brokers, knowledge of problems, § 301

FORECLOSURE

- Exclusive listing, foreclosure during period, commissions, § 83

FORFEITURES

- Earnest money
- Agreement to share, § 164

FRAUD

- Brokers, § 273
- Against principal, § 277
- Against third parties, § 298 et seq.
- Defects existing in property, § 297
- Statute of frauds, compliance, § 110.50
- Comment, § 294
- Complaint, purchase of apartment building, § 313.25

FRAUDS, STATUTE OF

- Generally, § 103 et seq.
- Affirmative defense, § 103
- Contemporaneous or subsequent agreements, § 103
- Contracts, § 101
- Description of property, § 106
- Exemptions, § 108
- Interference with economic relationships, sellers, § 245
- Partial performance, § 110
- Quantum meruit, § 111
- Real estate brokers, § 103
- Signatures, § 105

INDEX

FRAUDS, STATUTE OF—Cont'd

Termination date, § 107

FRIVOLOUS ACTIONS

Fraud, sanctions, § 250

FUNDS

Disappearance

Disciplinary proceedings, § 56

Disbursement

Disciplinary proceedings, § 56

HARMLESS ERROR

Complaint

Typographical errors, § 54

HIGHWAYS AND ROADS

Diversion of traffic, disclosure, § 298

HOUSING

Discrimination, § 310

IMPLIED CONTRACTS

Buyer liability, § 161

Commissions, buyer liability, § 161

Enforcement, § 101.50

IMPROVEMENTS

Exterior, postponed

Escrow agreements, § 355

Knowledge of broker

Misrepresentation, § 301

INCOME TAXES

Like-kind exchanges, § 368

Effects of Tax Reform Act of 1986, § 370

Multiple party exchanges, § 369

Sale of personal residence, § 366.50

Generally, § 362 et seq.

Cost of replacement property, § 363

Effects of Tax Reform Act of 1986, § 366

Person over 55 years, § 365

Section 121, § 362

Seller rejecting offer

Compliance with contract, § 145

INDEPENDENT CONTRACTORS

Sales associates, agreements, § 18.75

Salespersons

Status, § 17

INSOLVENCY

- Landlord and tenant
 - Duty to pay commission, § 167

INSPECTORS AND INSPECTIONS

- Premises
 - Liability of broker, § 312

INSTALLMENT SALES

- Income taxes, §§ 371, 379
 - Contingent payment sales, § 373
 - Disposition of installment obligations, § 376
 - Election out, § 372
 - Miscellaneous, § 378
 - Open transaction, § 374
 - Repossession, § 377
 - Tax reform, § 379
 - Wrap-around mortgages, § 375

INSURANCE

- Real estate brokers, errors and omissions insurance, § 321

INTENT

- Fraud, § 296
- License violations, § 53

INTEREST

- Income taxes
 - Real property, tax reform, § 390
- Postjudgment interest, real estate recovery funds, § 325

INTEREST EXPENSE

- Construction period interest and taxes, § 388
- Investment interest, § 389

INTERMEDIATE PURCHASES

- Commission
 - Earning commission, § 187

INTRODUCING PARTY

- Completion of contract, § 187

INVESTIGATIONS

- Brokers duty to investigate defects, § 299

INVESTMENT BROKER

- Definition, § 20

INVESTMENTS

- Real estate brokers, employment by buyer, § 167

INVITEES

- Personal injuries
 - Liability, § 312

INDEX

IRRATIONAL BEHAVIOR

Real estate brokers, disclosures, prior occupants, § 299

KEYS

Real estate brokers, managing the premises, § 272

LANDFILL

Pollution

Disclosure, § 298

LATENT DEFECTS

Personal injuries

Liability of broker, § 312

LEASES

Loss of lease during listing period, commissions, § 83

Real estate broker

Employment by buyer, § 167

Powers and duties, § 13

Renewals of prior leases, commissions, § 190

LICENSES AND PERMITS

Application

Complete information, § 57

Attorneys, § 25

Brokerage firm licenses, § 47

Brokers

Necessity of broker's license, § 121

Requirements, § 11

Statutory and municipal regulations, § 11.50

Territorial jurisdiction, § 21

Time at which license is necessary, § 122

Business opportunity broker, §§ 20, 123

Competency and fitness, § 46

Conflict of laws, § 127

Continuing education requirements, § 51

Education and experience, § 45

Exemptions, generally, §§ 25, 26

Owner of lessor, § 25

Statutes, § 27

Expiration and renewal of licenses, § 52

Finders, § 22

Independent contractors

Agreements, sales associates, § 18.75

Issuing agency, § 41

Miscellaneous operational requirements, § 50

Necessity of local licensing, § 126

Nonresidents, § 49

Other licenses, § 48

Other persons, § 125

LICENSES AND PERMITS—Cont'd

- Salesperson employment agreement, § 18.50
- Suspension and revocation, § 53
 - Constitutional law, § 53
 - Duration, § 53
 - Failure of Administrative Requirements, § 57
 - Fraud and other endangering acts, § 56
 - Hearing and procedure, § 54
 - Improperly obtained license, § 55
 - Miscellaneous grounds, § 58
 - Present offer, failure, § 56
 - Statutes, § 59

LICENSING

- For a fee and for another, § 28

LICENSING, RELICENSING AND REVOCATION

- Licensing procedure, § 42.50
- Qualifications
 - Age, citizenship and residency, § 44
 - Examinations, § 43

LIMITATION OF ACTIONS

- Consumer protection, § 303

LIQUIDATED DAMAGES

- Evidence, § 215

LISTING AGREEMENTS

- Agreement and capacity, § 101.50
- Agreement to pay a commission, distinguished, § 109
- Classification, § 74 et seq.
- Construction of agreement, § 119
- Earnest money, forfeiture, agreement to share, § 164
- Exclusive listings, §§ 75 et seq., 226.25
 - Broker cooperation/agency relationships, § 87.50
 - Construction of agreement, § 83
 - Reserved prospect, § 84
 - For sale or lease, § 87.50
 - Listing guidelines, § 87.50
 - Property, description of, § 87.50
 - Theories, § 76
 - Theory A, § 77
 - Theory B, § 78
 - Theory C, § 79
- Frauds, statute of
 - Writings, where not required, § 114 et seq.
 - Quantum meruit, § 117
 - Termination date, § 116
- General listings, § 74

INDEX

LISTING AGREEMENTS—Cont'd

Implication

Writings, where not required, § 115

Important terms, § 118

Interpretation, § 119

Joint and several liability, commission, § 216

Open listings, § 74

Parol evidence, § 120

Productive activity

Exclusive listings, § 75 et seq.

Construction of agreement, § 83

Reserved prospect, § 84

Theory A, § 77

Theory C, § 79

General or open listings

Theory, § 74

Purpose, § 91

Ratification

Writings, where not required, § 115

Required result

Modification of the required result, § 89

Ready, willing and able buyer, § 88

Rescission, termination, § 224

Residential leases, purchase options, brokerage agreements, § 94

Revocation

Death, § 225

Running with the land, § 216

Sales by another broker, commissions, § 75

Termination

Due to expiration of term, § 222

Notice, § 107

Withdrawal, § 223

Withdrawal or sale, unauthorized, commissions, § 215

Writings, where not required

Generally, § 113

LOAN APPLICATIONS

Misrepresentation

Actions and proceedings, § 297

LOANS

Closing checklist, § 354

Monetary loans

Duties of broker, § 272

LOTTERIES

Sales incentive program, § 56

LOYALTY

Obligations to principal, § 274

LOYALTY—Cont'd

Real estate brokers, influencing negotiation, § 274

MALPRACTICE

Generally, § 278

Obligations, § 305

MARKETABLE TITLE

Ready, willing and able buyer

Default by seller, § 157

MENTALLY DEFICIENT AND MENTALLY ILL PERSONS

Contracts

Enforcement, § 101.50

MINES AND MINERALS

Fees, payment in kind, § 26

Licenses and permits

Exemptions, § 26

MISREPRESENTATION

Brokers compensation

Real property to buyer, § 226.50

Complaint, purchase of apartment building, § 313.25

MONOPOLIES AND UNFAIR TRADE

Brokers, obligations, § 311

MORTGAGE

Listing agreements

Earned as mortgage paid, § 166

MORTGAGES

Default

Payment of commission, § 216

Disclosure, breach of fiduciary duties, § 269

Excessive demands

Completion of contract, § 151

Foreclosure, listing period, § 75

Interest rate, breach of contract, § 144

Ready, willing and able buyer

Contingency clause, § 155

Default by seller, § 157

Waiver of contingency clause, failure to obtain financing, § 155

MULTIPLE LISTINGS

Arbitration of broker disputes, § 220

Compensation, § 219

Definitions, § 218

MURDER

Real estate brokers, disclosures, prior occupants, § 299

INDEX

NAMES

- Brokers
 - Standing to bring suit, § 121

NEGLIGENCE

- Liability, other persons, obligations, § 313
- Misrepresentation, §§ 299-301

NEIGHBORHOOD

- Dangerous character
 - Disclosure, § 298

NONRESIDENTS

- Brokers
 - Licenses, § 124
 - License requirements, § 49

NOTICE

- Brokerage agreements
 - Commission rights
 - Real estate broker, § 72.25

OBLIGATIONS OF BROKER

- Generally, § 263 et seq.
- Fiduciary duties
 - Complaint against real estate broker for breach, § 262.50
- Principal, obligations to, generally, § 261.50
 - Introduction, § 261
- Property Condition Disclosure Form, § 265.50

OFFER AND ACCEPTANCE

- Broker, terms of earning commission, § 145
- Duration of listing period, § 84

OFFICERS AND EMPLOYEES

- Financial institutions, licenses, § 26

OPTIONS

- Abandonment
 - Commission, § 190
 - Original terms of contract, § 190
- Procuring cause, § 190

OWNERS

- License exemption, § 25

PAROL CONTRACTS

- Prior written agreement, modification, § 102

PAROL EVIDENCE

- Listing agreement, admissibility of evidence, § 120

PERSONAL INJURIES

- Brokers
- Liability, § 312

POLLUTION

- Landfill
- Disclosure, § 298

POLTERGEISTS

- Brokers
- Investigations, § 299

POWER OF ATTORNEY

- Licenses
- Operation without a license, § 25

POWERS AND DUTIES

- Generally, § 22

PRESENT OFFERS

- Licenses and permits, suspension and revocation, § 56
- Obligations of broker, § 271

PRIZES

- Brokers, undisclosed commissions, § 56

PROCURING CAUSE

- Generally, § 186 et seq.
- Abandonment of negotiations, § 189
- Broker vs. another broker, § 183
 - Buyer's warranty to protect seller, § 184
 - Effect of a multiple listing, § 185
- Broker vs. seller, § 186
 - Seller's intervening efforts, § 188
- Exclusive listing, § 197
- General definitions, § 182
- Introduction, § 181
- Need to notify seller when buyer is obtained, § 196
- Options, § 190
- Protective clauses, generally, § 191
 - Causal connection, § 193
 - Limitations on enforcement, § 192
 - Time of original introduction or negotiations, § 194
- Right of first refusal, § 198
 - Exercise, inclusion of brokerage commission, § 198
- Sale by owner or another broker, § 197

PROFESSIONS AND OCCUPATIONS

- Generally, § 1
- Actions involving real estate brokers, checklist, § 1.25
- Checklist
 - Actions involving real estate brokers, § 1.25

INDEX

PROFESSIONS AND OCCUPATIONS—Cont'd

Form

- Commission agreement, § 2
- Nonexclusive brokerage agreement, § 2.25
- Simple commission agreement, § 2.50

PROTECTIVE CLAUSES

- Generally, § 191
- Duration, § 192

PURCHASE AGREEMENTS

- Misrepresentation
- Actions and proceedings, § 297

PURCHASE OF PROPERTY

- Broker, § 263

PURCHASE OPTIONS

- Listing agreements, residential leases, brokerage agreements, § 94

QUANTUM MERUIT

- Buyer, liability for commission, § 216
- Commissions
 - Evidence, § 118
 - Performance of contract, § 129
 - Unlicensed brokers, § 121
- Frauds, Statute of
 - Where applicable, § 111
 - Where not applicable, § 117
- License, lack of, § 129
- Real estate brokers, recovery of commissions, § 101.50

RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS

- Consumer protection, § 303

READY, WILLING AND ABLE BUYER

- Generally, §§ 142 et seq., 144 et seq.
- At closing, § 146
- Broker's duty to disclose buyer's financial ability, § 154
- Complaint by real estate broker for commission, § 142.50
- Default
 - Comment, § 153
 - Determined at closing, § 151
 - Determined subsequent to closing, § 152
 - Mortgage contingency clause, § 155
 - Seller, § 157
 - Traditional rule, § 150
- Definition, § 147
- Definitions, § 143
- Down payment, § 148
- Future or deferred payments, § 149

READY, WILLING AND ABLE BUYER—Cont'd

- Listing terms, § 144
- Mortgage contingency clause
 - Traditional rule, § 155
- Nonperformance by seller, § 157
 - Special brokerage agreement terms, § 158
- Offer and acceptance, § 144
- Satisfactory terms, § 145
- Standards, § 142

REAL ESTATE COMMISSION

- Discipline
 - Unlicensed persons, § 53
- Licenses and permits
 - Powers and duties, § 49
- Recommendations of hearing commission, review, § 54

REAL ESTATE TAXES

- Apportionment, § 384
- Apportionment on closing, § 385

REASONABLE CARE AND SKILL

- Obligations to principal, § 272

RECORDS AND RECORDING

- Inspection
 - Duties of broker, § 299

RECOVERY FUNDS

- Generally, § 321 et seq.
- Complaint
 - Deposit on contract to purchase land, the terms of the memorandum, statute of frauds, § 332
- Effect on broker, § 327
- Establishment and funding, § 322
- Hearings, § 326
- Limits on recovery, § 325
- Persons protected, § 323
- Postjudgment interest, § 325
- Procedure, § 326
- Transactions covered, § 324

REHEARINGS

- Licenses and permits, suspension or revocation, § 54

RENT

- Real estate brokers, trust accounts, § 329

RENTAL LISTING AGENCIES

- Generally, § 23

INDEX

RESIDENTIAL LEASES

Purchase options, listing agreements, brokerage agreements, § **94**

RESTITUTION

Commissions, unlicensed brokers, § **121**

Improper practices, § **53**

RIGHT OF FIRST REFUSAL

Exercise, inclusion of brokerage commission, § **198**

Procuring cause, § **198**

SALES

Associates, independent contractor agreements, § **18.75**

Brokerage agreement

Real property and business, § **101.75**

Implied contract, § **161**

Real estate brokers

Negotiation, § **91**

Powers and duties, § **13**

Termination of listing agreement

Procuring cause of sale, § **195**

Third persons, commissions, § **75**

Timely sales, commissions, § **191**

SALESPERSONS

Associates, independent contractor agreements, § **18.75**

Commission, § **221**

Definitions, § **17**

Employee status, § **17**

Employment agreement, § **18.50**

Qualifications

Education and experience, § **45**

SANCTIONS

Licenses and permits, § **53**

SAVINGS AND LOAN ASSOCIATIONS

Real estate licenses, exemptions, § **26**

SECURITIES

Licenses, business opportunity broker, § **20**

SECURITY DEPOSITS

Real estate brokers, trust accounts, § **329**

SERVICE OF PROCESS

Licenses and permits, suspension or revocation, § **54**

SETOFF AND COUNTERCLAIM

Real estate brokers, commissions, § **276**

SETTLEMENT STATEMENT

Transactions without sellers, optional form (HUD-1A), § **352.10**

SETTLEMENT STATEMENT—Cont'd

Uniform (HUD-1), § 352

SHARES AND SHAREHOLDERS

Broker compensation, bankruptcy, liability for payment, § 216

Sale of stock as sale of personal property, corporation owning real estate, § 123

SIGNS AND SIGNALS

Office locations, § 58

SPECIAL PROVISIONS

Expenses

Brokerage commissions, § 382

Moving expenses, § 383

STATUTE OF FRAUDS

Compliance, § 110.50

STATUTE OF LIMITATIONS

Sale of personal residence, § 364

STATUTES

Brokers, definitions, § 16

Housing, discrimination, § 310

Licenses and permits

Exemptions, § 27

Suspension and revocation, § 59

SUBDIVISIONS

Listing agreements

Conditions, § 165

SUBSIDENCE

Dwelling, disclosure, § 298

SUICIDE

Real estate brokers, disclosures, prior occupants, § 299

TAPE RECORDINGS

Negotiations, disclosure, § 275

TAXES AND TAXATION

Real estate brokers, trust accounts, § 329

TAX LIENS

Knowledge of broker

Misrepresentation, § 301

TENANCY IN COMMON

Default

Payment of commission, § 216

TERMITES

Knowledge of broker

Misrepresentation, § 301

INDEX

THIRD PERSONS

- Disciplinary procedure
 - Initiation, § **54**
- Documents with third persons, brokers, statute of frauds, § **109**
- Obligations of broker, § **292 et seq.**
- Representations, reliance, fraud, § **299**

TIMESHARE ARRANGEMENTS

- Definitions, § **19**
- Sales, broker qualifications, § **15**

TITLE TO PROPERTY

- Nonperformance by seller, commissions, § **157**
- Ready, willing and able buyer
 - Default by seller, § **157**

TORTS

- Brokers
 - Against principal, § **277**
 - Against third parties, § **298 et seq.**
 - Remedies available, § **251.50**
- Interference with contractual relationships, § **279**
- Malpractice, § **278**
- Negligence, liabilities
 - Obligations, other persons, § **313**
- Principals, § **243 et seq.**
- Tortious interference with contractual relationship, § **249.50**

TRANSACTION BROKERS

- Duties of, generally, § **276.50**

TRUST ACCOUNTS

- Generally, § **328**
- Disbursal of funds, § **330**
- Discipline, § **331**
- Requirements and operation, § **329**

TRUST ACCOUNTS AND TRUST FUNDS

- State regulations for real estate brokers, § **328.50**

TRUST COMPANIES

- Real estate licenses, exemptions, § **26**

TRUSTEE IN BANKRUPTCY

- Contracts
 - Consent, § **101.50**

UNJUST ENRICHMENT

- Commissions
 - Performance of duties, § **129**
 - Unlicensed brokers, § **121**
- Services properly rendered, § **121**

UNSTABLE SOIL

Knowledge of broker

Misrepresentation, § 301

ZONING AND PLANNING

Disclosure of restrictions, § 276

Knowledge of broker

Misrepresentation, § 301