

Defense Strategy – Steve Delmartini

This committee consists of a few attorneys (CAR as well as defense panel attorneys), about 7 Realtors and a few committee chairs such as Forms, Federal etc...

Jana Gardnet - Hotline attorney

1. Many calls regarding landlord/tenant with the eviction moratorium expiring.
2. "tons" of calls on the new home fire hardening form and conflicts with how it's understood. Very confusing.
3. Increased calls on fair housing which is a good thing. She attributes some of this to both NAR and CAR increasing the awareness of some of the problems out there. Probably more in the property management side than the sales side.
4. Hot market issues still remain. Ambiguous agent language that is not clearly understood between the parties, non contingent offers, deposit releases etc...
5. Increase in Seller remaining in possession calls.
6. SB9 calls. New CAR Q&A has been released.

Shannon Jones - Defense panel attorney from northern Calif.

1. DRE is starting to investigate the amount of time that it takes a consumer to sign documents with DocuSign or other e-signing methods. Advises sending anything that is going to be signed ahead of time for the buyer/seller to review and when sending for signature including a statement that they are now signing the paperwork previously sent/reviewed.
2. Slow down, take a breath agents in a hurry and making dumb mistakes like using the wrong counter offer. Sending out a single person counter when it's a multiple counter offer situation.
3. Lots of claims due to this heated market.. There are piles of disclosures that are not being reviewed, she suggests using the "Market Conditions Advisory". Back stuff up with confirming emails to your client.
4. Claims due to non contingent offers and the return of the deposits when someone wants to back out. She has had agents say it's not a problem to get your deposit back with non contingent deals.
5. Buyer remorse. New claims being made. Over paid, non contingent deals, non disclosure, etc...
6. agents overstate how many offers they believe to be coming in. This can be a tough one because agents are generally stating what they are being told by other agents. Saying something like I expect seven offers and the only two or maybe three show up and the offer amount was determined on a potential misrepresentation of offers.
7. Claims due to agents not understanding cancellation rights.