



3780 Fernandina Road
Columbia, SC 29210



<FIRST NAME><LAST NAME>
<ADDRESS>
<CITY>, <STATE><ZIP>

WWW.SCREALTORS.ORG • LEGAL HOTLINE 803-772-5206 • TECH HELPLINE 877-753-5607 • INFORMATION@SCREALTORS.ORG

EXCITING NEW BENEFITS AWAIT YOU WITH NO BROKER FEES!

zipForm® Plus Broker Team makes your job easier! These tools were created to provide a smooth workflow for busy real estate professionals—from listing to close. Take advantage of these benefits now and give yourself a professional advantage.



Administrative Features*

Built-in oversight tools with document approval



Team Features

Team members can create transactions for other members



Responsive Tools

Responsive user interface with quick loading tools

* Additional charges may apply for any Transaction Coordinator (TC) seats for Admins who are not NAR Members.

Call today at 866-627-4729 to set up your account!
For more information visit www.ziplogix.com/brokerteam



South Carolina REALTORS® BROKER BULLETIN

3rd Edition • July, 2017

A Message from South Carolina REALTORS® President



SCR has a lot of special broker-specific benefits and events that we hope you will take advantage of!

1. Annual Conference Broker Group Pricing | August 30, 2017 - September 1, 2017

SCR continues to offer special broker pricing for its annual conference & expo, REALTOR® Revolution. You'll save \$100 per ticket by registering your agents for a Broker Package of 5 tickets or save \$125 per ticket by registering 10 attendees. The process is simple: Just pay for your preferred package online at revolutionscr.com. After you pay, email jennifer@screaltors.org and request the broker package form. Once we receive the names and email addresses of your agents, we'll register them individually! Don't miss this awesome deal! This conference has a lot to offer you and your agents including sessions on drones, virtual reality tours, REALTOR® safety, home security systems, economic updates and more!

2. Broker Summit Conference | October 23, 2017 - This broker-only event and working lunch is something you'll not want to miss! SCR has invited Steve Murray of Real Trends to guide brokers through the topics of Digital Marketing Consulting and Web Hosting Contracts. We'll also have Q&A so that you can dive deeper into the topics that effect you and your business. Don't miss this important event! Registration coming soon. Mark your Calendars!

3. Zipform Broker Edition | Access it now! - Zipform Plus Broker Team makes your job easier with administrative features, team features and responsive tools! These tools were created to provide a smooth workflow for busy real estate professionals. Take advantage of these benefits now and give yourself a professional advantage! For questions call 866-627-4729.

4. Broker Survey | Coming soon! - SCR wants to make sure your feedback is always taken into consideration. Please keep an eye out for our Broker Survey - coming soon to your inbox! This survey will cover use of due diligence, clauses and contracts. Please take a moment to complete the survey. We rely on your feedback.

5. Broker Facebook Group - If you haven't already, please be sure to join our Broker Facebook group, where you'll get broker-specific news straight to your newsfeed. Just go to facebook.com/groups/SCRBROKERS and request to join.

These are broker benefits just for you! But remember, it's not a benefit if you don't take advantage of it!

David Phillips,

2017 South Carolina REALTORS® President

JOIN TODAY!

Broker Involvement Program

Every Voice Counts

WWW.REALTORACTIONCENTER.COM/REALTORS/ENROLLMENT.HTML

Legal Update: Forms changes effective 9/1/17

By SCR General Counsel, Byron King



SCR's Standard Forms Committee has had a busy year updating forms. Please see below for a list of these changes which will become effective 9/1/17. Be sure to update your agents by sharing this information and encouraging them to tune-in to SCR's upcoming Forms Webinar on July 27, 2017. Register now at screaltors.org/webinar.

Offer Rejection Form (SCR314)

LLR created new offer rejection form SCR314. This new form must be signed in a timely manner, and delivered from the listing licensee to the buyer side licensee in order to confirm that the offer was presented to the sellers and rejected by the sellers.

Earnest Money - BIC's should now only disburse earnest money with a disbursement document signed by the parties (SCR518 release or SCR517 disbursement agreement) or judge. Mediators can help the parties self-settle. Another option is for it to be signed by a judge (e.g. magistrate interpleader, court of competent jurisdiction); however, this option can be costly. Licensees must deliver earnest money checks to their BIC or law firm escrow agent no later than the following business day. Some BICs use law firms to hold all trust funds. In that case, it is best for parties to always have an escrow agreement with the law firm.

Due Diligence (SCR311) - Forms were updated to remind buyers and buyer's representatives to plan out the due diligence period so that buyers have enough time to inspect and sellers have enough time to get repair estimates. The planning must allot both parties time to negotiate before the due diligence period ends. It is an unprofessional practice to submit the Repair Request (SCR525) at the end of the Due Diligence Period which can result in the Buyers becoming locked into an as-is contract.

SCR525 should contain all the Buyers' desired repairs at presentation to the Sellers because should the Sellers agree to the presented SCR525, the Contract is amended and headed to Closing with no more repair negotiations unless otherwise agreed to in writing by the Parties.

Wood Infestation Report (SCR310/300) - Check with your lender to determine if a CL100 is required. SCR310/300 will be updated to include checkboxes making the Contract "contingent" or "not contingent" upon a completed CL100.

As a REALTOR® you should know that there are two kinds of houses - those that have termite damage, and those that will get termite damage. So even if the Buyer's lender does not require a CL100, your risk management strategy might include recommending the Buyer get a CL100 and let the Buyer make the decision.

Repair Procedure (SCR310/300) - SCR310/300 will be updated to make the Repair Procedure based on a "fill in the blank number of Business Days after the Effective Date" instead of a calendar date. This allows a sliding schedule that covers long contract negotiations and makes the form scheduling more uniform (SCR310/311/300).

LLR updated the "seller disclosure" for the new license term "material adverse fact" on page one of the LLR RPCDS.

'Material adverse fact' means:
(A) A condition or occurrence that is generally recognized as:
(i) Significantly and adversely affecting the value of the real estate;
(ii) Significantly reducing the

structural integrity of improvements to real estate; or
(iii) Presenting a significant health risk to occupants of the real estate; or
(B.) Information that indicates that a party to a transaction is not able to or does not intend to meet an obligation under a contract or agreement made concerning the transaction.

Brokerages might have a policy to require the seller to complete a seller disclosure as required in the SCR residential listing agreements (listing brokerage requirement) or purchase agreement (buyer brokerage recommend to buyers).

QUESTIONS? Call the Legal Hotline at 803-772-5206 or email at info@screaltors.org.

Don't Use ZipForms?

Based on feedback from Brokers across the state, SCR is happy to announce a new program policy regarding SCR forms.

Brokers will now be able to license SCR forms and use them with their preferred transaction management/forms system. Any Broker who is interested in contracting with SCR for this benefit, or simply has any questions on the program, should contact SCR at (803) 772-5206.

Legislative Update: Background Checks

By SCR Director of Government Affairs, Lindsay Jackson



REALTORS® were horrified by the murder in Woodruff, South Carolina last year. We knew it was our responsibility to ask the legislature to enact more stringent laws to better protect the public and our REALTOR® members.

We're happy to report that H.3041, regarding enhanced criminal background checks for real estate professionals, was passed by the South Carolina General Assembly at the last hour on the last day of the legislative session.

The bill was signed into law by Governor McMaster on May 19, 2017.

By passing this bill, the legislature honored the victims of the horrible crimes reported last year. The Spartanburg and Greenville delegations were key supporters of the legislation.

Led by Representatives Sandifer, Tallon, Hamilton, Elliott and Long in the House and Alexander and Talley in the Senate, both bodies came together to pass a meaningful bill that will protect the integrity of the real estate profession.

Other key supporters from around the state were Senators Climer, Scott and Davis, and Reps. Crawford and the primary bill sponsor, Representative Chip Huggins.

This legislation was SCR's top legislative priority and REALTORS® were proud to support it.

H. 3041 will require:

- Initial applicants for a license (salesperson, broker, broker in charge, property manager and property manager in charge) to submit a finger-print based criminal background check. Current law already requires state and federal criminal background checks at initial licensure, the new law will now add the finger-print requirement.
- Renewing applicants (salesperson, broker, broker in charge, property manager and property manager in charge) to submit a state and federal criminal background check every 3rd renewal cycle (every 6 years)
- All licensees to disclose any civil judgements brought on grounds of fraud, misrepresentation or deceit. This likely will appear as a question on the license application.

Failure to submit a criminal background check will place the license inactive until the criminal background check evaluation is complete.

The Department of Licensing, Labor and Regulations (LLR) will need some lead time to allow for proper implementation of this new law so we expect full implementation to be complete in 2020.

Stay tuned for guidance and policy statements that we expect the South Carolina Real Estate Commission to provide regarding updates on timing and implementation.

VOTE ★ ACT ★ INVEST

Go to screaltors.org/rpac and make your investment today!