

I.W.V. REAL ESTATE VIEWS

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DECEMBER EVENTS CALENDAR

MLS Committee Meeting Wednesday, December 12, 10 a.m.,
Association Office.

No Board of Directors Meeting in December.

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FROM THE PRESIDENT

Dear Agents. . . .

It's hard to believe that it is already December. Halloween and Thanksgiving are already behind us and Christmas are right around the corner. The year has flown by and I have enjoyed serving you as President this year. It has been a year of big changes and many challenges.

Thank you for all who attended the General Membership meeting at El Charro.

The annual installation dinner on November 16th at the Carriage Inn was a terrific event. The theme was Mardi Gras and the installation committee did a great job making this a very special event. Everyone who attended had a great time. Congratulations to Teresa Jacobs for being named Realtor of the Year.

Admiral David Dunaway has invited all of us to take a tour of the base. No date has been set yet, it will be sometime after the first of the year. If you are interested in taking the tour, please call Gail at the board office and sign up now.

Our Christmas in July/August for the Women's Shelter was a success. Thank you to those who participated and please see the attached letter from the Women's Shelter. Thank you, Anna Marie for all your hard work.

Wishing you all a very Merry Christmas and a Happy New Year,

Joette Chantler, President

NEW OR REVISED C.A.R. LEGAL ARTICLES OR MEMORANDA

(Available on Legal's What's New and the Legal Memoranda pages on C.A.R. Online @ www.car.org.)

Member Legal Services has published a revised legal article, Taxation of Foreclosures, Deeds in Lieu of Foreclosure, and Short Sales (September 24, 2007). It is available on Avoiding Probate: Small Estates (July 23, 2007). Question 9 of this legal article was revised from the newly published version on September 10th to clarify the tax issue of relief from indebtedness with short sales. In addition, citations to the relevant I.R.S. Revenue Rulings 82-202, 1982 C.B. 35 and 91-31, 1991-1 C.B.19 were added.

Strategic Defense Counsel Articles: Short Sales (September 24, 2007). It is available on Legal's Strategic Defense Program page on *C.A.R. Online*. This legal article is the first of a series of articles to be published by the Strategic Defense Counsel on risk management and litigation defense issues for Realtors®. The article has been updated and revised to provide greater clarity of certain issues (such as potential liability to sellers who misstated their income on stated income loan applications and new forms for short sales). In particular, Questions 10 and 18 were added and Questions 11 and 12 were revised.

Another revised legal article has been published by Member Legal Services, California Withholding Tax on the Sale of Real Property (October 1, 2007). This legal article has been updated since the law has substantively changed subsequent to the last publication of the article in 2005. This article discusses the basic rule that buyers must withhold and remit to the California Franchise Tax Board 3 1/3% of the total sales price upon the sale (transfer) of California real property unless an exemption applies. All the exemptions are listed in Question 3 and discussed in greater detail throughout the article. A few changes in the law are as follows: Reduced withholding is now available under certain circumstances; new forms are required (FTB 593-C and 593-E), and the law now permits an alternative withholding amount (percent). The article includes links to the required forms as well as a link to the FTB brochure, "Real Estate Withholding Guidelines."

Member Legal Services has published a revised legal article, Transfer Disclosure Statement Law (October 16, 2007). This legal article has been updated to include a discussion of C.A.R. Form AVID and how it can be used in conjunction with the TDS or MHTDS. In particular, Questions 2, 8 and 9 have been added. Several other questions have been slightly revised. There is a reference and link to the *Realmuto v. Gagnard* case which holds that a buyer may cancel the purchase contract if the seller does not provide a TDS (assuming the seller is not exempt). The endnotes were deleted and the citations were incorporated into the article where appropriate.

2008 New Laws Passed by the California Legislature Affecting REALTORS® (October 23,

2007). Members will find a summary of the newly passed legislation as well as links to the actual text of the Senate and Assembly Bills.

Member Legal Services has changed the name of the legal article, *Home Equity Sales Contracts* (September 16, 2005) to Notice of Default and Investor-Buyer Transactions: Home Equity Sales Contracts. The date has remained the same since the text of the article has not changed. There are no substantive changes to the law. The name was changed to make it easier for members to recognize the applicability of this law. Before the home equity sales contracts law comes into effect, all four of the following conditions must be satisfied: (1) the property is residential with one-to-four units, (2) the owner must currently occupy one of those units, (3) the buyer must be an investor (will not live in the property) and (4) a notice of default has been recorded against the property.

Buyer-Broker Agreements: Q&A for Consumers (October 30, 2007). This legal article has been updated to reflect the form name changes from BBE, BBNE, BBNN to BRE, BRNE, BRNN. A few other non-substantive changes were also made. In addition, the password protection has been removed so that this article, which is intended for consumers, can be easily accessed by our members' clients.

2007 Board of Directors

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