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It seems a buyer, buyer's broker, or buyer's attorney without express written authorization from the seller to do so would be denied access to seller's files with lender and other lien holders and as "unauthorized third parties" would not be invited to deal with the loss mitigation negotiators.

In the **RANM Short Sale Listing Agreement Addendum** seller authorizes listing broker to "disclose or provide any requested information to the Lienholder(s) and to the Buyer and/or Buyer's Broker in order to obtain approval of a Short Sale." And, "to contact and communicate directly with Lienholder(s) to obtain loan or lien status and account and payoff information." And, "to complete any documents required by Lienholder(s) to allow Broker to communicate directly with Lienholder(s) and to obtain and convey necessary information to effectuate the Short Sale."

Note that the **RANM Contingency Addendum (Short Sale)** provides "Buyer and Seller agree to use their best efforts to obtain lienholder's approval..." with any commentary as to what "best efforts" requires or allows. But, in any case, it appears that this "provision" would still require *seller's separate express written authorization to buyer, buyer's broker, or buyer's attorney* to make contact, much less deal with, seller's Lienholder(s).

Article 16 of the Realtor® Code of Ethics generally prohibits a potential or actual cooperating broker from dealing directly with the other broker's client without express permission from the other broker or if requested by the other broker's client to become directly involved. It appears that the Code could be understood that this prohibition applies indirectly to the cooperating broker's customer or client and any attorney the customer or client may employ.

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