



Terrance R. Monnie Co., LPA
ATTORNEY AT LAW

June 4, 2008

OAR Legal Counsel Ruling Regarding REO/Bank Listings

Agents,

There has been considerable attention centering around when it is appropriate for a Realtor to list a property that is being foreclosed on by the lender/bank. The issue centers around the question of whether a bank can legally list a property until they actually receive the deed from the Sheriff's office. In the foreclosure process, the Court will, after all the pleadings are filed, execute and file an Entry Confirming the Sale; however, the deed will often not be executed by the Sheriff for weeks after this resulting in the controversy. Well, the suspense is over as OAR's legal counsel has made the following ruling:

- "Licensees can list a property after confirmation of the sale by the court, but prior to issuance of the deed...."**
- However, good practice dictates that the licensee should request a copy of that "Confirmation" entry for their files.**
- OAR also reminds agents that the fair housing logo and language must be included in the listing agreement. If the lender is using its own listing form, the agent must attach the appropriate fair housing language as an addendum.**
- Furthermore, lenders must be provided with the broker's Consumer Guide to Agency Relationship BEFORE the agent markets or shows the property.**
- PS: The Ohio Legislature is considering HB 138 requiring confirmation of a foreclosure sale within 30 days of the sale and recording of the deed within 14 days of payment of the purchase price.**

I hope this is helpful.

TERRANCE R. MONNIE CO., LPA
Terrance R. Monnie