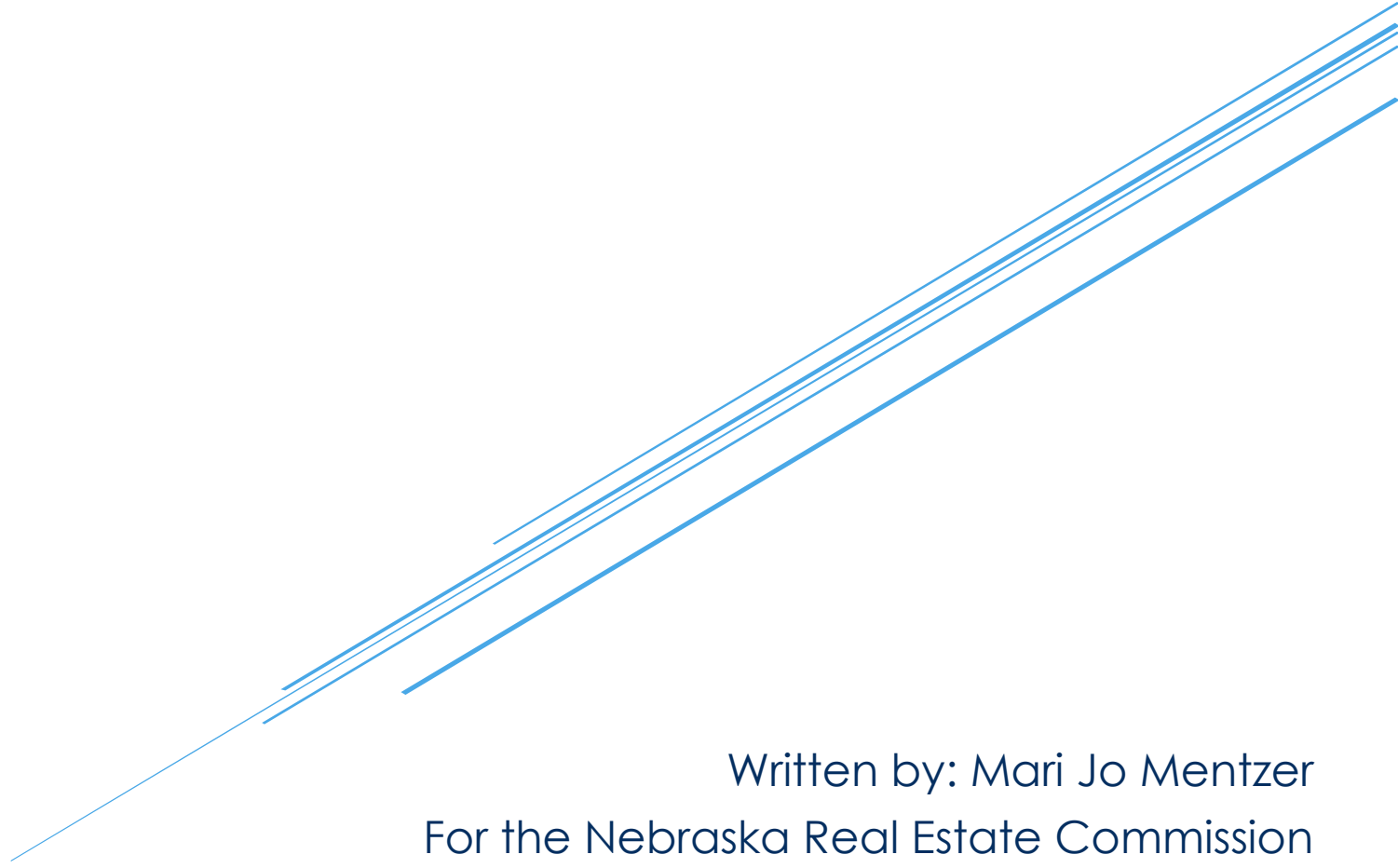


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NEBRASKA LICENSE LAW

Instructor's Guide
2024 Edits



Written by: Mari Jo Mentzer
For the Nebraska Real Estate Commission

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WELCOME!

Dear Instructor,

The Purpose of the Course

This course focuses on the knowledge most critical to Licensee training in Nebraska License Law. This is separate from the National portion of the licensee exam. In addition, this course is designed to develop effective classroom training.

Audience Description

The primary audience consists of individuals who are currently working in many fields outside the real estate industry. Even though some may have experience in real estate; however, that experience is not a prerequisite to the course. Experience levels vary from the standpoint of backgrounds, education, age, specific skills and prior experience. Some will be pre-license students, and others will be seasoned agents seeking to become brokers. All are assumed to have the desire to increase their knowledge and skills in the real estate industry.

Major Course Objectives

After completing this course, the learner will be able to;

- Asses their process through each module, analyze information, and modify study habits to enhance learning.
- Interpret real estate law and demonstrate good practice in business transactions.

Format of Design Documents

The Instructor's Guide design document format, such as shown on the next page, is a landscape document which can be used as a flip chart for ease of instruction when giving presentations. It is recommended to get a flip chart binder for this tool.

The Participant's Guide document format is the traditional portrait format, which is an easier tool for the learner to assess and store. It also complements the Applicant Packet, which they will need for this coursework.

A Power Point Presentation has also been provided to complement the Instructor's Guide.

All of these tools are designed to be used together during classroom instruction.

Purpose of Assessments

Instructor,

Assessments are as much for the instructor as they are for the learner;

There are many different types of learner assessments, testing being the most common.

Different types of assessments will be used throughout this coursework to help insure that the learner understands what is being taught and that the instructor is communicating well with the students in the classroom.

“Asking students to demonstrate their understanding of the subject matter is critical to the learning process; it is essential to evaluate whether the educational goals and standards of the learner are being met.”

<http://www.edutopia.org/assessment-guide-importance>

Benefits of assessments include understanding the learner's knowledge in the subject base. The instructor can see what areas need to be covered more thoroughly and/or review before moving forward to the next module, or before making changes and/or modifications to a lesson(s), helping the learner become successful.

***Instructors, it is important to collect and evaluate your data. It gives YOU the tools to “self-evaluate” performance in the classroom, and find out what is working and what is not, so that you can also move into a positive direction.**

An example of an Assessment Page has been provided below.

NAME	Quiz 1	Quiz 2	Quiz 3	Quiz 4	Quiz 5	Quiz 6	Quiz 7	Quiz 8	Quiz 9	Quiz 10	Student Average
Ann	90	80	82	84	77	70	76	80	76	88	80
Ben	100	96	100	92	77	90	85	100	100	93	93
Carmen	98	100	96	92	80	92	88	100	100	96	94
Danni	78	80	82	79	72	80	78	92	88	84	81
Evan	86	100	98	94	74	90	86	90	78	88	88
Instructor Average:	90	91	92	88	76	84	83	92	88	90	

Obviously, the instructor needs to review module 5, assessing content, learning and instruction.

Individuals like Ann and Danni may also need additional learning tools or review of some material to help them become successful in preparing for the State exam and understanding Nebraska License Laws.

NOTE: Averages 80 and below should be carefully reviewed to help make the student and instructor more successful in their roles.

MODULE 1: GETTING YOUR NEBRASKA REAL ESTATE LICENSE

Objectives:

License Law

- Learner should be able to explain the importance of a license and understanding license laws.

Governing Powers

- Learner will become familiar with resources such as ARELLO, NREC, NAR, AND NRA

Real Estate License Information

- **Learner needs to know how to complete application process!**

INSTRUCTORS YOU WILL NEED: NREC Application Packet for this 30 Hour Pre-License Course. It should include a copy of the “NEBRASKA CANDIDATE HANDBOOK.”

If students do NOT already have an Application Packet, they may go to the NREC website, www.nrec.ne.gov to download a soft copy, or call the Commission at 402-471-2004 to have one mailed directly to them.

It is recommended to READ the Application Packet prior to instructing this course.

WATCH the video “4 Pillars to Finding a Brokerage” by Twenty New Clients, time (5 min 43 sec.)

<iframe width="560" height="315" src="https://www.youtube.com/embed/9CcVWPZNYaM" frameborder="0" allowfullscreen></iframe>

(PPT5)

Or you may select your own YouTube video to compliment your coursework.

INSTRUCTORS YOU WILL NEED TO CREATE BIO-SLIDE SIMILAR TO SLIDE 3 AND INSERT IT AFTER THE INTRODUCTION PPT SLIDE 2.

HOW TO:

1. Open **PPT** presentation.
2. Select **INSERT** tab at top of screen.
3. Select **NEW SLIDE** tab.
4. Select **TEMPLATE** you desire to use for your biography.
5. **CREATE** biography.
6. **SAVE**.

MODULE 1: GETTING YOUR NEBRASKA REAL ESTATE LICENSE

Time	Topic	Lecture & Activities
10 min	Introduction to course material. (PPT 2-3)	INTRODUCTION: Expectation of course material should be presented. Introduce learner to course materials, what they need to bring to class and how to prepare for class, PER YOUR SCHOOL REQUIREMENTS. Review Instructor's expectations for learners. Instructor should have already created a Bio slide prior to starting instruction to share with learners. Instructor may choose to have learners introduce themselves at this time.
5 min	MODULE 1: GETTING YOUR NEBRASKA REAL ESTATE LICENSE (PPT 4 & 5)	DISCUSS: What materials will be reviewed in Module 1
5 min	Definitions (PPT 6 & 7) (PG 5)	LECTURE: Define and explain in your own words what Real Estate License Law is and why we have it. <ul style="list-style-type: none"> • License – <i>The permission granted by competent authority to exercise a certain privilege that, without such authorization, would constitute an illegal act, a</i>

	(PPT 8&9)	<p>Trespass or a TORT. The certificate of the document itself that confers permission to engage in otherwise proscribed conduct. http://financial-dictionary.thefreedictionary.com/license</p> <ul style="list-style-type: none"> • License Laws – Particular state laws having to do with qualifications, licensing, and oversight of real estate or other professionals within the state in order to; (1) ensure minimal levels of expertise, (2) promulgate enforceable standards to protect consumers from fraud, abuse, or negligence, and (3) provide mechanisms for self-policing of the industry. One can check the license status of any purported real estate broker or salesperson by going to the website of the Association of Real Estate License Law Officials www.arello.org and clicking on License Registration Verification. NOTE: This information can also be located on the NREC website. http://financial-dictionary.thefreedictionary.com/license+laws
10 min	<p>Tools in Real Estate</p> <p>(PPT 10 - 18)</p> <p>(PG 6-7)</p>	<p>LECTURE:</p> <p>On the topic of resources in the real estate industry and how they can be found:</p> <ul style="list-style-type: none"> • Introduce the activity of using smart phones and other technology in real estate by having the Learner look up key resources in the real estate industry. • Use PPT in conjunction with looking up the following websites. • ARELLO – www.arello.org, Association of Real Estate License Law Officials.

		<ul style="list-style-type: none"> • NREC – www.nrec.ne.gov, Nebraska Real Estate Commission, NOT A TRADE ORGANIZATION, the governing power in the State. Discuss difference between NREC and NAR. • NAR – www.realtor.org, National Association of REALTORS, which is the largest trade organization, comprises state, regional, and local associations. NAR not required membership. NREC has license law, NAR has code of ethics. • NRA – www.nebraskarealtors.com, Nebraska Association of REALTORS, which is also a trade organization, representing the State. • Discuss what resources can be found on each site. • Discuss the use of phone applications.
<p>5 min</p>	<p>Are License Laws Constitutional? (PPT 19)</p>	<p>LARGE GROUP DISCUSSION; Motivate learners to investigate Nebraska License Law material and look for answers for their daily course work and in their daily business practices. Ask the learners;</p> <ul style="list-style-type: none"> • Does the state have the right to demand that only persons with certain qualifications of education, knowledge, or character be permitted to engage in the real estate brokerage business? This is a matter of the learner's opinion to share in open discussion. • Does it violate the “due process clause of the 14th

		<p>Amendment of the Federal Constitution? Which provides; “...nor shall any State deprive any person of life, liberty, or property without due process of law...” This is a matter of the learner’s opinion to share in open discussion. Semenow, “Questions and Answers on Real Estate,” 4th Edition, 1964</p> <ul style="list-style-type: none"> • In 1935 Nebraska passed a Real Estate License Law.
15 min	<p>“Scheduling an Examination Appointment”</p> <p>(PPT 20)</p> <p>(PG 8-9)</p>	<p>REVIEW: NE Candidate Handbook; <u>READ</u> & review pages 1 to of page 9,</p> <p>EXAMINATION INFORMATON;</p> <ul style="list-style-type: none"> • After the Licensee’s name has been released by the NREC they can schedule their exam. • Application, (page 2 & 4) • Scheduling an Appointment, (page(s) 2 & 4) • Exam Procedures (page 2) • Appointment Changes & Cancellations, (page 6) • Weather & Refunds (page 4) • What to bring on Exam day (page 7) • Special Accommodations (page 7)
10 min	<p>Test Content</p> <p>(PPT 21)</p>	<p>REVIEW: NE Candidate Handbook; <u>READ</u> & Review pages 7 to the top of page 10.</p> <ul style="list-style-type: none"> • How to Prepare for the Test, (page11) • TEST CONTENT pages 12-19 <p>Q&A: Allow Learners to ASK questions regarding the test information in the NE Candidate Handbook. Instructors</p>

		should be prepared to answer questions, <u>READ THE PACKET AHEAD OF CLASS.</u>
5 min	Rules & Other (PPT 21)	REVIEW: NE Candidate Handbook. <ul style="list-style-type: none"> Review Rules for Taking the Test, (page 9) Discuss other resources which may assist the learner in preparing for the test.
15 min	Learning Assessment (PPT 22) (PG 10-11)	QUIZ: Explain to learners they will now take a brief Quiz to classify Learner's experience outside the classroom in real estate. This is not graded against them, but simply to assist the instructor in recognizing the real estate background of each learner. Attachment 1A TURN INTO INSTRUCTOR; CHECK INDEPENDENT OF CLASSTIME TO ASSESS STUDENTS' BACKGROUND IN REAL ESTATE
5 min	"TIPS FOR PROCEEDING THROUGH THE	REVIEW: Handout by NREC found in the Application Packet. READ OUT LOUD TOGETHER IN CLASS.

	<p>APPLICATION PROCESS MOST EXPEDIENTLY”</p> <p>(PPT 23)</p>	
10 min	<p>“REAL ESTATE LICENSING INFORMATION”</p> <p>(PPT 24)</p>	<p>LECTURE:</p> <ul style="list-style-type: none"> • Review real estate licensing information, provided by NREC. <p>81-885.19. License; form; broker’s branch office; license fee. (1) The commission shall prescribe the forms of brokers' and salespersons' licenses.</p> <p>(2) If a broker maintains more than one place of business within the state, he or she shall obtain a branch office license for each branch office so maintained by him or her. The commission shall issue a branch office license upon the payment of an annual fee to be established by the commission of not more than fifty dollars per license. The broker or an associate broker shall be the manager of a branch office.</p> <p>(3) The commission shall provide for verification of the current status of licenses electronically or by other means readily available to the public.</p> <ul style="list-style-type: none"> • • Instructor should carefully review this information and direct ANY questions they cannot answer to the NREC DIRECTLY so the learner may receive accurate information. • Discuss Criminal History Checks. • EFFECTIVE DATE: August 31, 2003 “(4) An applicant for an original, nonresident broker's or salesperson's license

		<p><i>shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol...the applicant shall authorize the release of the national criminal history record check to the commission."</i></p> <ul style="list-style-type: none"> • Applies to ALL APPLICANTS. <p>PPT 25</p>
15 min	BREAK	
15 min	<p>HOW TO CHOOSE A REAL ESTATE COMPANY FOR WHICH TO WORK?!</p> <p>(PPT 26)</p> <p>(PG 12)</p>	<p>WATCH:</p> <p>"How to Choose A Real Estate Brokerage (4 Pillars)", by Twenty New Clients</p> <p><small><iframe width="560" height="315" src="https://www.youtube.com/embed/9CcVWPZNYaM" frameborder="0" allowfullscreen></iframe></small></p> <p>U-tube video shares what a new Licensee first impression of real estate brokerages may be; questions Licensees should ask themselves when entering the industry; and questions Licensees may want to ask brokerages.</p> <p>Instructor should disclose they cannot recommend and/or discuss ANY specific real estate brokerage in the state of Nebraska.</p>
20 min	DEVELOP QUESTIONS	<p>ACTIVITY:</p> <p>Give learners time to design interview questions on their own, using ATTACHMENT 1B.</p>

	(PPT 27) (PG 13)	
30 min	THE INTERVIEW	<p>ACTIVITY: Use Speed Dating as both a role play and networking opportunity for students. Split classroom into two groups, counting off 1-2, 1-2, etc. Let 1's interview 2's first round, then reverse process, moving students every 60 seconds.</p> <ul style="list-style-type: none"> • Introduce themselves professionally to each other. • Briefly share real estate goals. • Ask one or more questions as time allows.
10 min	INTERVIEW QUESTIONS	<p>LARGE GROUP DISCUSSION: Briefly discuss; What they learned in the activity about professional goals? What goals will they have moving forward?</p>
10 min	<p>BUSINESS PLANNING</p> <p>(See PPT under Large Group Discussion.)</p> <p>(PG 14)</p>	<p>LARGE GROUP DISCUSSION: Lecture: Often times Agents fail to recognize themselves as their OWN SMALL BUSINESS. Typically they work as an independent contractor for a brokerage.</p> <p>ASK:</p> <ul style="list-style-type: none"> • What does working as an independent contractor mean to you? <p>PPT 28</p> <ul style="list-style-type: none"> • Did they have a business plan in place? <p>PPT 29</p>

		<ul style="list-style-type: none">• Have you been in business before? PPT 30 <ul style="list-style-type: none">• What worked? PPT 31 <ul style="list-style-type: none">• What didn't? PPT 32 <ul style="list-style-type: none">• What would you do differently? PPT 33 <ul style="list-style-type: none">• What advice would you share with your peers? REVIEW PPT QUESTIONS <p>Direct students to small business plan websites such as, but not limited to www.sba.org.</p> PPT 35 SHARE personal experience in real estate planning and what worked well for you.
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Attachment 1A

Assessment Quiz

True or False

- F 1. The law of brokerage is a combination of the statute of frauds and the law of equity.
- F 2. A broker's employment contract with a salesperson must be in writing.
- F 3. A licensed broker may divide his/her commission with an unlicensed attorney, who cooperated in making the sale.
- F 4. The salesperson who leaves a broker may take all of his/her listings to his/her new broker.
- F 5. A licensed salesperson may divide his/her commissions with another licensed salesperson with his/her broker's consent.
- T 6. The principle in a listing contract is the seller.
- F 7. The NREC (Nebraska Real Estate Commission) has authority to fix 6 percent as the rate of commission on real estate.
- F 8. "Earnest Money" is the commission which a broker receives in the deal.
- F 9. "REALTOR" is the term used by a broker after he successfully negotiates a deal.
- T 10. A broker may pay compensation only to his own salesperson and another broker.
- F 11. A Real Estate Board in a metropolitan area can fix the commission rate for its members to charge.
- T 12. It is unlawful for a salesperson to receive a commission from anyone other than the broker to which he/she is licensed.
- F 13. A salesperson should advertise the sale of real estate in his/her own name only.
- T 14. The law obligates every agent to act in, and for, the best interest of his/her client.

Attachment 1A

Assessment Quiz

Multiple Choice

1. A salesperson receiving a deposit should: Answer: C
 - a. Place it in his/her "special account."
 - b. Place it in his/her broker's general account.
 - c. Turn it over to his/her broker.
 - d. Place it in the salesperson's trust account.
2. Upon the death of a broker, his/her listings may be taken over by: Answer: D
 - a. His widow.
 - b. His son, who is of lawful age.
 - c. A trust company.
 - d. None of these.
3. The first step necessary for licensed broker to recover a commission is to: Answer: C
 - a. Find a buyer.
 - b. Find a seller.
 - c. Have a written agreement for brokerage services.
 - d. Advertise the property for sale.
4. When a broker and a salesperson have a dispute over commission from a deal, they should: Answer: B
 - a. Complain to the owner.
 - b. Bring action in court.
 - c. File a complaint to the NREC.
 - d. Compel arbitration.
5. The broker's fiduciary relationship with his principal requires that: Answer: C
 - a. He/she act as a responsible and prudent person.
 - b. He/she discuss all angles of each deal with his/hersalespersons.
 - c. He/she act in the highest and best interest of his/her client.
 - d. He/she act commensurate with his compensation.

Attachment 1B

How to Find the Right Brokerage?

Examples of: INTERVIEW QUESTIONS FOR PRE-LICENSEE STUDENTS

1. **Do you provide training?**
 2. **Do you have a mentor program in which I can shadow an experienced agent for a period of time?**
 3. **At what commission split will I begin?**
 4. **What costs will I incur? Initial: Licensing, application, business cards, photo, name badge, dues, etc.**
 5. **Please show me the examples of marketing materials available to me.**
 6. **Is there a dress code?**
- 1) Based on the video what are some other questions you may want to ask a broker before making a decision?
- 2) Based on the video what other questions should you ask yourself before interviewing with a brokerage?

NOTE: *Instructors, this is a great assessment tool for you to learn what is important to agents in their business!*

DEVELOPING A BUSINESS PLAN;

- What does working as an independent contractor mean to you?
- Do you have a business plan in place?
- Have you been in business before?
- What worked?
- What didn't?
- What would you do differently?
- What advice would you share with your peers?

MODULE 2: NEBRASKA FAIR HOUSING ACT, PART 1

Objectives:

Fair Housing in Today's World

- Introduction to Fair Housing Practices in Real Estate.

The Fair Housing Act

- Students should be able to interpret the basic concepts of The Fair Housing Act in Nebraska.

Key Terms

INSTRUCTORS YOU WILL NEED: An NREC Application Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA FAIR HOUSING ACT."

Instructors, it is recommended to READ the NEBRASKA FAIR HOUSING ACT prior to instructing this course. Watch the video "Matter of Place" by The Fair Housing Justice Center,

<http://www.youtube.com/watch?v=WkYfa5lx-nU>.

If students do NOT already have a packet containing the Nebraska Fair Housing Act, they may go to the NREC website; www.nrec.ne.gov to get one, or call 402-471-2004 to have mailed to them directly.

(PPT 36-37)

MODULE 2: NEBRASKA FAIR HOUSING ACT, PART 1

Time	Topic	Lecture & Activities
5 min	MODULE 2: INTRODUCTION TO FAIR HOUSING (PPT 38)	LARGE GROUP DISCUSSION: Many times both new and seasoned agents are put into compromising situations by their clients who are in clear violation of Fair Housing Laws. Put the student in the “Hot Seat” regarding how they would handle being asked to violate the law. Ask the learners; <ul style="list-style-type: none"> • What would you do if you were at your first listing appointment alone and the home seller off-the-cuff said to you, “I don’t want you to sell my home to an Hispanic family?” (Or Black, Asian, or single parent.) • What do YOU know about Fair Housing Laws?
30 min	“Matter of Place” (PPT 39) (PG 17)	Watch Movie. “A Matter of Place” by The Fair Housing Justice Center This movie is 27:35 minutes. It shows Fair Housing discrimination, testing and recaps a brief history of Fair Housing.

		<p>Ask learners to listen for words that may indicate discrimination has taken place and write them down to share with the group at the end of the movie. Example: “Some of the apartments are for Program People and some of the apartments are for regular people.”</p> <p>https://www.youtube.com/watch?v=WkYfa5IX-nU</p> <p>Discuss which words the learners found that may point to discrimination, and how they made them feel.</p>
10 min	<p>What would you do if this happened to YOU?!</p> <p>(PPT 40)</p>	<p>LARGE GROUP DISCUSSION;</p> <p>Ask learners again;</p> <ul style="list-style-type: none"> • What would you do if you were at your first listing appointment alone and the home seller off-the-cuff said to you, “I don’t want you to sell my home to an Hispanic family?” (Or Black, Asian, or single parent.) <p>Share the following tips with the students;</p> <ol style="list-style-type: none"> 1. Immediately break off the conversation, announce in clear and unmistakable terms that the seller is asking you to commit a crime, and that neither you nor your company engages in housing discrimination. 2. Leave. 3. Document (write down, sign and date) everything the seller said and everything that you said in response. 4. Immediately contact your supervising broker, tell him or her what happened. Photocopy the notes you made and give them to the broker and keep a copy for

		<p>yourself.</p> <p>5. Wait for instructions from your broker, and once you have those instructions document them and whatever actions you take from this point forward. (If your broker asks you to turn your files over to the company or the company lawyer, keep copies of everything for yourself.)</p> <p>From; "21 Things I Wish My Broker Had told Me" by Frank Cook.</p>
10 min	<p>KEY TERMS</p> <p>(PPT 41-51)</p> <p>(PG 18-20)</p>	<p>LECTURE;</p> <p>Here are some "Key Terms" learners need to become familiar with when discussing Fair Housing. Using PPT, define key terms to Learners;</p> <ul style="list-style-type: none"> • Discrimination – the unjust or prejudicial treatment of different categories of people or things, especially on the grounds of race, age, or sex. • Redlining – is the practice of denying services, either directly or through selectively raising prices, to residents of certain areas based on the racial or ethnic makeups of those areas. • Blockbusting – was a business practice of U.S. real estate agents and building developers to convince white property owners to sell their house at low prices out of fear that persons of color will soon move into the neighborhood. The agents then sold the houses at

		<p>much higher prices to black families desperate to escape the overcrowded ghettos.</p> <ul style="list-style-type: none"> • HUD – The United States Department of Housing and Urban Development is a cabinet department in the Executive branch of the United States federal government. Although its beginnings were in the House and Home Financing Agency, it was founded as a Cabinet department in 1965, as part of the “Great Society” program of Lyndon Johnson, to develop and execute policies on housing and metropolises. • Fair Housing Act – a law enacted as part of civil rights legislation that prohibits discrimination of home sales, rentals, and financing based on race, color, national origin, religion, sex, familial status or those with disabilities. • Other terms learners should become familiar with can be found in the Nebraska Fair Housing Act, Section 20-304 – 20-317.
5 min	<p>Fair Housing Act 1968</p> <p>(PPT 52)</p> <p>(PG 21-22)</p>	<p>LECTURE;</p> <p>“Fair Housing Act (Title VIII of the Civil Rights Act of 1968) introduced meaningful federal enforcement mechanisms. It outlawed; Refusal to sell or rent a dwelling to any person because of race color, religion, or national origin.”</p> <p><i>Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as</i></p>

		<p>amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability. www.hud.gov</p> <p>Direct learners to; www.hud.gov for additional information.</p>
5 min	<p>NE FAIR HOUSING ACT, Legislative Bill 825 Effective Date: September 6, 1991, Amended by LB 1073, 1998; LB 625, 2004; LB 361, 2005</p> <p>(PPT 53)</p> <p>(PG 23)</p>	<p>LECTURE;</p> <p>NE Fair Housing Act; Article 3; Housing; 20-302. Civil rights; policy of state. It is the policy of the State of Nebraska that there shall be no discrimination in the acquisition, ownership, possession or enjoyment of housing throughout the State of Nebraska in accordance with Article 1, section 25, of the Constitution of Nebraska.</p> <p>DISCUSS;</p> <p>Ask Learners; How does unfair treatment occur in real estate related transactions?</p>
5 min	<p>Civil Rights Act of 1866</p>	<p>LECTURE;</p>

		<p>Civil Rights Act of 1866, 1st law written by Congress to prohibit discrimination based on a person's race. "All citizens of the United States shall have the same right in every state and territory as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real personal property."</p>
5 min	<p>The 1974 Housing and Community Development Act</p> <p>(PPT 54)</p> <p>(PG 24)</p>	<p>"The Housing and Community Development Act of 1974, (12 U.S.C. 1706e), is a United States federal law that, among other provisions, amended the Housing Act of 1937 to create Section 8 housing,^[1] authorizes "Entitlement Communities Grants" to be awarded by the United States Department of Housing and Urban Development,....."</p> <p>www.wikipedia.org</p> <p>Protected: Sex.</p> <p>"The Housing and Community Development Act of 1974."</p> <ul style="list-style-type: none"> • 1974, Congress passed. • This included sexual harassment, but NOT sexual orientation. <p><u><i>This Act also included Section 8 housing programs.</i></u></p>
10 min	<p>The 1988 Fair Housing Amendments Act</p>	<p>LECTURE AND READ</p> <p>"The Federal Fair Housing Act"</p> <p>"The Federal Fair Housing Act (codified at 42.U.S.C. 3601-3619,</p>

	<p>(PPT 55)</p> <p>(PG 24)</p>	<p>penalties for violation at 42.U.S.C.3631) Title VIII of the Civil Rights Act of 1968, was intended to protect the buyer/renter of a dwelling from seller/landlord discrimination. Its primary prohibition makes it unlawful to refuse to sell, rent to, or negotiate with any person because of that person's inclusion in a protected class."</p> <p>www.wikipedia.org</p> <p>Protected: Persons with physical or mental handicaps, families with children.</p> <p>LARGE GROUP DISCUSSION:</p> <p>Ask learners;</p> <ul style="list-style-type: none"> • Can someone please find and read what Section 20-317 in NE Fair Housing defines? Restrictive covenant shall mean any specifications limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status, or ancestry. • 1995 the Federal Fair Housing Act was amended to include rules for verifying the age of occupants. "Housing for older persons." Why do you think this act was amended? Ask this question to get Learners thinking about protected classes, what they include.
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		<ul style="list-style-type: none"> • What types of housing does the Federal Fair Housing Act affect? All
15 min	BREAK	
20 min	<p>NEBRASKA FAIR HOUSING ACT, Legislative Bill 825 Effective Date: September 6, 1991, Amended by LB 1073, 1998; LB 625, 2004; and LB 361, 2005</p> <p>(PPT 56)</p> <p>(PG 25)</p>	<p>SMALL GROUP ACTIVITY;</p> <p>Divide class up into 3 or 4 small groups, asking them to read Nebraska Fair Housing Act 20-318 through 20-322. It is good to have small groups rotate around a circle and each read a paragraph out loud. Instructors should be visiting each group, motivating learners to interpret what they are reading to each other. In addition, try to identify if you have a learner struggling with the language.</p>
20 min	<p>NEBRASKA FAIR HOUSING ACT</p> <p>(PPT 57)</p>	<p>SMALL GROUP WORKSHOP:</p> <p>Instruct each group to discuss and write a short presentation why Section 20-322 is exempted? How do they feel about</p>

	(PG 26-27)	<p>the exemption?</p> <p>Allow them to use any resources in the classroom they feel may be effective learning tools, such as dry erase board, paper, etc., to prepare their presentations.</p>
20 min	NEBRASKA FAIR HOUSING ACT	<p>LARGE GROUP DISCUSSION;</p> <p>Have a representative from each group present group thoughts with class. Limit them to 3-5 minutes.</p>
5 min	NEBRASKA FAIR HOUSING ACT	<p>LECTURE; Section 20-323. Affirmative action required; cooperation with commission.</p> <p>“All executive departments, state agencies, and independent instrumentalities exercising essential public functions, including any state agency having regulatory or supervisory authority over financial institutions, shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of the Nebraska Fair Housing Act and shall cooperate with the commission to further such purposes.”</p> <ul style="list-style-type: none"> • This includes banks and mortgage companies. • Property management companies.

		<ul style="list-style-type: none"> • Ask the learners who else this would include?
5 min	NEBRASKA FAIR HOUSING ACT	<p>LECTURE;</p> <p>Section 20-324. Equal Opportunity Commission; educational and conciliatory activities; programs of compliance and enforcement.</p> <p><i>“The commission (EOC) shall conduct such educational and conciliatory activities as in the commission’s judgement and will further the purposes of the Nebraska Fair Housing Act.”</i></p> <p>You may continue reading the act and/or lecture on the following;</p> <ul style="list-style-type: none"> • The commission is involved in education of the Nebraska Fair Housing Act. • They consult with local authorities for areas where discrimination may have or potentially may have occurred and implement educational programs to combat it. • They may also issue reports as deemed necessary.
10 min	Fair Housing Wrap Up	<p>LARGE GROUP DISCUSSION;</p> <p>Share with learners any personal experiences you may have had regarding Fair Housing, advice or other resources you personally feel would be valuable to share.</p> <p>Ask what the learners NOW know that they did NOT know</p>

		about Fair Housing before.
15 min	<p>SPEED QUESTIONS</p> <p>(PPT 58)</p> <p>(PG 28)</p>	<p>ACTIVITY:</p> <p>1) The Act which prohibited all racial discrimination in housing is;</p> <ol style="list-style-type: none"> Civil Rights Act of 1866. Civil Rights Act of 1964. Civil Rights Act of 1968. Fair Housing Amendments Act of 1988. <p>2) On a National level which agency is responsible for handling fair housing complaints?</p> <ol style="list-style-type: none"> NEOC HUD FHA Attorney General’s Office <p>3) A Nebraska property manager did not want to rent to a gay couple after they had given him deposit, first month’s rent and passed a credit check. He told the couple that he had made a mistake and the apartment had already been rented by another property manager, when in fact it had not. This is an illegal practice according to;</p> <ol style="list-style-type: none"> NE Fair Housing Act; Article 3. Civil Rights Act of 1866 Civil Rights Act of 1968. VA <p>4) The Fair Housing Act prohibits discrimination of home sales, rentals, and financing based on;</p>

		<ul style="list-style-type: none"> a. Race, color, religion, and familial status. b. Race, color, national origin, religion, familial status or those with disabilities. c. Race, color, national origin, religion, sex, familial status or those with disabilities. d. None of the above. <p>5) What was the business practice called of real estate agents and building developers to convince white property owners to sell their homes below market value out of fear that persons of color would soon move into the neighborhood, depreciating property values?</p> <ul style="list-style-type: none"> a. Steering b. Redlining c. Block Busting d. Discrimination
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MODULE 3: NEBRASKA FAIR HOUSING ACT, PART 2

Objectives:

Fair Housing in Today's World

- Housing Problems We Face Today.

NREC's Role

- Discover what roles NREC plays in Nebraska Fair Housing.

HUD Advertising

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

Instructors, it is recommended to READ the NEBRASKA FAIR HOUSING ACT prior to instructing this course. If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call 402-471-2004.

(PPT 59-60)

MODULE 3: NEBRASKA FAIR HOUSING, “Rules & Regulations” Part 2

Time	Topic	Lecture & Activities
10 min	Housing Problems We Face Today In California Mortgage Assistance to Illegal Immigrants (PPT 61) (PG 31)	LECTURE; “Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin.....” LARGE GROUP DISCUSSION: Ask Learners; <ul style="list-style-type: none"> • In today’s real estate industry Fair Housing Laws are still being contested and challenged. What do we see happening in Nebraska? • How many learners are familiar with the case in Fremont, Nebraska regarding housing for “illegal” immigrants?
30 min	Housing Problems We Face Today (PPT 62-64)	LARGE GROUP ACTIVITY; Learners should read article as individuals in class <ul style="list-style-type: none"> • Encourage students to look up information on smart phone if needed to answer questions searching for other resources. • Instructors may want to include additional examples for discuss.

	(PG 32-35)	<p>Read and Discuss Article, maybe</p> <ul style="list-style-type: none"> •
5 min	Housing Problems We Face Today	<p>LARGE GROUP DISCUSSION;</p> <p>Ask learners if “Illegal Immigrants are a protected class?”</p> <ul style="list-style-type: none"> • Definition of “Protected Class” <p>Encourage learners to look for answers on www.HUD.gov And/or www.avlaborlawforum.org</p> <p>NOTE: “Illegal” Immigrants ARE NOT a protected class....” Recently the Court of Appeals for the Seventh Circuit held that national origin is not the same as alienage status, and is not protected by Title VII.” www.avlaborlawforum.org</p>
15 min	What is NREC’s role in Fair Housing? And How do you file a	<p>SMALL GROUP ACTIVITY;</p> <p>Have learners read Nebraska Fair Housing Act 20-325 through 20-328. It is good to have small groups rotate around a circle</p>

	<p>complaint with NREC?</p> <p>(PPT 66-67)</p> <p>(PG 36)</p>	<p>and each read a paragraph out loud. Instructors should be visiting each group, motivating learners to <i>interpret</i> what they are reading to each other.</p> <p>20-324. Equal Opportunity Commission; educational and conciliatory activities; programs of compliance and enforcement.</p> <p>20-325. Commission; duties.</p> <p>Also reference*;</p> <p>20-326; Discriminatory housing practice; complaint; procedure; investigation.</p> <p>20-337. Hearing officer; powers and duties; civil penalties; order; effect.</p> <p><i>*Make sure learners understand to reference back and read referenced paragraphs as well. 20-326 & 20-337</i></p> <p>LECTURE; reading using PPT.</p> <p>HOW TO FILE A COMPLAINT WITH THE NEOC? Sec. 20-326</p> <ul style="list-style-type: none"> • Aggrieved person MUST file the complaint within 12 months of an alleged discriminatory housing practice with the NEOC. • Complaint MUST be in writing. • Commission may also investigate housing practices to decide if they should hear complaint.
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		<p>After the filing of the complaint;</p> <ul style="list-style-type: none"> • NEOC will serve notice to the aggrieved person acknowledging they have received the complaint, in addition to sharing with them other forums provided under the Nebraska Fair Housing Act. No later than 100 days after filing the complaint, or identification of an additional respondent, will serve notice of the complaint. <p>EACH respondent will file, within 10 days, a response to the complaint.</p> <ul style="list-style-type: none"> • The NEOC then has 100 days to investigate the complaint or take further action under section 20-332. If the commission cannot complete the investigation within 100 days after the filing of the complaint, they will notify the complainant and respondent in writing for the reasons of not doing so. <u>Complaints and answers will be under oath.</u> • A person who is not named as a respondent in the complaint, but is identified as one in the course of the investigation may be joined as an additional or substitute respondent. <p>(PPT 64-68)</p>
15 min	Who can file a	LARGE GROUP ACTIVITY;

	<p>complaint?</p> <p>(PPT 70-73)</p> <p>(PG 37-38)</p>	<p>Using Reference 20-327 through 20-334 Problem Solve; Write questions on board.</p> <p>Discuss Answers</p> <p>Reference 20-327 through 20-334</p> <p>“Kayla and Juan, college professors, owned a home situated close to the water on Platte River which they enjoyed during the summer months when school was not in session. The other nine months of the year they contracted with Roger, a licensed property manager to find a suitable couple who would rent it out.</p> <p>Julie and Sam, with their 5 kids, who had excellent credit and referrals, tried to rent the property. However, based on safety fears regarding the children being so close to the water, their application was rejected.</p> <p>Based on familial status, Julie and Sam filed a complaint.</p> <ol style="list-style-type: none"> 1. Did a discriminatory act occur? Answer: Yes. Licensed property managers are not allowed to consider risk and circumstances of a home when making rental decisions. For that reason they cannot discriminate based on familial status. 2. Can Julie and Sam file a complaint with the NREC? <i>(Instructor have the learners identify steps to take,</i>
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		<p>Reference 20-327 through 20-334)And against whom? Answer: Yes, they can file a complaint against Roger.</p> <p>3. If Kayla and Juan had not hired Roger to represent them, would they have been exempt from the Fair Housing Act? Answer: Yes, they would have been exempt if they had no agent.</p> <p>(PPT 69-72)</p>
15 min	<p>Introduction to HUD advertising</p> <p>(PPT 74 -79)</p> <p>(PG 40)</p>	<p>ACTIVITY:</p> <p>Have learners look up advertising guidelines on www.hud.gov.</p> <p><i>This may take a few minutes!</i></p> <p>LECTURE: on HUD Advertising Guidelines.</p> <p>Section 804(C) of the Fair Housing Act makes it unlawful “to make, print, or publish, or cause to be made, printed, or published, any notice, statement, or preference, limitation, or discrimination because of race, religion, sex, handicap, familial status, or national origin, or an intention to make such preference, limitation, or discrimination.”</p> <p>Applies to ALL advertising media, including;</p> <ul style="list-style-type: none"> • Newspapers

		<ul style="list-style-type: none">• Magazines• Television• Radio• <u>AND INTERNET & SOCIAL MEDIA!</u> <p>DATES TO REMEMBER;</p> <ul style="list-style-type: none">• 1989 HUD published advertising guidelines• 1995 additional guidelines were published. <p>GUIDELINE;</p> <ul style="list-style-type: none">• Advertising that contains words, phrases, symbols or visual aids that indicate a discriminatory preference or limitation.• Advertising that selectively uses media, human models, logos and location to indicate illegal preference or limitation.• Various types of discriminatory advertising practices condemned by the Fair Housing Acts. <p>Ask Learners;</p> <p>4. If Kayla and Juan had rented out their home using an</p>
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		<p>online ad that stated “NO CHILDREN” would they have still been exempt? ANSWER: NO, they would have lost their exemption because of discriminatory advertising.</p> <p>DISCUSS; What other words, phrases, symbols, and visual aids may be prohibited by HUD? (PPT 73-78)</p>
15 min	BREAK	
15 min	<p>Introduction to HUD Advertising</p> <p>(PPT 80-81)</p> <p>(PG 42)</p>	<p>LECTURE; Explain to learners the importance of using both the Fair Housing logo and poster in their advertising, and the significance it plays in the real estate industry.</p> <p>Equal Housing Opportunity logo</p> <ul style="list-style-type: none"> • Recommended on ALL real estate for sale or rent. • Logo choice depends on the type of advertising and the size of the advertisement. However, at NO TIME should the size of the logo be smaller than 1/2 inch by 1/2

		<p><i>inch.</i></p> <p>Other types of advertising;</p> <ul style="list-style-type: none"> • <i>Equal Housing Logo should be the size at least equal to the largest of other types of logos. If no logos are used, 3-5% of the advertisement should be a Fair Housing Logo.</i> <p>Fair Housing Poster</p> <ul style="list-style-type: none"> • Persons subject • Places of business • Location of posters • Availability of posters <p>The Nebraska Real Estate Commissions Rules and Regulations Title 299, Ch.2, Sec. 003, “ALL advertising shall be under the direct supervision of the broker, and in the name of the broker conducting business as recorded with the Commission.”</p> <p>Internet & Social Media sites;</p> <ul style="list-style-type: none"> • Your broker should be aware of and approve all advertising, including Internet and social media websites such as Facebook, Twitter, LinkedIn, and Craigslist. • ALL advertising MUST follow guidelines by including broker or firm name and FHA Advertising Guidelines on EACH PAGE of Internet and social media websites.
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		<p><i>Consumers should not have to click a link to locate this information on your advertising.</i></p> <ul style="list-style-type: none"> • No matter where you advertise, you need to include the Fair Housing LOGO. <p>New Construction & Open Houses;</p> <ul style="list-style-type: none"> • Recommend putting poster in 8x10 frame and displaying at new construction and open houses. This will indicate to both testers and the public you follow Fair Housing Guidelines. <p>Ask learners if they have any comments and/or questions regarding Fair Housing Advertising.</p>
45 min	<p>ASSESS LEARNING</p> <p>(PPT 82)</p>	<p>WORD QUIZ*/ ATTACHMENT 3B</p> <p>Give students 30 min to complete quiz and review last 15 minutes in class. Recommend to have students self-check so they can understand word choices</p> <p>Assess Learning; QUIZ on Fair Housing Act in Nebraska.</p> <p>*The information for the WORD QUIZ can be found on NEOC, Nebraska Equal Opportunity Website. www.neoc.gov</p>
15 min	<p>SPEED QUESTIONS</p> <p>(PPT 83)</p>	<p>ACTIVITY:</p> <p>1) Which of the following actions is legal under Fair Housing laws in Nebraska?</p>

(PG 47)

- a. Refusing to rent to a family with children.
 - b. Refusing to show a home to a Muslim couple.
 - c. Telling a prospective tenant a home is already rented when it is not.
 - d. Turning down a prospective tenant because of a poor credit history.**
- 2) ALL of the following are exempt from the Federal Fair Housing Laws except;
- a. A licensed agent selling a home for his/her family.**
 - b. Church using a building for a non-commercial purpose.
 - c. For Sale by Owner.
 - d. Private golf club renting out rooms to its members.
- 3) A local broker does not have an equal housing poster displayed prominently in his office, nor do they have the equal housing logo displayed on their website. This absence may be considered;
- a. Acceptable because there are not many minorities in Nebraska.
 - b. A misdemeanor and subject to a fine of not more than \$100 dollars.
 - c. Prima facie evidence of discrimination.**
 - d. Good use of saving advertising space and money.
- 4) In 1989 HUD published advertising guidelines which;
- a. Contained words, phrases, symbols or visual aids that indicate a discriminatory preference or limitation.**
 - b. Contained words, phrases, symbols or visual aids that indicate a non-discriminatory preference or limitation.
 - c. Contained tweets, social media campaigns and snap chats that indicate a non-discriminatory preference or limitation.
 - d. HUD has no authority to set advertising guidelines.
- 5) When filing a Fair Housing complaint with the Nebraska Real Estate Commission which of the following is true;
- a. Complaint **MUST** be over the phone to a trained professional.
 - b. Aggrieved person **MUST** file the complaint within 72 hours of an alleged

		<p>discriminatory housing practice.</p> <p>c. Aggrieved person MUST file the complaint with HUD, not the Nebraska Real Estate Commission.</p> <p>d. Complaint MUST be in writing.</p>
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Attachment 3A

Fremont, Nebraska to Keep Undocumented Immigration Rules

AP | By JOSH FUNK

Posted: 02/12/2014 9:59 am EST Updated: 02/12/2014 9:59 am EST

FREMONT, Neb. (AP) — Residents of a small Nebraska city have reaffirmed their desire to take on illegal immigration.

Nearly 60 percent of Fremont voters decided Tuesday to keep an ordinance that requires all renters to swear they have legal permission to live in the U.S.

Voters first approved the rules by a smaller margin in 2010. Critics pushed for the new vote, saying the housing restrictions would be ineffective and might cost Fremont millions of dollars in legal fees and lost federal grants. They also said it was hurting the city's image.

But it wasn't enough to sway voters in the conservative agricultural hub near Omaha.

Fremont is one of only a handful of cities trying to restrict illegal immigration and, like those other cities, has found itself mired in court fights because of the regulations. City leaders put the ordinance on hold after the 2010 vote while courts reviewed it.

Now, some supporters are questioning whether city leaders will implement the ordinance, which was mostly upheld by the 8th U.S. Circuit Court of Appeals last year. The city of 26,000 residents was getting ready to enforce the housing restrictions for the first time last fall when elected officials decided to schedule another vote.

"The mayor and city council need to listen to the people," said John Wiegert, who helped organize the petition drive that put the ordinance on the 2010 ballot. "The people have spoken twice."

Fremont resident Matt Kwiatkowski, who voted to keep the housing restrictions, said he doesn't have any problems with immigrants who legally come to the U.S., but he doesn't think the country should go easy on people living here illegally. He hopes Fremont's ordinance will help increase pressure on the federal government to do something about illegal immigration.

"I think more towns need to do this given that the federal government isn't doing its job," Kwiatkowski said.

Civil rights groups, which could still derail the ordinance by taking their challenge to the U.S. Supreme Court, said they would closely monitor Fremont's implementation of the rules.

"We are saddened by the result of today's vote, and will stand with those residents of Fremont who will be harmed by the unfortunate decision to allow a discriminatory housing ordinance to be implemented," Amy Miller, legal director of the American Civil Liberties Union of Nebraska, said Tuesday night.

The housing rules require anyone who rents a home or apartment to apply for a \$5 permit and attest to their legal status, but there is no mandate to show proof. New permits are needed for every move, and landlords are required to make sure their tenants have permits or face a \$100 fine.

It's not clear how many people live in Fremont illegally. Census figures show 1,150 noncitizens live in the town, including immigrants who don't have permission to be in the U.S. and lawful permanent residents, foreign students and refugees who are legally in the country.

Supporters insist the measure does not target Hispanics, but the topic can make for awkward conversation given Fremont's growing immigrant population. The number of Hispanics jumped from 165 in 1990 to 1,085 in 2000 and 3,149 in 2010, mostly because of jobs at the nearby Hormel and Fremont Beef plants.

When Fremont first adopted the ordinance, the city was thrust into the national spotlight partly because it acted shortly after Arizona's strict immigration law made headlines. A few other cities, such as Valley Park in Missouri, have modified or abandoned ordinances in the face of court challenges and dissent.

In Congress, similar issues have halted immigration reform. A Senate-passed bill appears to be dead in the House, where conservatives cite a changing series of reasons for not wanting to act. House Speaker John Boehner has all but ruled out passage of immigration legislation before the fall elections.

A provision in the ordinance that wasn't up for consideration in Tuesday's vote requires employers to use a federal online system to check whether prospective employees are permitted to work in the U.S. That part of the law has been in place since 2012, and larger employers were already using it.

Answer the following questions based on the article above.

1. **Did the City of Fremont, NE employ a discriminatory housing practice when they enacted this ordinance?**

ANSWER: *No, illegal immigrants' rights are not protected.*

2. **If the Fair Housing Act of 1968 prohibited discrimination on the basis of race, color, religion, sex and national origin why would this new ordinance be exempt from the Fair Housing ACT?**

ANSWER: *Illegal immigrants' rights are not protected under the Fair Housing Act because they have entered the country without permission. They have no legal rights. However, "legal immigrants" rights are protected.*

3. **Based on the information in this article, do you project more communities in Nebraska will enact similar city ordinances in the future?**

ANSWER: *Opinion; There is no right or wrong answer.*

Attachment 3B

FAIR HOUSING ADVERTISING WORD AND PHRASE QUIZ

Below is a list of words and phrases that are sometimes used by Real Estate Professionals in advertising. Mark which words you think are not acceptable, should be used with caution, or are considered acceptable in complying with state and federal housing laws.

NA to indicate **Not Acceptable**

C to indicate words that should be used with **Caution**.

A to indicate the words are **Acceptable**.

__NA__ able-bodied

__C__ active

__NA__ adult living

__NA__ adults only

__NA__ African

__NA__ agile

__NA__ alcoholics, no

__NA__ Asian

__NA__ bachelor

__NA__ blacks, no

__NA__ blind, no

__C__ board approved required

__NA__ Chinese

__NA__	Children, no	__NA__	couple
__NA__	church (es), near	__NA__	couples only
__C__	close to	__C__	country club, near
__C__	college students	__A__	credit check required
__NA__	colored	__NA__	crippled, no
__A__	bus/MAX, near	__NA__	employees, must be
__NA__	Catholic	__C__	(gender)
__NA__	Caucasian	__C__	grandma's house
__NA__	Chicano	__C__	gentleman's farm
__NA__	deaf, no	__NA__	empty nesters
__A__	den	__A__	Equal Opportunity Employers (EOE)
__C__	desirable, neighborhood	__NA__	(ethnic references)
__NA__	drinkers, no	__C__	exclusive
__A__	drugs, no	__A__	family, great for
__A__	drug users, no	__A__	family room

__C__	female(s) only	__A__	luxury townhouse
__C__	fisherman's retreat	__C__	male(s) only
__A__	fixer-upper	__C__	male roommate
__C__	gays, no	__C__	man (men) only
__NA__	Indian	__NA__	married
__NA__	Irish	__C__	mature
__NA__	Integrated	__NA__	mature couple
__NA__	Jewish	__NA__	mature individuals
__NA__	landlord (description of)	__NA__	mature person(s)
__NA__	Latino	__NA__	membership approval required
__C__	lesbians, no	__NA__	mentally handicapped, no
__NA__	golden agers only	__NA__	healthy only
__A__	golf course, near	__NA__	Hispanic
__NA__	handicapped, not for	__A__	hobby farm
__C__	handyman's dream	__NA__	Impair, no

__NA__	mentally ill, no	__NA__	non-drinkers
__NA__	Mexican-American	__NA__	non-smokers
__NA__	Mormon Temple	__A__	(#of) bedrooms
__NA__	mosque	__NA__	(#of) children
__NA__	mother-in-law apartment	__A__	(#of) sleeping areas
__NA__	Muslim	__C__	(#of) persons
__NA__	must comply with park rules	__A__	nursery
__C__	nanny's room	__A__	nursing home
__NA__	(nationality)	__NA__	older person(s)
__C__	near	__NA__	one child
__A__	neighborhood name	__NA__	one person
__NA__	newlyweds	__NA__	Oriental
__A__	nice	__NA__	physically fit
__NA__	no play area	__A__	play area
__C__	no student(s)	__NA__	Polish

__C__	prestigious	__NA__	restricted
__NA__	privacy	__NA__	retarded, no
__C__	private	__C__	retired
__A__	private driveway	__C__	retirees
__A__	private entrance	__A__	school district
__A__	private property	__A__	school name
__A__	private setting	__NA__	seasonal worker, no
__A__	public transport, near	__A__	secluded
__NA__	Puerto Rican	__C__	Section 8, no
__A__	quality construction	__C__	secure
__C__	quality neighborhood	__A__	security provided
__A__	quiet	__C__	senior(s)
__A__	quiet neighborhood	__C__	senior citizen(s)
__NA__	quiet tenants	__A__	senior discount
__A__	responsible	__NA__	shrine

__NA__	singles only	__A__	view of
__NA__	single person	__NA__	white
__C__	single women, man	__NA__	white only
__A__	smoking, no		
__A__	smokers, no		
__A__	(square feet)		
__NA__	Social Security Insurance (SSE), no		
__C__	sophisticated		
__NA__	stable		
__C__	straight only		
__C__	student(s) only		
__NA__	temple, near		
__A__	townhouse		
__A__	traditional style		
__C__	two people		

MODULE 4: Understanding Real Estate Law

Objectives:

Real Estate Law

- Introduction to the Importance of Real Estate Law.

Nebraska's License Law Act

- Discover what roles NREC plays in Nebraska Fair Housing.

Key Terms

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call the Commission at 402-471-2004 to have one mailed directly to them.

(PPT 84-85)

MODULE 4: UNDERSTANDING REAL ESTATE LAW

Time	Topic	Lecture & Activities
15 min	<p>REAL ESTATE LAW</p> <p>(PPT 86-92)</p> <p>(PG 49-50)</p>	<p>LECTURE; What makes real estate operations successful?</p> <p>Successful real estate operations depend on;</p> <ol style="list-style-type: none"> 1. Ethics and honesty of its brokers and agents. <i>“Follow the License Law & Fiduciary duties” are words to live by!</i> 2. That the public also sees them as ethical and honest and trusts them. <p>NAR (National Association of REALTORS)</p> <ul style="list-style-type: none"> • A Professional TRADE organization which has developed a strict Code of Ethics to which all members must adhere. • EVEN THOUGH THE CODE OF ETHICS IS NOT REAL ESTATE LAW; many of the provisions in this code have been incorporated into real estate law and can be grounds for suspension or revocation of a license.

RULES & REGULATIONS

- Rules and Regulations are written by NREC as part of the Statutes.
- Agents are expected to adhere to Rules and Regulations which can become confusing to Licensees.
- LICENSEES MUST COMPLY WITH REAL ESTATE LICENSE LAW and their fiduciary duty!

License law is to PROTECT THE PUBLIC.

- Most problems stem from Licensees putting their own interests before those of their client's interest above their own, driving them to make decisions which may result in violations of the License Act and complaints being filed, and forgetting to work in an ethical manner with BOTH their clients and their peers. They wonder if it is possible to both follow the rules and make a living doing so.
- For that reason NREC and NAR have created educational requirements to help provide competent real estate agents.
- To be successful in the real estate industry you must have a basic understanding of License Law and the legal process.

5 min	<p>Real Estate Law</p> <p>(PPT 93)</p>	<p>LECTURE;</p> <p>CITE: <i>"In everything that you do, every statement you make, and every paper you prepare, remember that there is a possibility that your action may be the subject of a court decision. Conduct yourself as if it is not only possible but likely."</i> ~unknown broker.</p> <p>Interpret meaning to learners.</p> <p>Ask the Learners; <i>Is it possible to follow ALL of the Rules and Regulations and make a living in today's world?</i></p> <p>REMEMBER TO FOLLOW the Golden Rule--- <i>"Treat others the way you want to be treated."</i></p> <p>CLIENT IS THE FIDUCIARY! They are relying on their agent's expertise and duty of act in the client's best interest</p> <p>KEY TO SUCCESS: Ethical and honest behavior.</p>
15 min	General	LECTURE:

	<p>Framework of Law and Regulation in the United States</p> <p>(PPT 94-96)</p> <p>(PG 51)</p>	<p>General Framework of Law and Regulation in the United States</p> <ul style="list-style-type: none"> • Federal and State Constitutions: Create the general framework and procedures under which statutes and regulations can be enacted, they also place limitations, establish parameters on what legislative bodies can and can't do. These are the most difficult to change laws, and tend to remain fairly static over time. • Statutes: Passed by an elected legislative body, these laws are debated and passed when the legislative bodies are in session, the power to enact such laws, what they may or may not cover, allow, or prohibit, and the general procedures for passing legislative acts is established by the constitution (federal or state.) • Regulations: Passed by administrative bodies, regulations are to statutes what statutes are to the constitution. They can only be created within the limited scope of further defining terms and procedures established in statute.
10 min	REAL ESTATE LAW	LECTURE;

	(PPT 97-99)	<p>Court Cases:</p> <ul style="list-style-type: none"> • Common Law: Doctrines established by court precedent, principles of contract law come from common law. • Case Law: Interpreting statutes and regulations, also ruling statutes or other government actions unconstitutional.
15 min	<p>REAL ESTATE LAW</p> <p>(PPT 100-102)</p> <p>(PG 52)</p>	<p>LECTURE:</p> <p>A person's rights in real estate are defined and protected by the law.</p> <p>The purpose of the law is to clearly define and protect those rights; prevent and punish anyone who violates the law.</p> <p>Two types of law;</p> <ol style="list-style-type: none"> 1. Written law; constitutions, statutes and 2. Court Decisions. Federal constitution is fundamental law of the land. Statute is a law enacted by a legislative body of the State. Federal laws apply throughout the country,

		<p>but EACH STATE has its own laws.</p> <p>ALSO;</p> <p>3. Custom and Practice; <u>Though not officially written law</u>, there are elements of custom and practice in real estate activities that licensees need to be aware for example commission splits and also customary the method for prorating property taxes in Douglas County (which is different from the rest of the State, etc.)</p> <p>Real property however is subject to the state and local laws <u>where the property is located</u>, nothing to do with where the owner lives.</p>
15 min	BREAK	
15 min	<p>Real Estate Law</p> <p>(PPT 103-111)</p> <p>(PG 53-54)</p>	<p>LECTURE:</p> <p>In real estate law you must understand there are no absolutes; each situation is different. Real estate conflicts are governed by;</p> <ol style="list-style-type: none"> 1. Federal Laws 2. State Laws; which vary from jurisdiction to jurisdiction.

But all of these laws follow basic principles;

- **Principle of Jurisdiction** - is a legal doctrine which permits domestic courts to exercise their authority over parties to a case.
- **Principle of Equity**- cases based on **principles** of law shaped and developed in preceding cases.
- **Statutes of Limitations**- a law which sets out the maximum amount of time that parties have to initiate legal proceedings from the date of an alleged offense.
- **Doctrine of Laches** - *the legal doctrine that a legal right or claim will not be enforced or allowed if a long delay in asserting the right or claim has prejudiced the adverse party (hurt the opponent) as a sort of "legal ambush."*

Examples: knowing the correct property line, Oliver Owner fails to bring a lawsuit to establish title to a portion of real estate until Nat Neighbor has built a house which encroaches on the property in which Owner has title

Read more:

<http://dictionary.law.com/default.aspx?selected=1097#ixzz3sLx2KOLD>

- **Estoppel**- a legal principle that stops someone from asserting a truth that is **defined** as contradictory to an already established truth.
- **Doctrine of Clean Hands**-an equitable defense in which the defendant argues that the plaintiff is not entitled to obtain an equitable remedy because the plaintiff is acting unethically or has acted in bad faith with respect to the subject of the complaint.

		<p>https://www.wikipedia.org/g</p> <p>Unlike what we may sometimes think based on TV; Court decisions are made based not only on successful presentations but on Rules and Regulations; “Maxims of Jurisprudence.”</p> <p>UNICAMERAL;</p> <ul style="list-style-type: none"> • Statutes are passed by the Unicameral. • NEBRASKA is the ONLY State with a Unicameral. • What is a Unicameral? Nebraska has a single legislative body. <p>REMEMBER: Rules and Regulations are written by NREC as an addendum to the STATUTES. <u>The purpose of License Law is to PROTECT the public.</u></p>
<p>15 min</p>	<p>Specific Framework of Law and Regulation of Real Estate Licensees</p> <p>(PPT 112-117)</p> <p>(PG 55-57)</p>	<p>LECTURE:</p> <p>Specific Framework of Law and Regulation of Real Estate Licensees</p> <p>Federal and State Constitutions: Controlling documents governing the creation and enactment of statutes and general structure of government as described above.</p> <p>Statutes:</p> <ul style="list-style-type: none"> • Nebraska Real Estate License Act: Passed by the Nebraska Legislature. Defines real estate brokerage

		<p>activities, requires a license for those activities, requirements for becoming licensed, required and prohibited activities of licensees, and more as shall be discussed in this course.</p> <p>NOW have Learners find and HIGHLIGHT Section 81-885.01.</p>
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		<p>Terms, defined. For purposes of the Nebraska Real Estate License Law Act, unless the context otherwise requires. Explain they NEED to become familiar with these 18 terms, special emphasis on slide 117, definition of brokerage activity requiring a license (they should have had most of them in Principle and Practices.)</p>
15 min	<p>Specific Framework of Law and Regulation of Real Estate Law</p> <p>(PG 58-59)</p>	<p>LECTURE:</p> <p>Regulations: Specifically referred to as Rules and Regulations or the Nebraska Administrative Code in Nebraska</p> <ul style="list-style-type: none"> • Title 299: Drafted and enacted by the Nebraska Real Estate Commission, further defines the laws and procedures in the Nebraska Real Estate Act. • Title 301: Drafted and enacted by the Nebraska Real Estate Commission, further defines the laws and procedures in the Nebraska Agency Statues. <p>Case Law: Court interpretation of the above mentioned Acts, and common law as it relates to contracts and other areas of real estate practice.</p> <p>OTHER LAWS:</p>

		<ul style="list-style-type: none"> • Federal Laws • State Laws <p>Q&A: <i>What is an example of a Federal Law?</i> Answer: Federal Fair Housing or RESPA Discuss.</p> <p>Q&A: <i>What is an example of a State Law?</i> Answer: Seller Property Disclosure Statement, State Fair Housing, or Closing with Good Funds. Discuss.</p>
<p>15 min</p>	<p>Nebraska Real Estate License (PPT 116)</p>	<p>LECTURE:</p> <p>“What happens if you don’t have a real estate license?” An unlicensed person who accepts a “finder fee,” “Referral fee” and/or commission, and who is not exempt from obtaining a real estate license to provide brokerage services is endangering the public welfare and is subject to the following;</p> <ul style="list-style-type: none"> • The Director of the NREC has the power to issue a “cease and desist” order against the unlicensed person. The order is final 10 days after issuance unless the unlicensed person requests a hearing.

		<ul style="list-style-type: none"> • If the unlicensed person violates the cease and desist order, NREC will conduct a hearing on the matter, following the same guidelines used as hearings for licensed persons. • If the unlicensed person is found guilty of practicing real estate without a license, the NREC may impose a fine of: <ol style="list-style-type: none"> a) \$1,000 per day for EACH day spent in the unlicensed practice of real estate. b) Amount of money earned as compensation <p>FINES may be greater of a and b.</p> <p>In addition, the judgement of the fine is filed with the district court.</p> <p>NOW have Learners find and HIGHLIGHT Section 81-885.01(2) Broker term and 81.885.02-81-885.03(1). For purposes of the Nebraska Real Estate License Law Act, unless the context otherwise requires.</p> <p>Q&A: Who is exempt from the law?</p> <ul style="list-style-type: none"> • Owner or lessor of real property and regular employees of such owner or lessor when such duties are incidental to the primary job duties. • A person who is “power of attorney” or an attorney at law handling an estate or trust.
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		<ul style="list-style-type: none"> • Or any of the following; <ol style="list-style-type: none"> 1) Receiver – court appointed person handling a foreclosure. 2) Trustee in bankruptcy 3) Personal Representative – person who is court appointed to carry out terms of will or “estate of intestate” or person designated in a will to carry out terms of will. 4) Conservator or guardian – unmarried minor or person declared incompetent by a court of law. 5) <i>Residential Manager who leases real property.*</i> 6) <i>Employee’s, parents or relatives of the owner of real property who manages the real property for the owner.*</i> 7) <i>Employee of a licensed broker who manages rental property for the owner of real property.*</i> 8) <i>Federal Employees such as FHA & VA*</i> 9) State employees or political subdivisions such as Dept. of Roads. 10) Employees of the Tax Assessors Office 11) Landman – persons who sell oil, gas, or mineral leases 12) Employees representing railroads or other public utilities. 13) A person who makes calls or initiates contact to set up appointments, may read from a broker approved script about services offered cannot discuss not have a substantive discussion about services offered, motivating factors or obligate an potential client to work with the brokerage, must identify the brokerage they represent <p><i>*Property managers only.</i></p>
10 min	Nebraska Real	SMALL GROUP DISCUSSION:

	<p>Estate License</p>	<p>Split learners into 3 or 4 small groups with the following questions. Write the following questions on board;</p> <p>1) What happens to an unlicensed person practicing real estate for a fee? Answer: Fines; If the unlicensed person is found guilty of practicing real estate without a license, the NREC may impose a fine.</p> <p>2) Once you have passed your test can you practice real estate without first officially hanging your license with a designated broker? Answer: No</p> <p>3) If a salesperson misses his/her license renewal date of November 30, but went ahead and sent a check in on December 16, is he/she still a licensed agent of the State of Nebraska? Answer: Yes, License is expired after December 31. The option to renew late expired July1 of the ensuing year.</p> <p>LARGE GROUP DISCUSSION: Review answers together in a large group setting. Encourage learners to interpret lecture through discussion.</p>
5 min	<p>Nebraska Real Estate License</p>	<p>LECTURE:</p> <p>National State and Local Realtor's Associations</p>

	(PPT 117)	<p>Although, not law, licensees need to understand the difference between rules and policies of the National Realtor's Association (a voluntary trade association) and the laws and regulations discussed above. Violations of Association rules may lead to discipline or expulsion from the Association, but do not affect your real estate license directly. However, there certainly may be instances where a violation or trade association rules is also a violation of License Law.</p> <p>DISCUSS: Questions & Answers, make sure students have a clear understanding of what you have just read.</p> <p>CITE: <i>"A rule of civil conduct prescribed by the supreme power in the State, commanding what is right and prohibiting what is wrong."</i> ~ Blackstone.</p> <p>Interpret meaning to learners. Discuss.</p>
15 min	SPEED QUESTIONS (PPT 117) (PG 62)	ACTIVITY: 1) Successful real estate operations depend on the following; <ol style="list-style-type: none"> a. Agents having good technology applications and skills. b. Ethics and honesty of its brokers and agents. c. That the public also sees them as ethical and honest, and trusts them. d. Both b and c.

		<p>2) To be successful in real estate an agent must;</p> <ul style="list-style-type: none"> a. have a strong back ground in civil rights issues. b. have a basic understanding of License Law and the legal process. c. know right from wrong. d. be able to read and interpret the Fair Housing Act to their clients. <p>3) Real estate conflicts are governed by;</p> <ul style="list-style-type: none"> a. National Association of Realtors. b. Federal Law c. State Law. d. Federal and State Laws. <p>4) What happens to an unlicensed person selling real estate?</p> <ul style="list-style-type: none"> a. They are considered independent contractors. b. Fines, if the unlicensed person is found guilty of practicing real estate without a license. c. Fines of up to \$100,000 for each transaction they performed and a minim of 5 years in the state penitentiary. d. Fines, of up to \$100 for each transaction they performed and a minim of 5 years' probation with possible jail time. <p>5) If a salesperson misses his/her license renewal date of November 30, but went ahead and sent a check in on December 16, is he/she a licensed agent of the State of Nebraska?</p> <ul style="list-style-type: none"> a. No, they must retake the state portion of the exam. b. License is expired after December 1. c. License is expired after December 15. d. License is expired after December 31.
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MODULE 5: Understanding Real Estate Law

Objectives:

Real Estate Law

- Introduction to the Importance of Real Estate Law.

Nebraska's License Law Act

- Learners should be able to interpret basic concepts of the Nebraska License Law Act

Key Terms

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the “NEBRASKA CANDIDATE HANDBOOK.” NOTE: Module 5 is a continuation of Module 4.

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call the Commission at 402-471-2004 to have one mailed directly to them.

(PPT 119-120)

MODULE 5: UNDERSTANDING REAL ESTATE LAW

Time	Topic	Lecture & Activities
10 min	Nebraska Real Estate License Law (PPT 121-122) (PG 64)	LECTURE and READ: 81-885.16. Real Property Appraiser Act; applicability; broker's price opinion or comparative market analysis; requirements. <ul style="list-style-type: none"> • Explain what a BPO and CMA are to learners based on the above License Law. Brokers Price Opinion (BPO) - is an analyzed opinion prepared by a licensee relating to the value of a specific interest in real estate for the purpose of listing, purchase, or sale. Comparative Market Analysis (CMA) – is an analyzed opinion prepared by a licensee relating to the value of a specific interest in real estate for the purpose of listing, purchase or sale by comparing it to property recently listed or sold or currently on the market. • Share a personal story of your own experience in preparing one or both.
30 min	NEBRASKA REAL	LECTURE:

	<p>ESTATE LICENSE</p> <p>(PPT 123)</p> <p>(PG 65)</p>	<p>The NEBRASKA REAL ESTATE COMMISSION 81-885.07. State Real Estate Commission; created; members; appointment; qualifications; compensation; director; rules and regulations; conduct real estate institutes and seminars; fees. THROUGH 81-885.17. Nonresident broker's license; nonresident salesperson's license; issuance; requirements; fingerprinting; criminal history record information check; reciprocal agreements.</p> <p>SMALL GROUP ACTIVITY; "Train-the-Trainer." Split class in four groups with the following task;</p> <ul style="list-style-type: none"> • Develop a 5 to 10 minute presentation on the following topics; • writing a minimum 5 questions with answers for other learners; • Each group to assess the other groups presentation with Attachment 5A. • Make sure areas are covered in Instructors notes and/or recap. <p>NOTES: Learners "learn" in different ways. Some learners may gain a better understanding by interpreting the information to others and/or by writing test questions. In addition it is a great way to break up the monotony of</p>
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		<p>lectures by one individual.</p> <p>GROUP 1; 81-885.07. State Real Estate Commission; created; members; appointment; qualifications; compensation; director; rules and regulations; conduct real estate institutes and seminars; fees THROUGH 81-885.10 Commission; powers; licensing; sanctions; consent decrees; civil fine.</p> <p>INSTRUCTOR NOTES:</p> <ul style="list-style-type: none"> • Chairman – Secretary of State, who is an elected official. • 6 Commissioners appointed by the Governor. • 3 members are licensed active brokers or associate brokers for not less than 5 years. • Remaining members are appointed at large, one a public representative, one a licensed real estate salesperson who has engaged in the real estate business for not less than three years, and one who is an active and licensed broker who has engaged in the real estate business for not less than 5 years. • Four votes are required for any action of the Commission. • Appointed members are PAID \$100 plus their actual and necessary expenses for each day spent on official duties at scheduled meetings. • Director – NREC may employ a director, who is not a
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		<p>voting member of the Commission. They are the administrator who keeps records of the proceedings, transactions, and communication and official acts of the Commission. They also call all meetings of the NREC which can be at their own discretion, the request of a chairman, or upon a written request of a commissioner.</p> <ul style="list-style-type: none"> • Attorney General – makes opinions on all questions of interpreting the License Law Act. Acts as the attorney for the commission and is reimbursed by the NREC for all duties relating to the NREC. • NREC has the power to regulate the granting of licenses. • In addition they have the power to revoke, suspend, or censure a license. They may also require additional CE or assess a civil fine if deemed necessary. • IF A LICENSEE DOES NOT PAY THE ANNUAL RENEWAL BY JUNE 30, THE LICENSE IS CANCELLED. <p>GROUP 2; 81-885.11. Broker or salesperson; application for license; contents. THROUGH 81-885. THROUGH 81-885.13. License; conditions for issuance; enumerated; examination; fingerprinting; criminal history record information check; courses of study.</p> <p>INSTRUCTOR NOTES:</p> <ul style="list-style-type: none"> • Candidates must make application with requested
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		<p>information.</p> <ul style="list-style-type: none">• NREC may deny licensees for the following reasons;<ol style="list-style-type: none">1) A person was engaged in the real estate business without a license.2) There was an incorrect statement on the application.3) Grounds for a suspension or revocation or the previous revocation of a real estate license.• Requirements for holding broker or salespersons license are as follows;<ol style="list-style-type: none">1) Must be 19 years of age or older.2) At least a high school graduate or GED.3) Criminal background check run by the Nebraska State Patrol.4) Salespersons MUST complete no less than 60 hours of approved Pre-License instruction.5) Brokers MUST work for two years as a full-time salesperson or part-time equivalent, and receive an additional 60 hours of approved classes OR get 18 Credit Hours at an accredited university or college in subjects relating to real estate or complete 6 courses of not less than 180 hours of approved classes by NREC.• PASS the licensing examination.• There is NO residency nor citizenship requirement for licensees.
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GROUP 3; 81-885.14. Fee; license; renewal; procedure. THROUGH 81.885.15 Fees; deposited in State Real Estate Commission's Fund; Investment.

INSTRUCTOR NOTES:

- Fees are used to pay for the expense of maintenance and operation of the office of the commission and the enforcement of the Nebraska License Law Act.
- All examination and renewal fees are set by the real estate commission.
- Examination fees are not to exceed \$250.00.
- Application fees are not to exceed \$250.00.
- Retake fee not to exceed \$250.00.
- Once the Licensee passes their examination they will then pay an original licensing fee; brokers not to exceed \$250.00 and salespersons not to exceed \$200.00.
- Original license issuance will run through December 31 of each licensing year.
- After original issuance of a license, a renewal application and renewal fee is due by the last day of November, every TWO years; broker not to exceed \$500.00 and sales person not to exceed \$400.00 (READ 81-885.14 (2))
- Failure to renew results in expiration after December 31 of that year.
- Licensees may utilize the option to renew late with

		<p>penalties, provided such late application is filed before July 1 of the ensuing year.</p> <ul style="list-style-type: none"> • ALL fees collected by the NREC are put into the state treasury and known as the “Real Estate Commission Fund.” <p>GROUP 4; 81-885.17. Nonresident broker’s license; nonresident salesperson’s license; issuance; requirements; fingerprinting; criminal history record information check; reciprocal agreements.</p> <p>INSTRUCTOR NOTES:</p> <ul style="list-style-type: none"> • A non-resident broker can be issued a non-resident Nebraska license. • A non-resident salesperson can be issued a non-resident Nebraska license. • Non-resident license must provide sufficient contact with NREC, and can be prosecuted if they violate Nebraska statutes. • Prior to issuance of a license to a non-resident they must; 1) provide NREC with a certified copy of resident state license history, 2) have a criminal back-ground check, 3) pay non-resident license fee, and 4) complete 3 hours of approved education covering Nebraska License Law and agency relations.
15 min	BREAK	

60 min	<p>Nebraska Real Estate License</p> <p>(PPT 124-127)</p> <p>(PG 66-67)</p>	<p>LECTURE:</p> <p>81-885.18. Application; refusal; hearing; decision. THROUGH 81-885.20. Broker, salesperson; change in place of business or status; notify commission; fee.</p> <p>Instructor Notes;</p> <p>81-885.18. Application; refusal; hearing; decision.</p> <ol style="list-style-type: none"> 1. <i>IF the director of the commission, after an application in proper form has been filed with the commission, accompanied by the proper fee, refuses to accept the application, the director shall give notice of the fact to the applicant within twenty days after his or her ruling, order or decision.</i> 2. <i>Upon written request from the applicant, filed within thirty days after receipt of such notice by the applicant, the commission shall set the matter down for hearing to be conducted within ninety days after receipt of the applicant's request.</i> 3. <i>The hearing shall be at such time and place as the commission shall prescribe. At least twenty days prior to the date set for the hearing the commission shall notify the applicant and other persons protesting and the notice shall set forth the reasons why the director refused</i>

		<p><i>to accept the application. Such written notices of hearing may be served by delivery personally to the applicant and protesters or by mailing the same registered or certified mail to the last known business address of the applicant and protesters</i></p> <ol style="list-style-type: none"><i>4. At the hearing the applicant shall be entitled to examine, either in person or by counsel, any and all persons protesting against him or her, as well as all their witnesses whose testimony is relied upon to substantiate a protest or denial of the application. The applicant shall be entitled to present such evidence, written and oral, as he or she may see fit and as may be pertinent to the inquiry.</i><i>5. At the hearing, all witnesses shall be duly sworn by the chairperson of the commission or any member thereof, and Stenographic notes of the proceedings shall be taken. Any party to the proceedings desiring a copy of the stenographic notes shall be furnished with a copy upon the payment of such fee as the commission shall prescribe if the request is made within ten days after the date of any order issued by the commission.</i><i>6. The commission shall render a decision on any application within sixty days after the final hearing on such application and shall immediately notify the parties to the proceedings, in writing, of its ruling, order, or decision.</i>
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		<p>DISCUSS: Give some examples why the commission may not accept an application?</p> <p>Instructor Notes; 81-885.19 License; form; issuance; brokers' branch office; license; fee. <i>The commission shall prescribe the form of license. Each license shall have placed thereon the seal of the commission. The license of each salesperson and associate broker shall be delivered or mailed to the broker by whom the salesperson or assigned broker is employed <u>and shall be kept in the custody and control of such broker. It is the duty of each broker to display his or her own license and those of his or her associate brokers and salespersons conspicuously in his or her place of business. If a broker maintains more than one place of business within the state, a branch office license shall be issued to such broker for each branch office so maintained by him or her upon the payment of an annual fee to be established by the commission of not more than fifty dollars and the branch office license shall be displayed conspicuously in each branch office. The broker or an associate broker shall be the manager of a branch office.</u></i></p> <p>DISCUSS: “and shall be kept in the custody and control of</p>
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		<p><i>such broker."</i></p> <p><i>"...duty of each broker to display his or her own license and those of his or her associate brokers and salespersons conspicuously in his or her place of business.</i></p> <p>Instructor Notes; 81-885.20. Broker, salesperson; change in place of business or status; notify commission; fee.</p> <p>1) Should the broker change his or her place of business, he or she shall forthwith notify the commission in writing of such change.</p> <p>2) When a salesperson or associate broker leaves the employ of a broker, the employing broker shall immediately forward the license of such employee to the commission and shall furnish such information regarding the termination of employment as the commission may require.</p> <p>3) When a salesperson or associate broker transfers from one employing broker to another, when an associate broker changes his or her status from associate broker to that of broker, or when a broker changes his or her status to that of associate broker, a transfer fee to be established by the commission of not more than fifty dollars shall be paid to the commission.</p> <p>DISCUSS: Susie Salesperson leaves company A for Company B. Company B's broker has offered her a higher commission</p>
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		<p>split, no desk fees, and free marketing for her first six months at company B. What should Susie Salesperson do with her license?</p> <p>ANSWER: Susie should notify her broker at company “A” in writing of her decision to leave. That broker will send her license to the commission immediately. Susie will need to pay the transfer fee and submit documentation to NREC to transfer to Company B.</p>
15 min	<p>SPEED QUESTIONS</p> <p>(PPT 128)</p> <p>(PG 68)</p>	<p>ACTIVITY:</p> <ol style="list-style-type: none"> 1) A new Nebraska real estate license has been asked by a new customer to help determine value on the home they are preparing to put on the market. The new license should perform the following for a customer; <ol style="list-style-type: none"> a. Appraisal, because it will give the most accurate value of the home. b. Brokers Price Opinion, (BPO) the estimate of profitable selling price, rather than value. c. Comparative Market Analysis, (CMA) simplified version of the sales comparison approach to help determine the value of real estate. d. None of the above. 2) Kayla has successfully completed all of her pre-licensing requirements and was waiting on the acceptance of her real estate application when she received a “Notice of Refusal” from the commission due to a drinking violation that had appeared on her background check from when she was in college. IF Kayla really wants to become a real estate professional in the state of Nebraska what should she do next?

		<ul style="list-style-type: none"> a. Request a hearing. b. Reapply under a new social security number. c. Retake her pre-licensing requirements with a different real estate school. d. Go back to college and get her bachelor’s degree in a real estate related field.. <p>3) Once a new salesperson passes their exam the real estate license is;</p> <ul style="list-style-type: none"> a. Posted on all social media campaigns operated by the State of Nebraska. b. Both a hard copy and soft copy are given to the new salesperson for announcements into their new and exciting career field. c. Kept in the custody and control of their broker and put on display. d. Kept in the custody and control of their local real estate board office. <p>4) Members of the Nebraska Real Estate Commission are appointed by;</p> <ul style="list-style-type: none"> a. The Nebraska REALTORS Association b. The public. c. The Governor. d. The Secretary of State. <p>5) The minimum age required to be issued a Nebraska broker’s or salesperson’s license is;</p> <ul style="list-style-type: none"> a. 18 b. 19 c. 21 d. None
30 min	License Law	<p>LARGE GROUP DISCUSSION;</p> <ul style="list-style-type: none"> • What questions do learners still have about

		<p>module 4&5?</p> <ul style="list-style-type: none">• You may want to have the learners write a question on a note card and collect them to read aloud and answer as a class.
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MODULE 6: Trust Accounts

Objectives:

Trust Accounts

- Basic concepts of Trust Accounts.

Discover

- Information found on NREC website.

Key Terms

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

Instructors will also need a copy of the TRUST ACCOUNT MANUAL.

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call the Commission at 402-471-2004 to have one mailed directly to them.

(PPT 129-130)

MODULE 6: Trust Accounts

Time	Topic	Lecture & Activities
5 min	Trust Accounts	LECTURE; Introduction: Define in your own words what a trust account is.
10 min	Word Search (PPT 131) (PG 72)	ACTIVITY: Trust Account Puzzle to familiarize students with key words related to trust accounts. Attachment 6A Give Students have 15 minutes to find the 22 words in the word search puzzle related to Trust Accounts.
10 min	Word Search	Review Answers for word search, sharing a brief description of each word. <ul style="list-style-type: none"> • Agency = relationship between an agent and her client. • Broker = one who acts as an agent for those who are buying or selling property for a fee. • Canceled = to cross out or end. • Checkbook = ledger of checks written to pay out a sum of money. • Closing Cost = funds received and paid at closing. • Deposit Slip = receipt of funds deposited into bank

		<p>account.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Disclosure = document uncovering any material defects of a property. <input type="checkbox"/> Duplicate = two or more of the same. <input type="checkbox"/> Estimate = bid for services to be performed <input type="checkbox"/> Financial Institution = bank, credit union, mortgage office, example of <input type="checkbox"/> General Ledger = complete record of financial transactions over the life of a company. <input type="checkbox"/> Invoice = list of work performed and payment due. <input type="checkbox"/> Lease = a contract by which one party conveys land, property, services, etc., to another for a specified time, usually in return for a periodic payment. <input type="checkbox"/> Listing Agreement = a contract between a broker and a seller, employing the broker to sell property for a fee. <input type="checkbox"/> NREC = Nebraska Real Estate Commission <input type="checkbox"/> Property Manager = Person who is employed to care for and lease property. <input type="checkbox"/> REALTOR = A registered trademark of NAR which can only be used by its members representing an agent or broker in the real estate industry. • Reconciliation = process that explains the difference between a bank balance and a company's balance. <input type="checkbox"/> Statements = accountant of money due or held. <input type="checkbox"/> Unused = supplies not used which are resorted as an asset in accounting.
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		<ul style="list-style-type: none"> • Vendor = one who sells a trade or product. • Voided = to make ineffectual; invalidate; nullify; to void a check.
5 min	Trust Accounts (PPT 132-133) (PG 73)	LARGE GROUP: <ul style="list-style-type: none"> • Ask Students to define what a trust account is and what it is used for in the Real Estate Industry? • What is Trust Account? <i>An account which is managed by one party for the benefit of another. (Put into your own words.)</i>
30 min	Trust Accounts (PPT 134-140) (PG 74-75, Answers in next section.)	LECTURE: 81-885.21. Broker; separate trust account; notify commission where maintained; examination by representative of commission; broker entitled to money; when. THROUGH 81.885.23. Attorney General; special counsel; appoint; fees allowed; taxed as costs. <u>Instructor Notes:</u> <ul style="list-style-type: none"> • “Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separated insured non-interest bearing checking account in this state (Nebraska) in the name under which they do business, which shall be designated as a trust account”.... 81-885.21 • Until July 1, 2017 the trust account may be interest-bearing ONLY if the interest is distributed to nonprofit

		<p>organizations that promote housing in Nebraska. After July 1, 2017 all trust accounts must be non-interest bearing.</p> <ul style="list-style-type: none">• Trust funds can be down payments, earnest money deposits or other funds received by the broker or their sales associates on behalf of a principal or any other person to be deposited and remain into the trust account until the transaction is closed or terminated, UNLESS all parties have agreed in writing otherwise.• Brokers MUST notify the commission the name of the financial institution and the account name using the Consent to Examine Trust Account Form.• Trust accounts are examined by the commission annually or whenever the commission feels necessary. IF the broker refuses the commission access to the account, the commission can conclude that the account is “unsafe.” The commission will then write a report to the Attorney General. The State of Nebraska can then proceed with an action against the broker. The Attorney General will appoint “Special Counsel” to prosecute the broker. The court has the power to impound the broker’s property and appoint a receiver, <i>who liquidates the property.</i> In addition, the court directs who pays the receivers fees and special counsel fees.• Brokers can have more than one trust account, however
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		<p>the rules apply to EACH account.</p> <ul style="list-style-type: none"> • Each branch office that has a separate account MUST have separate book keeping for each account. • Brokers are not entitled to commissions from the trust account until a transaction is closed or terminated. <p>Q&A in P&G;</p> <ol style="list-style-type: none"> 1. Can trust accounts be interest bearing? 2. On July 1, 2017 what change is made to trust accounts? 3. Is there a limit of how many trust accounts a broker can have? 4. If a trust account is deemed “unsafe” by the Commission, to whom does this Commission report this? 5. What happens? <p>LARGE GROUP DISCUSSION TO REVIEW.</p>
10 min	TRUST ACCOUNTS (PPT 140)	<p>ACCESS INFORMATION using phones or other electronic devices:</p> <ul style="list-style-type: none"> • Go to http://www.nrec.ne.gov/pdf/tamannual.pdf • Trust Account Records To Be Maintained- Sales • Trust Account Records To Be Maintained – Property Management <p>DISCUSS: Read aloud and discuss differences.</p>

		<p>NOTE: Instructor should also point out other Trust Account information found on this site such as the Trust Account Manual.</p>
20 min	<p>Trust Account General Information</p>	<p>Based on the Nebraska Real Estate Commission, Real Estate Trust Account Manual which can be found on the NREC website. <i>It is suggested Instructors make a hard copy and READ this manual prior to teaching this section of the course material.</i></p> <p>A. Broker Responsibility; the one authority and responsibility for the proper handling of the real estate trust account. Brokers may delegate someone to maintain the trust account, but ultimately the broker is responsible. NREC must be notified when an account is closed. Violations of a trust account could result in the suspension or revocation of a broker's real estate license.</p> <p>B. Brokers are required to set up a trust account under the name they are doing business, or trade name. Example "ABC Real Estate." It is further advised, but not required that sales and property management accounts be set up separately.</p> <p style="padding-left: 40px;"><i>a. To establish a trust account, the Following requirements must be followed:</i></p> <p>2. An insured Nebraska bank, savings bank, building and loan association, or savings and loan association must</p>

		<p>be utilized;</p> <ol style="list-style-type: none"> 3. The account must be non-interest-bearing, (ASK STUDENTS IF THEY CAN REMEMBER EXCEPTION TO THIS RULE?) or may generate interest which must accrue to a non-profit organization and may not be retained by the broker. 4. The name of the account must be established in the name under which the broker is doing business, as recorded in the Commission Office; 5. The title of the account must include the heading "Trust Account" (See the "Identification of Trust Accounts" Sections in the Sales and Property Management Chapters.) 6. Each trust account must be registered with the Real Estate Commission by completing a "Consent to Examine Trust Account" form. 7. Interest Bearing Accounts must be designated as such on the "Consent to Examine Trust Account" form; 8. Duplicate deposit slips and pre-numbered checks must bear the same name as the trust account. 9. Any broker establishing an interest bearing trust account must first establish? <ol style="list-style-type: none"> C. FDIC Requirements; each trust account must be maintained in an insured financial institution. D. Unclaimed Trust Funds; are usually in the form of earnest monies, escrowed funds, rental proceeds, security
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		<p>deposits, or uncashed trust account checks. Brokers can maintain the funds for five years making an effort to find the rightful owners. Records showing proof this has been done must be maintained. IF the owner cannot be located funds must be sent to the State of Nebraska's Treasure's Office – Unclaimed Property Division. NEVER PUT FUNDS IN THE BROKER'S EQUITY ACCOUNT.</p> <p>E. Records Storage on Alternative Media; Under Title 299, Chapter 3, Section 001, (ASK Students to look this up in their law packet) brokers "...must preserve for five years following its consummation records relating to any real estate transaction." Records can be stored not only on paper forms but also on media.</p> <p>F. Retention of Canceled Checks and Deposit Slips; Under Title 299, Chapter 3, Section 001, (ASK Students to look this up in their law packet) brokers "...must preserve for five years following its consummation records relating to any real estate transaction." Check information must also be reserved for a period of five years.</p>
15 min	BREAK	
45 min	Real Estate Sales Accounts	<p>LECTURE; using Trust Account Manual.</p> <p>A. Identification of Trust Account</p> <p>1. Broker may operate as sole proprietor without a registered trade name.</p>

		<ol style="list-style-type: none"> 1. Listing agreements and any extension thereto 2. Agency agreements and disclosures. 3. Seller Property Condition disclosure statements, when applicable. 4. Estimated closing cost and disclosures, when applicable. 5. Purchase agreements and any addenda thereto 6. Closing statements – buyer and seller. 7. Checkbooks and checkbook registers. 8. Checks – canceled, voided and unused. 9. Financial institution statements and reconciliations. 10. Deposit slips – originals and/or duplicates. 11. Bookkeeping system – general ledger and sub-ledger 12. Supporting vendor invoices, if applicable. 13. Any other documents pertinent to the transaction. <p>DISCUSS: with students the importance of maintaining good records as agents when working with clients <u>and customers</u>. What agents need to keep copies of? What agents need to turn into brokers? The importance of keeping financial information and other information PRIVATE both during the transaction and after.</p>
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	<p>(PPT 143-144)</p>	<p>LECTURE; using Trust Account Manual.</p> <p>C. Broker's Equity</p> <p>"Broker's Equity" is a term most frequently used to describe the broker's personal funds which are maintained in the trust account.</p> <p>Title 299, Chapter 3-004 of Nebraska Real Estate Commission Rules states, in part, "Funds deposited in the trust account will necessarily include monies which will ultimately belong to the broker, but such monies shall be separately identified in his or her trust account records and shall be paid to the broker by check drawn on the trust account after the same are due the broker."</p> <p>DISCUSS; what the broker's funds are used for in the trust account, and what they cannot be used for.</p> <p>D. Handling Trust Funds – Receipts</p> <p>Under the License Act Rules and regulations cooperative transactions between brokers require the earnest money be put into the trust account with 72 hours before the end of the next banking day after the offer is accepted. (Unless ALL parties have an interest.)</p> <p>Parties can request funds be held in an "interest-bearing</p>
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	<p>(PPT 144-148)</p> <p>(PG 77)</p>	<p>account." Typically this is done when the earnest money is a significant amount and/or closing is delayed. Example may be a large farm sale where the buyer will not take possession until harvest.</p> <p>DISCUSS; the IMPORTANCE of turning in accepted offers and earnest money checks IMMEDIATELY to brokers. Especially in this time of electronic offers being sent back and forth between parties. AGENTS MUST MAKE IT A PRIORITY TO RECEIVE AND DELIEVER THESE FUNDS IMMEDIATELY. AGENTS MUST RECEIVE A CHECK WHEN WRITING THE OFFER, NOT AFTER THE OFFER IS ACCEPTED.</p> <p>LECTURE; using Trust Account Manual.</p> <p>E. Handling Trust Funds – Disbursements Title 299, Chapter 3-006, states: "In the case of cooperative sales between brokers, the selling broker, unless all parties to the transaction with an interest in the funds have agreed otherwise in writing, shall deposit the earnest money payment in his or her real estate trust account within 72 hours or before the end of the next banking day, after the offer is accepted,</p>
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		<p>in writing, and then forthwith transfer such earnest money deposit to the listing broker by issuing a check drawn on the selling brokers trust account.” Chapter 3-006.01 further states, “If for any reason the earnest money check tendered to the selling broker is returned by the financial institution unpaid, the selling broker shall forthwith notify the listing broker, who shall immediately refund from his or her trust account the earnest money deposit which has been tendered by the selling broker.”</p> <p>Closings can be handled by;</p> <ul style="list-style-type: none">• Licensed real estate brokers• Licensed attorneys• Title insurance agents licensed and authorized to engage in escrow activities• Persons or entities regulated by the State Banking Department, the Federal Deposit Insurance Corporation, the Federal Office of Thrift Supervision, the Federal Farm Credit Administration, or the National Credit Union Administration, unless, prohibited by statute, rule or regulation. SEE F of the Sales Accounts Chapter of the Trust Accounts Manual. <p>No funds can be dispersed prior to closing without written consent of ALL parties.</p> <p>Persons closing are required to have “Good Funds” which</p>
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		<p>are;</p> <ul style="list-style-type: none"> a) Lawful money of the United States b) Wired funds c) Cashier's checks, certified checks, bank money orders, or teller's checks d) United States treasury checks, Federal Reserve checks, federal home loan financial institution checks, State of Nebraska warrants and warrants of a city of the metropolitan or primary class. <p>Once the closing has taken place, the broker is required to provide the buyer and seller a detailed closing statement which is a complete accounting of how the funds were disbursed.</p> <p>Earned compensation or consideration should always be removed from the trust account at time of closing. All commission splits must be paid from the brokers OPERATING ACCOUNT, not trust account.</p> <p>Brokers must ensure the sufficient funds are available at all times to cover any checks on date of issuance.</p> <p>F. Third Party Closings</p> <p>Once the Broker has received an accepted offer to purchase and has received the earnest money, the money must be</p>
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		<p>deposited into a Trust Account unless a third party, such as a title company, is being used. In such case the broker must:</p> <ol style="list-style-type: none"> 1. Receive written authorization all parties agree to use of third party. 2. Authorization from both buyer and seller allowing transfer of earnest money. 3. Acquire written agreement of buyer and seller as to who will pay any applicable charges. 4. Deposit earnest money into the trust account before transferring the earnest money to the third party closer. <p>It is the responsibility of the broker to ensure that a copy of the closing statement is delivered to both the buyer and seller. The broker must also retain a copy for the transaction file.</p>
40 min	<p>Real Estate Property Management</p> <p>(PPT 149-153)</p> <p>(PG 78-79)</p>	<p>LECTURE:</p> <p>A. Identification of Trust Account</p> <ol style="list-style-type: none"> 1. Broker may operate as sole proprietor without a registered trade name. 2. Broker may operate as sole proprietor under registered trade name. 3. Broker may operate under registered corporate name. 4. Broker may operate under registered limited company, (LLC) name. <p>B. Trust Account Records</p> <ol style="list-style-type: none"> 1. Management agreements

2. Lease agreements
3. Checkbooks and checkbook registers.
4. Checks – canceled, voided and unused.
5. Financial institution statements and reconciliations.
6. Deposit slips – originals and/or duplicates.
7. Bookkeeping system – general ledger and sub-ledger
8. Property owner financial reports.
9. Supporting vendor invoices.

C. Broker's Equity

Similar to Sales Trust Accounts; a common violation found during the examination of property management trust accounts occurs when the broker uses a check on the trust account to pay an expense on behalf of the owner, but the owner does not have sufficient funds in the account to cover it.

**SEE III PROPERTY MANAGEMENT ACCOUNTS C. Broker's Equity
MGMT C-2 8/06**

DISCUSS: *Similar to Sales Trust Accounts; a common violation found during the examination of property management trust accounts occurs when the broker uses a check on the trust account to pay an expense on behalf of the owner, but the owner does not have sufficient funds in the account to cover it.*

ASK: What must a broker do to eliminate the possibility of a

negative fund balance?

ANSWER(S):

1. Immediately prior to issuing any property management trust account check, contact the owner and request funds to cover the expense.
2. Provide a short-term loan from the broker's operating account, made payable to the trust account. OR
3. Prepare a journal entry on the trust account books which would reduce the balance in the broker's equity sub-ledger account, without creating a negative balance and increase the balance in the property sub-ledger account.

DISCUSS: *Similar to Sales Trust Accounts; a common violation found during the examination of property management trust accounts occurs when the broker uses a check on the trust account to pay an expense on behalf of the owner, but the owner does not have sufficient funds in the account to cover it.*

ASK: What may be considered "Trust Funds?"

READ: *Trust Funds" as defined by the License Act and Rules,*

may include, but not be limited to down payments, earnest money deposits, money received upon final settlement, rents, security deposits, money advanced by a buyer or seller for the payment of expenses in connection with the closing of a real estate transaction, and money advanced by a broker's principle for the payment of expenses on behalf of that principle.

E. Handling Trust Funds – Disbursements

Once funds are deposited into a trust account, the written management agreement will determine disbursements. Vendor invoices should be signed off by the owner, unless stated otherwise in the management agreement. Broker is prohibited from authorizing a financial institution to automatically remove trust funds, example mortgage payment. Broker must ensure sufficient funds are available.

SEE III. PROPERTY MANAGEMENT ACCOUNTS, E. Handling Trust Fund – Disbursements, MGMT E-1, 8/06

F. Trust Account Bookkeeping; Advise students to review Property Management Manual. This is not something a new licensee should be concerned with unless they are working for

a property manager. It is advised they take a Property Management course.

G. Trust Account Examinations

Each Broker can expect to have each trust account examined on an irregular schedule, and the exam may be unannounced.

ASK: What will a broker be asked to provide for a trust account examination?

ANSWER:

1. Management agreements
2. Lease agreements
3. Checkbooks and checkbook registers
4. Checks – canceled, voided, and unused
5. Financial institution statements and reconciliations
6. Deposit slips – originals and/or duplicates.
7. Bookkeeping system – general ledger and sub-ledgers.
8. Supporting vendor invoices.
9. Any other pertinent files or documents.

H. Ownership Interest

50/50 RULE; If a broker owns the majority interest in a piece of real estate, 50.1% they are acting as a general partner. 50.0% or less, and is the managing broker, funds MUST be deposited. If a broker receives a management fee they are acting more

		<p>as a licensee.</p> <p>NOTE: AGAIN, Instructors it is important to read and become familiar with the TRUST ACCOUNT MANUAL. Even if you are an experienced property manager.</p> <p>REMINDE STUDENTS FAIR HOUSING LAWS APPLY TO PROPERTY MANAGERS!</p> <p>Q&A: Ask Learners what questions they have regarding Trust Accounts.</p>
15 min	SPEED QUESTIONS	<p>ACTIVITY:</p> <ol style="list-style-type: none"> 1) A relationship between an agent and their client is called; <ol style="list-style-type: none"> a. Friend. b. Business acquaintance. c. Agency

		<p>d. Brokerage</p> <p>2) The term most frequently used to describe the brokers personal funds which are maintained in the trust account is;</p> <ul style="list-style-type: none">a. Brokers' Equityb. Reconciliationc. Bank statements.d. None of the above <p>3) Closings can be handled by the following individuals;</p> <ul style="list-style-type: none">a. Licensed attorneys.b. Licensed agents and brokers.c. Licensed brokers, agents and attorneys.d. Licensed brokers, attorneys, and title insurance agents. <p>4) A broker has used a check on the trust account to pay snow removal on behalf of an owner, but the owner does not have sufficient funds in the account to cover the check. What must the broker do to eliminate the possibility of a negative balance?</p> <ul style="list-style-type: none">a. Immediately prior to issuing any property management trust account check, contact the owner and request funds to cover the expense.b. Provide a short-term loan from the broker's operating account, made payable to the trust account.c. Prepare a journal entry on the trust account books which would reduce the balance in the broker's equity sub-ledger account, without creating a negative balance and increase the balance in the property sub-ledger account.d. All of the above.
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		<p>5) Agents must receive a _____ when writing the offer, not after the offer is accepted.</p> <ul style="list-style-type: none">a. Checkb. Credit card number.c. Debit card number.d. None of the above.
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MODULE 7: “Thou Shalt Not”

Objectives:

Real Estate Law

- Learn 81-885.24 Commission; Investigative powers; disciplinary powers; civil fine; violations of unfair trade practices.

Nebraska License Law Practice Case Study

- Learners will be challenged with potential License Law Violations and Questions.

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the “NEBRASKA CANDIDATE HANDBOOK.”

NOTE: The events and names are fictional in each case study.

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call the Commission at 402-471-2004 to have one mailed directly to them.

(PPT 155-156)

MODULE 7: “Thou Shalt Not”

Time	Topic	Lecture & Activities
5 min	Introduction to 81-885.24	LECTURE: Share with learners in your own words what 81-885.24 is, and why you feel it is important.
30 min	Crossword (PPT 157) (PG 84-85)	ACTIVITY: Give learners 20 minutes to complete crossword in class. Then take 10 minutes to review answers and definitions before moving on. CROSSWORD KEY Across 6. ADVERTISEMENT An announcement to the public. 11. MISREPRESENTATION A false statement or concealment of a material fact. 12. GIFT a present. 16. INCOMPETENCE unable to do one's job well. 19. BLOCKBUSTING inducing owners to sell or rent based on representations that persons of a particular race, religion, national origin, etc., are moving into the area. 20. PUFFING Statements of opinion and exaggeration.

		<p>21. LAND the earth's surface, below to the center, above to infinity, and all natural things attached.</p> <p>22. BROKER one who acts as an intermediary on behalf of others for a fee.</p> <p>Down</p> <p>1. DISCLOSURE To make known or uncover.</p> <p>2. FRAUD Intentional misstatement of fact to induce someone to take a particular action.</p> <p>3. DURRESS Inability of a person to exercise free will because of fear from another party.</p> <p>4. FIDUCIARY One legally placed in a position of trust and confidence.</p> <p>5. ACCOUNT Statement of money received and paid, a bill, report, or description of finances.</p> <p>7. REQUIREMENT Something needed or a necessary condition.</p> <p>8. TRUST Type of account used for all money RECIEVED by a broker, escrow agent or the temporary custodian of funds for others in a real estate transaction.</p> <p>9. AGENCY Relationship between a broker or agent and a principal.</p> <p>10. COMMINGLING Mix the money or other property of his or her principle with his or her own.</p> <p>13. CONTRACT Agreement among competent parties to do or not to do some legal act(s) and supported by legal considerations.</p> <p>14. STEERING Channeling home seekers to areas on the basis</p>
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		<p>of their race, color, religion, etc.</p> <p>15. REDLINING Refusing to make loans or issue insurance in certain areas, based on the presence of a protected class.</p> <p>17. CONVICTION to be proven guilty, especially in a court of law.</p> <p>18. HUD Department of Housing and Urban Development.</p>
20 min	<p>Unfair Trade Practices</p> <p>(PPT 159-160)</p> <p>(PG 86)</p>	<p>DISCUSSION: Review 881.24, emphasis on more common violations</p> <p>WORKSHEET; Give learners 10 minutes to complete worksheet in participant guide. Activity is designed to help them gain a better understanding of what is in law 81-885.24.</p> <p>Large Group: Review answers.</p>
20 min	<p>81-885.25 Censure, revoke, or suspend license; impose civil fine; cease and desist order; hearing notice; contents THROUGH 81.885.31. Civil fines; distribution; collection procedure. PPT 161</p>	<p>LECTURE: Read 81-885.25 THROUGH 81.885.31 out loud in large group rotation then ask;</p> <ul style="list-style-type: none"> • <i>What must the commission do before they can censure a licensee? Before NREC can fine, censure, suspend or revoke a license the licensee is entitled to a hearing. Twenty days prior to the hearing the NREC must notify the licensee of the following in writing; 1) date and 2) location of hearing in addition to 3) charges.</i> • <i>May the licensee have representing counsel at the hearing? Yes, the licensee can be heard in person or by counsel. Can there be witnesses present to testify? Yes! "In the preparation and conducting of the hearing the director shall have power to issue and sign subpoenas to require the attendance and testimony of any witness and the production of any papers, book or documents."</i> • <i>If a witness refuses to attend can a deposition be taken? Yes!</i> • <i>Does the commission have the power to revoke or suspend a real estate license? Yes! NREC has the power to fine, censure, suspend, stay a suspension, or revoke a license.</i> • <i>Can a commission decision be appealed? Yes! To the District Court.</i> • <i>Where do ALL fines go? State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.</i>

10 Min	Wholesaling PPT 162	Review definition and agency requirements for wholesaling <ul style="list-style-type: none"> • Acting as a real estate broker (activities requiring a real estate license) shall include marketing an equitable interest in a contract for the purchase of real estate (marketing a wholesaler transaction must be done through licensed agent)(§81-885.02) • Equitable interest—A contractual interest, buyer on a contract to purchase, not an existing ownership interest in the property • Agency Disclosure Addendum for Marketing an Equitable Interest must be provided to title owner and buyer <p>Review Commission Policy and Interpretation on Wholesaling https://nrec.nebraska.gov/legal/policyinterpretation.html#PI42</p>
		<ul style="list-style-type: none"> • • <i>Can there be witnesses present to testify? Yes! “In the preparation and conducting of the hearing the director shall have power to issue and sign subpoenas to require the attendance and testimony of any witness and the production of any papers, book or documents.”</i> • <i>If a witness refuses to attend can a deposition be taken? Yes!</i> • <i>Does the commission have the power to revoke or suspend a real estate license? Yes! NREC has the power to fine, censure, suspend, stay a suspension, or revoke a license.</i>

		<ul style="list-style-type: none">•
30 min	NREC Violation Case Studies (PG 87-89)	ACTIVITY: SMALL GROUP: Attachment 7C Divide class into 4 or 5 small groups and have them complete attachment 7C in the Participant's Guide. Instruct each group to use their copy of the Nebraska License Law to find answers. Have one person in each group write their answers to review in large group. If the group has diverse answers,

30 min	NREC Violation Case Study (PPT 162-168)	LARGE GROUP: Discuss and debate outcome of answers. One representative from each group should stand up to represent group. Take turns letting each group share their answers. Debate and discuss each group's answers. Instructors should challenge answers RIGHT and WRONG! Make them think!
15 min	YOU'RE THE EXPERT	LECTURE: Share a personal story regarding the importance of real estate laws and the impact they have on your career. <ul style="list-style-type: none"> • How important are real estate laws in your career? • Talk about Agency and when you implement First Substantial Contact. • How to educate clients and customers of Agency. • How to make yourself look like a professional by using Agency.

Attachment 7B

Use 81-885.24 to complete the following.

- 1) Refusing because of ___religion___, ___race___, ___color___, ___national origin___, ___ethnic group___, ___sex___, ___familial status___, or disability to show, sell, or rent any real estate for sale or rent to prospective purchaser's or renters is considered a violation of the Unfair Trade Practices.

- 2) Intentionally using advertising which is ___misleading___ or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted is considered a violation of the Unfair Trade Practices.

- 3) Accepting any form of ___compensation___ or ___consideration___ by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker is considered a violation of the Unfair Trade Practices.

- 4) ___Commingling___ the money or other personal property of his or her principals with his or her own is a violation of the Unfair Trade Practices.

- 5) Failing to include a fixed ___date___ of ___expiration___
In any written listing agreement and failing to leave a copy of the agreement with the principal is a violation of Unfair Trade Practices.

MODULE 8: SUBDIVISIONS and, TITLE 299

Objectives:

Subdivisions

- Access students' knowledge of real estate subdivision. Introduce basic concepts of the laws that affect subdivisions.

Title 299

- Review laws and practices in Title 299 which are drafted and enacted by NREC.

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or call the Commission at 402-471-2004 so one can be mailed directly to them.

NOTE: PPT slides should look familiar to students when lecturing Title 299. This should help jog their memories of what has already been discussed.....and yours!

(PPT 168-169)

MODULE 8: Subdivisions and Title 299

Time	Topic	Lecture & Activities
15 min	SUBDIVISIONS (PPT 172-174)	<p>INTRODUCTION; Ask learners:</p> <ul style="list-style-type: none"> • What do learners know about subdivisions? • How many people live in a subdivision? <p>Lecture & Read; 81-885.33 Subdivision real estate; sale or offer to sell; requirements. THROUGH 81.885.34 Subdivision real estate; sale; subdivision certificate; application; contents; fee.</p> <p>List; Give Learners 5 minutes to make a list on a blank sheet of paper what a person needs to provide the NREC when making application to subdivide real estate. After time expires, ask who has the longest list? Class to compare list to reading as a large group.</p>
15 min	81-885.35 Subdivision real estate; investigation; expenses; certificate; conditions. THROUGH 81-	<p>LECTURE:</p> <ul style="list-style-type: none"> • Subdivisions; 1) residential lots, 2) consisting of 25 or more lots, which 3) uses promotional sales techniques. • Land in a subdivision may be listed and sold ONLY by a Nebraska licensed broker and her associate brokers and salespersons. • Before the subdivision can be listed, a subdivider MUST make application for a subdivision certificate to the

	<p>885.42 Subdivision real estate; sales of twenty-five or more lots.</p> <p>(PPT 175-176)</p> <p>(PG 92-93)</p>	<p>NREC. The application filing fee is \$100 plus \$25 for each 100 lots or a fraction there of.</p> <ul style="list-style-type: none"> • READ: 81-885.34 THROUGH 81-885.40 Instructor, you may want to rotate each paragraph. Instruct learners to highlight subdivisions it will be on the State portion of the Exam. • SAY; "NO ADVERTISING may be used to indicate the subdivision is NREC approved." • In addition; any subdivider who does not have a subdivision certificate is guilty of a Class II misdemeanor. <p>ASK: Why it is important to understand subdivision laws? Who remembers what happened to subdivisions through the down-turn?</p>
20 min	<p>Title 299</p> <p>(PPT 177-178)</p> <p>(PG 95)</p>	<p>LARGE GROUP DISCUSSION: Title 299; What is it?</p> <p>Title 299: Drafted and enacted by the Nebraska Real Estate Commission, further defines the laws and procedures in the Nebraska Real Estate License Act.</p> <ul style="list-style-type: none"> • Is it an interpretation or addition of the Nebraska License Law? • Have learners interpret what they think Title 299 is, • Why we have it, • Have they read it?

		<p>ACTIVITY; Learners will use it as a review writing one multiple choice question for <u>each of the six chapters (1-5 & 7)</u> in Title 299.</p> <p>This will take some time, as learners will need to write questions, including an answer key.</p> <p>TURN IN: Make sure each learner has given you a copy of the questions and answers for assessment. Electronically and/or written.</p>
40 min	Title 299	<p>ACTIVITY:</p> <p>SPEED DATING: Split classroom into two groups, counting off 1-2, 1-2, etc. Let 1's ask 2's their questions, rotating 1's to left every 2 minutes.</p> <p>SPEED DATING: Reverse. Let 2's ask 1's their questions, rotating 2's to left every 2 minutes.</p>
15 min	BREAK	
5 min	Chapter 1 – LICENSES; APPLICATIONS; TERMS, DEFINED; EXAMINATIONS; SURRENDER, SUSPENSION OR REVOICATION;	<p>LECTURE:</p> <ul style="list-style-type: none"> • MAKE SURE LEARNERS HAVE THEIR CANDIDATE HANDBOOK! IF NOT, HAVE THEM CONTACT NREC TO GET ONE. • ALL APPLICATIONS MUST BE FILED WITH THE NREC AND APPROVED BEFORE THE APPLICANT CAN SCHEDULE THE EXAM. • IF YOU DON'T TAKE THE TEST AS SCHEDULED YOU FORFEIT

	<p>RENEWAL; CANCELLATION; REINSTATEMENT; TRANSFER OF LICENSE.</p> <p>(PPT 179)</p>	<p>THE EXAMINATION FEE, UNLESS YOU HAVE GIVEN THE REQUIRED EXAMINATION NOTICE.</p> <ul style="list-style-type: none"> • MUST INCLUDE SOCIAL SECURITY NUMBER AND A PASSPORT TYPE PICTURE THAT IS LESS THAN 12 MONTHS OLD. • PERSONS WANTING TO OBTAIN A BROKERS' LICENSE MUST FILL OUT AN APPLICATION WITH NREC AND PASS EXAMINATION AS CONTRACTED BY NREC. • ALL APPLICANTS MUST HAVE APPROVAL FROM NREC TO SIT FOR EXAM. CHECK CANDIDATE HANDBOOK FOR SCHEDULE. • Associate brokers or salespersons upon surrendering license or when an order or revocation of a license becomes final, MUST have their license forwarded to the NREC by broker. • Failure to renew license by December 31 of the year renewal is due, license will automatically expire. At this point a licensee can no longer perform real estate activities. • IF a licensee fails to pay a renewal fee prior to July 1, they must meet ALL requirements of a new applicant. HAVE learners refer to 81-885.53 and 81-885.14(1). READ out loud. • Inactive broker or salespersons must renew licenses by making application before December 1 to avoid late fee by submitting renewal fee with renewal application.
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		<ul style="list-style-type: none"> • Licensees who enter the armed services or are called to active duty after they have become actively licensed are NOT required to pay a renewal fee or complete CE requirements during period of service. • When a licensee transfers a license, their license may be considered on INACTIVE STATUS UNTIL TRANSFER IS COMPLETED.
5 min	<p>Chapter 2 – BUSINESS PRACTICES; EMPLOYMENT OF SALESPERSON OR ASSOCIATE BROKER; ADVERTISING; SOLICITING LISTINGS OR REPRESENTATION; TRANSMISSION OF WRITTEN OFFERS TO OWNER; CLOSING REAL ESTATE TRANSACTIONS.....</p> <p>(PT 180)</p>	<ul style="list-style-type: none"> • If a broker whose primary business is not real estate sales, and who is unable to supervise salespersons, may not employ salespersons or associate brokers. • Brokers must record their brokerage(s) with the NREC. • “Advertising shall include ALL forms of identification, representation, promotion and solicitation disseminated in any manner and by any means of communication to the public for any person related to licensed real estate activity.” All advertising should be approved by your broker and include your broker’s name on it. ADVERTISING cannot be misleading or inaccurate advertising under Section 81-885.24(2). LEARNERS SHOULD HIGHLIGHT this section. • Every salesperson, associate broker, and broker is prohibited from advertising under his or her name the offering for sale, purchase, or exchange of any real property unless they are the owner. • If more than one offer is made BEFORE the owner has accepted an offer or closed on an offer, in writing, it

		<p>must be transmitted to the owner for consideration. SHARE a story if you have one.</p>
5 min	<p>Chapter 3 – RECORDS; TRUST ACCOUNTS; REQUIREMENT; DISPOSITION OF EARNEST DEPOSITS.</p> <p>(PPT 181)</p>	<ul style="list-style-type: none"> • Brokers MUST keep records relating to any real estate transaction for a period of 5 years. • Brokers MUST maintain a bookkeeping system in compliance with the law relating to maintaining trust accounts. <p>Q&A: Ask what “funds” refers to? Earnest money deposits, settlements, rents, security deposits, money advanced by a buyer or seller to pay expenses connected to a closing of a real estate transaction and money advanced by a broker’s principle for expenditures on behalf of the principle.</p> <ul style="list-style-type: none"> • Earnest money and other funds relating to the sale of real estate must be deposited into the trust account. • Funds deposited in the trust account can only be drawn with a check from the trust account and cannot be comingled with other funds belonging to the broker. • Funds must be deposited within 72 hours. • If there is a dispute regarding earnest money, a written release must be signed by all parties before funds are dispersed.
3 min	<p>Chapter 4 – SUBDIVISIONS; ADVERTISING;</p>	<ul style="list-style-type: none"> • All advertising for subdivided land in NEBRASKA must include the name and address of the designated broker. • Designated brokers must submit a statement on

	<p>DESIGNATED NEBRASKA REAL ESTATE BROKER; FINANCIAL STATEMENT REQUIREMENTS</p> <p>(PPT 182)</p>	<p>appropriate form provided by NREC acknowledging responsibility for the subdivider actions.</p> <ul style="list-style-type: none"> • Bookkeeping must be in order and a certified audited financial statement, see SEC 81-885; 34(7), must be prepared and reported.
<p>10 min</p>	<p>Chapter 5 – DISCIPLINARY MATTERS; COMMISSION DISPUTES; DISCUSSION BY COMMISSIONERS; ACTIONS DEMONSTRATING NEGLIGENCE, INCOMPETENCY, OR UNWORTHINESS.</p> <p>(PPT 183-184)</p>	<p>ACTIVITY: LARGE GROUP READ PARAGRAPHS IN ROTATION FOR CHAPTER FIVE.</p> <p>REVIEW MOST COMMON VIOLATIONS UNDER THESE SECTIONS</p>

1 min	Chapter 6 – COMPLAINT PROCEDURE; FILING; INVESTIGATION; HEARINGS. (PPT 183)	LECTURE: REPEALED! Title 305, CHAPTER 4 replaces this CHAPTER, effective NOVEMBER 19, 1997.
10 min	Chapter 7 – CONTINUING EDUCATION ACTIVITIES; REQUIRED HOURS; APPROVAL; RESTRICTIONS; DENIAL; REVOCATION; APPEAL PROCESS; RECORD KEEPING.	LECTURE: <ul style="list-style-type: none"> • Licensees must complete 18 hours of continuing education every two years, beginning the year AFTER they obtain their license. EXPLAIN; a licensee who becomes licensed any month in 2015, would have from January 1, 2016 until November 30, 2017 to complete their continuing education. • First 12 hours will have 6 hours of <i>“ethical decision making or federal or state laws, rules or regulations dealing with or pertaining to real estate or real estate transactions.”</i> EXPLAIN: These are courses identified with an “R” at the end. • Six additional hours of “broker approved” training is also required (have learners refer back to 81-885.51) and READ 002 of Title 299 out loud. • Continuing education courses cannot be repeated in a four year period. “R” courses are not subject to this rule.

		<p>Qualification for CE:</p> <ul style="list-style-type: none"> • By NREC • 003.01A states; “<i>CE activity contributes to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public.</i>” • In-class CE must consist of at least 3, but no more than 8 hours in a day. Broker Approved must be at least 60 minutes. Distance education MUST have content that would consist of at least 3 hours of in-class training. • Provider has submitted a complete application as per the NREC at least 30 days prior to the CE activity. • Instructor has been approved by NREC and meets other standards set by the State of Nebraska. <p>Q&A: <i>Can a salesperson or broker take training outside the State of Nebraska?</i> YES! If it is approved by NREC and meets instruction/provider requirements or is approved by other jurisdictions.</p>

		<ul style="list-style-type: none">
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		<ul style="list-style-type: none"> .
15 min	Title 299	<p>LARGE GROUP DISCUSSION;</p> <p>Title 299</p> <ul style="list-style-type: none"> • What are they? Rules for regulations. • Are they different than what the learner thought they were at the beginning of Module 8? Opinion of learner. • Why is it important to know this information? Opinion of learner. • What other rules do they feel should be introduced into the real estate industry? <p>Q&A; Review the “Speed dating” exercise if time allows, and ask some of the questions in a large group.</p>

15 min	SPEED QUESTIONS (PPT 189) (PG 100)	ACTIVITY; 1) The following filing fee must accompany the application for a subdivision; <ol style="list-style-type: none"> One hundred dollars. Five hundred dollars. One hundred dollars plus twenty-five dollars for each one hundred lots or fraction thereof to be offered for sale. Five hundred dollars plus twenty-five dollars for each one hundred lots or a fraction thereof to be offered for sale. 2) Any person or subdivider acting as a broker, salesperson, or subdivider without having first obtained the required license or subdivision certificate may be; <ol style="list-style-type: none"> Guilty of a felony. Under suspicion. May be found guilty of a Class II misdemeanor None of the above 3) Title 299 is a: <ol style="list-style-type: none"> Section of the law stating how many subdivision may be developed in Nebraska. An interpretation or addition of the Nebraska License Law. Section of law stating how many agents may sell real estate in Nebraska. Section of law stating how many brokers may operate real estate companies in Nebraska. 4)
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MODULE 9: AGENCY RELATIONS

Objectives:

Agency

- Students should be able to define what agency is and explain the different types of agency available to the consumer.

First Substantial Contact

- Learners should understand what First Substantial Contact is and when to use it.

Key Terms

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

If students do NOT already have a packet, they may go to the NREC website; www.nrec.ne.gov to get one or contact the Commission at 402-471-2004 to have one mailed directly to them. **(PPT 189)**

Module 9: Agency Relations

Time	Topic	Lecture & Activities
15 min	Agency Relations (PPT 187-188) (PG 102)	<p>INTRODUCTION.</p> <p>LARGE GROUP DISCUSSION; Q&A: What is Agency? Agency is the relationships between real estate brokers or sales persons who represent the interest of or act as an agent for persons who are sellers, landlords, buyers or tenants who have rights and/or interest in real property.</p> <p>LECTURE: History of Agency;</p> <ul style="list-style-type: none"> • For years, Sellers were always the <i>primary</i>. Agents who brought buyers to the table were considered “<i>sub-agents</i>” to the seller. • 1980’s buyer agency became a trend in real estate transactions. • Laws vary from state-to-state. <p>ACTIVITY: Instruct learners to find ARTICLE 24, AGENCY RELATIONSHIPS in their packets.</p>

	<p>READ & HIGHLIGHT; 76-2401.Legislative findings. The Legislature finds, determines, and declares that (1) the application of the common law of agency to the relationships between real estate brokers or salespersons and persons who are sellers, landlords, buyers, or tenants of rights and interest in real property has resulted in misunderstandings and interest of the public. (2) the real estate brokerage industry has a significant impact consequences that are contrary to the best upon the economy of the State of Nebraska, and (3) it is in the best interest of the public to codify in statute the relationships between real estate brokers or salespersons and persons who are sellers, landlords, buyers, or tenants of rights and interest in real property.</p> <p>EXPLAIN: Definitions for Article 24 in PG can be found in sections 76-2401 to 76-2416. NOTE: This will be used later in the module.</p> <p>LECTURE:</p> <p>Agency Relations; according to NAR, <i>“Agency Relationship – someone who represents your best interests in a real estate transaction and owes you fiduciary responsibilities. Agency relationships must be established in writing for seller agency agreements, and may be in writing</i></p>
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		<p>for buyer agency agreements, and require;</p> <ul style="list-style-type: none"> • Loyalty • Obedience • Disclosure • Confidentiality • Reasonable care and diligence • Accounting” <p>Q&A:</p> <ul style="list-style-type: none"> • Why do we have Agency? • What do Agency Relationships require?
10 min	<p>Assess Learning; Sections 76-2401 to 76-2430 Definitions and Multiple Choice.</p> <p>(PG 104)</p>	<p>ACTIVITY;</p> <p>Attachment 9A Matching, Definitions and Multiple Choice.</p>
10 min	Assess Learning;	REVIEW ACTIVITY: Sections 76-2401 to 76-2416 Definitions and

	REVIEW ASSESSMENT; Sections 76-2401 to 76-2430 Definitions and Multiple Choice.	Multiple Choice.
20 min	Agency Relations	<p>LECTURE:</p> <p>Licensees may act as both a “Limited Agent” for buyers, sellers, landlords and tenants or “Dual Agent” which means they represent both the buyer and seller or the landlord and tenant.</p> <p>Sec 76-2418. Buyer’s Agent or tenant’s agent; powers and duties; confidentiality; immunity’ disclosures required. Interpret;</p> <p>Buyers Limited Agent –“A single limited agent with duties and obligations to the buyer as set out in Neb. Rev. Stat. Sections 76-2401 et. Seq. and 301 NAC Chapter 1 and who has entered into a brokerage relationship with, and therefore only represent, the buyer in the real estate transaction. This relationship may be entered into writing. However, under Nebraska law, licensees are considered single, limited agents of the buyer unless they have entered into a written brokerage relationship with a seller or are a limited dual</p>

		<p>agent.”</p> <p>DUTIES:</p> <ul style="list-style-type: none">• Licensees act as limited agents to a buyer or tenant.• Perform to terms of any written agreements made with clients. WRITTEN BUYER’S AGENCY AGREEMENT IS NOT REQUIRED, BUT BUYER AGENCY DUTIES STILL APPLY.• Exercise reasonable skill and care for the client.• Promote interest of client with the utmost good faith, loyalty, and fidelity.• Agents must perform according to the terms of the agreement, they cannot favor one party over another.<ul style="list-style-type: none">○ Seek price and terms acceptable to buyer.○ Present all offers unless client is already in another contract.○ Disclose IN WRITING all “material adverse facts” to client. Q&A: Why do the learners think this may be important? To protect themselves as well as the buyers.• Account for ALL money and property received in a timely fashion. Q&A: How soon does earnest money need to be delivered to broker? ASAP! Broker has 72 hours to deposit into Trust Account.• DO NOT DISCLOSE ANY PERSONAL OR CONFIDENTIAL INFORMATION REGARDING CLIENT. Unless you have the WRITTEN CONSENT of your client.
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		<p>Sec. 76-2417. Seller's agent or landlord's agent; powers and duties; confidentiality; immunity; disclosures required.</p> <p>Sellers Agent-"A single limited agent with duties and obligations to the seller as set out in Neb. Rev. Stat. Sections 76-2401 et. Seq. and 301 NAC Chapter 1 and who has entered into a written brokerage relationship with, and therefore only represents, the seller in a real estate transaction."</p> <p>DUTIES:</p> <ul style="list-style-type: none"> • Licensees act as limited agents to a seller or landlord. • MUST enter into a written agreements which specifies; <ul style="list-style-type: none"> ○ Duties & responsibilities ○ Compensation ○ Expiration date ○ Agency ○ COPY OF WRITTEN AGREEMENT (LISTING) MUST BE LEFT WITH SELLER OR LANDLORD. Q&A: In today's real estate world what are some ideas of how to do this? • Perform on terms of written agreement. • Exercise reasonable skill and care for the client. • Promote interest of client with the utmost good faith, loyalty, and fidelity. • Agents must perform according to the terms of the agreement, they cannot favor one party over another.
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		<ul style="list-style-type: none"> ○ Present all offers unless client is already in another contract. Once a property is under contract an agent is not required to seek additional offers; however they must present ALL offers delivered to them. ○ Advise clients to seek expert opinions when necessary. REMEMBER you are a real estate agent, and NOT an expert at everything. ○ Disclose IN WRITING all “material adverse facts” to client. Q&A: Why do the learners think this may be important? To protect themselves as well as the seller. ● Account for ALL money and property received in a timely fashion. Q&A: How soon does earnest money need to be delivered to broker? ASAP! Broker has 72 hours to deposit into Trust Account. ● Follow local, state, and federal housing laws INCLUDING FAIR HOUSING LAWS. ● DO NOT DISCLOSE ANY PERSONAL OR CONFIDENTIAL INFORMATION REGARDING CLIENT. Unless you have the WRITTEN CONSENT of your client. <p>Sec. 76-2419. Dual agent; powers and duties; confidentiality; immunity; imputation of knowledge or information.</p> <p>Dual Agency – “A limited agent, who with the written</p>
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		<p>informed consent of all parties to a contemplated real estate transaction, has entered into a brokerage relationship with, and therefore represents, both the buyer and the seller. The dual agent has certain duties and obligations to both the buyer and the seller as set out in Neb. Rev. Stat. 76-2401 et. Seq.”</p> <ul style="list-style-type: none">• Dual Agency <u>MUST be in writing</u> with the consent of ALL parties involved in the transaction.• Dual agent may disclose any information to either party if it is relevant to the transaction, with the exception of price or other motivating factors by either party.• Treat both clients with reasonable skill and care. Giving them good faith, loyalty and fidelity;<ul style="list-style-type: none">○ Terms of contract MUST be agreeable to both parties.○ All offers must be presented.○ Disclose “material adverse facts.”○ Refer clients to experts such as home inspectors, ET.○ Account for money and property.○ Comply with local, state, and federal laws including FAIR HOUSING.• DO NOT DISCLOSE ANY PERSONAL OR CONFIDENTIAL INFORMATION REGARDING CLIENT. Unless you have the WRITTEN CONSENT of your client.
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		<p>REFERENCE: Agency Form, which will be provided by their brokerages when they work in real world real estate. It will also be referenced in an activity later in this module. In addition the “Consumer Guide to Buying and Selling Homes,” published by NREC can be shared as a tool for consumers.</p> <p>DISCUSS: difference between a Buyer’s Agent, Seller’s Agent and Dual Agency</p> <p>RELATE: Instructor to share personal experience in representing types of Agency. NOTE: DO NOT DISCLOSE PROPERTY ADDRESS, NAMES, or ANY OTHER PERSONAL INFORMATION OF PAST CLIENTS AND/OR PEERS.</p>
10 min	<p>Brokerage Responsibilities; 76-2420. Designated broker; written policy; relationships. 76-2421. Licensee offering brokerage services; duties. 76-2422. Written agreements for brokerage</p>	<p>Lecture and Read; 76-2420. Designated broker; written policy; relationships.</p> <ul style="list-style-type: none"> Designated brokers MUST have a written agreement identifying and describing different types of agency available to the client which are allowed by the broker. NOTE: Brokers only have to offer one type of agency. For example they may only represent buyers. <p>76-2421. Licensee offering brokerage services; duties.</p> <ul style="list-style-type: none"> <u>At earliest “practicable time” or following the first substantial contact with a seller, landlord, buyer or tenant</u> AGENCY DISCLOSURE MUST BE PROVIDED IN

	services; when required.	<p><u>WRITING.</u></p> <p>76-2422. Written agreements for brokerage services; when required.</p> <ul style="list-style-type: none"> • READ out loud paragraph (1) all written agreement for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the agreement on behalf of the broker. A copy of a written agreement for brokerage services shall be left with the client or clients. <p>Q&A: <i>What is a designated broker?</i> 81-885.01(4) Means an individual holding a broker's license who has full authority to conduct the real estate activities of a real estate business.</p>
10 min	<p>First Substantial Contact</p> <p>(PPT 192-201)</p> <p>(PG 103)</p>	<p>LECTURE:</p> <p>First Substantial Contact, taken from COMMISSION COMMENT, Spring 2013.</p> <p>ACTIVITY: Learners should locate and highlight 76-2421</p>

		READ & INTERPRET: for this lecture.
15 min	Types of Agency PPT 202	<ul style="list-style-type: none"> • Nebraska Agency Statutes: Define and create different types of limited agency relationships for real estate licensees, discuss requirements for properly creating agency for the different types of agency, standards of representation, fiduciary duty, and agency disclosure requirements. <p>ACTIVITY:</p> <p>Give learners a few minutes between each word to find a definition and shout out to class;</p> <ol style="list-style-type: none"> 1. Limited agency – “relationship created between a designated broker and his/her affiliated licensees with a client, pursuant to Neb. Rev. Stat. Sections 76-2401 et. Seq., relating to the services to be performed.” 2. Standards of representation – Code of Ethics (and/or Standards of Representation.) 3. Fiduciary Duty - a legal duty to act solely in another party's interests 4. Agency Disclosure - disclosure of the broker's agency relationship in a specific transaction

15 Min	REAL ESTATE TEAMS PPT 203	<ul style="list-style-type: none">• LECTURE: Team means two or more persons licensed by the Commission who (a) work under the supervision of the same broker, (b) work together on real estate transactions to provide real estate brokerage services, (c) represent themselves as being part of a team, and (d) are designated by a team name (81-885.01(9))• Team Leader means any person licensed by the commission and appointed or recognized by his or her broker as leader of the team (81-885.01(10))• A team may represent both sides of a transaction without dual agency being created or implied (recommend full disclosure to the clients of team status and agency relations• A team may not use a name that does not include the words “Team” or “Group” or advertise or hold itself out in such a way as to imply the team is an independent brokerage (81-885.24(34) & Title 299, Chapter 2)• A team leader is responsible for providing and a designated broker is responsible for keeping a current list of all team members and team leaders (81-885.24(31-32)
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10 min	<p>Agency Disclosures; NREC Website</p> <p>BROKERAGE RELATIONSHIPS IN REAL ESTATE TRANSACTIONS FORMS</p> <p>(PPT 204)</p>	<p>ACTIVITY:</p> <p>Have students pull up forms on smart phone. This will take some PATIENCE, time and guidance. RECOMMEND PRATICING FIRST ON YOUR OWN PRIOR TO INSTRUCTION.</p> <p>Agency Disclosures; NREC Website</p> <p>BROKERAGE RELATIONSHIPS IN REAL ESTATE TRANSACTIONS FORMS</p> <p>http://www.nrec.ne.gov/licensing-forms/formlist.html#Form5</p> <ul style="list-style-type: none"> • New Agency Disclosure Form Instructions, effective 5/1/2015 • Agency Disclosure Information for Buyers and Sellers <p>BROKERAGE RELATIONSHIPS IN REAL ESTATE TRANSACTIONS FORMS</p> <p>http://www.nrec.ne.gov/legal/policyinterpretation.html#pi38</p> <p>http://www/nrec/ne.gov/consumer-info/index.html</p> <p>http://www.nrec/ne.gov/legal/brokeragerelationshipinfo.html</p> <p>http://www.nrec.ne.gov/licensing-forms/formlist.html#Form5</p> <ul style="list-style-type: none"> • Agency Disclosure Common Law Agency Addendum (Attach to Agency Disclosure)
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		DISCUSS the use of electronic signatures.
15 min	BREAK	
30 min	Agency Relations Case Study (PPT 205) (PG 105)	SMALL GROUP: Divide learners into small groups of 4 or 5. Share Commission Ruling Case 2008-029 on PPT. COMMISSION RULINGS; Case 2008-029 Commission vs. <i>(Tyler Doe,)</i> Salesperson. Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by March 25, 2009. [Violated Neb. Rev. Stat. 76-2421 (1) Licensee offering brokerage services; duties. (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage survives to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person which party the licensee is representing. Respondent <i>Doe</i> failed to have the buyers sign an Agency Disclosure at the earliest practicable opportunity during or following substantial contact with the parties. 8/26/2008

		<p>RESEARCH: Neb. Stat. 76-2421 in License Law Packet.</p> <p>IDENTIFY: Salesperson error(s).</p> <p>DEMONSTRATE: Learners to demonstrate how they would recommend resolving these violations.</p> <p>DISCUSS as Large Group.</p> <p>NOTE: Even though this information is public knowledge; Salesperson name is NOT disclosed.</p>
30 min	<p>Agency Relations Case Study</p> <p>(PPT 206)</p>	<p>SMALL GROUP:</p> <p>Divide learners into small groups of 4 or 5. Share Commission Ruling Case 2008-029 on PPT.</p> <p>COMMISSION RULINGS; 2006-030 – Commission vs. <i>(Tyler Doe,)</i> Salesperson Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of license law and (3) hours in the area of agency, all to be completed by September 12, 2006. [Violated Neb. Rev. Stat. 76-2418 (1) A licensee representing a buyer or tenant as a buyer's tenant's agent shall be a limited agent with the</p>

		<p>following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interest of the client with the utmost good faith, loyalty, and fidelity, including: (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease. <i>Doe</i> failed to present an Offer in a timely manner; Neb. Rev. Stat 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirement of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If licensee is acting as a dual agent with regard to a specific</p>
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		<p>property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property. Doe failed to have the seller sign a Consent to dual Agency Agreement until February 3, 2006, which was the day following acceptance of Offer by the seller; and Neb. Rev. Stat. 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Doe failed to present an Offer to the seller in a timely manner; Doe inaccurately disclosed to a buyer he was acting as limited Buyer's Agent when he was actually acting as a limited Seller's Agent; and Doe failed to have the seller sign the Consent To Dual Agency Agreement until February 3, 2006, which was the day following acceptance of the Offer.</p> <p>6.14.2006</p> <p>RESEARCH: Neb. Stat. 76-2421 in License Law Packet. Neb. Stat. 76-2418, 76-2422, 81-885.01, 76-2419, 81-885.24.</p> <p>IDENTIFY: Salesperson error(s).</p> <p>DEMONSTRATE: Learners to demonstrate how they would recommend resolving these violations.</p> <p>DISCUSS as Large Group.</p>
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20 min	ACTIVITY	<p>ACTIVITY:</p> <p>24 QUESTIONS!</p> <p>Things you will need; Poster paper or post-it paper. Prepare GIANT flash cards with 24 trivia questions about Article 24 prior to instruction.</p> <p>This is your turn to be creative!</p> <ul style="list-style-type: none"> • Split learners into two groups. • Hold a card up, reading the question out loud to the first group giving them 90 seconds to answer. IF they cannot answer or answer incorrectly group two gets the opportunity to answer. • Alternate each question with each group, keeping score for each group. • The winning group gets a prize.
15 min	<p>SPEED QUESTIONS</p> <p>(PPT 207)</p> <p>(PG 107)</p>	<p>ACTIVITY:</p> <p>1) The prime obligation of an agent to the principal is;</p> <ol style="list-style-type: none"> a. A successful closing. b. Advertising.

		<p>c. Loyalty. d. Financial</p> <p>2) The best example of a fiduciary relationship is that relationship which exist between;</p> <ul style="list-style-type: none">a. Broker and banker.b. Broker and customer.c. Broker and NEOC.d. Broker and client. <p>3) The person who makes the decision to create an agency relationship is the;</p> <ul style="list-style-type: none">a. Seller's agent.b. Buyer's agent.c. Broker's agent.d. Principle. <p>4) Dual Agency is defined as;</p> <ul style="list-style-type: none">a. A limited agent, who with the written informed consent of ALL parties may represent both sides of a transaction.b. An agent who has to negotiate against another agent during a transaction.c. A single limited agent with obligations to one party of the transaction.d. Agent who represents only buyers during a transaction. <p>5) An Agency Disclosure;</p> <ul style="list-style-type: none">a. Should only be used when writing a contract.b. Should not be used by property managers.c. Should not be used by builder representatives.d. None of the above.
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Attachment 9A

___D___ CLIENT

___C___ AGENCY RELATIONSHIP

___F___ DUAL AGENT

G_____ BUYER'S LIMITED AGENT

___E___ CUSTOMER

J_____ LICENSEE

___H___ PRINCIPAL

I_____ LIMITED SELLER'S AGENT

___B___ ADVERSE MATERIAL FACT

A_____ REAL PROPERTY

- A) Land and whatever, by nature or artificial annexation, is a part of it.
- B) A fact which can affect desirability or value of a property.
- C) A relationship created between a designated broker and his licensees affiliated with a client.
- D) A buyer or a seller who has entered into a brokerage relationship with a licensee.
- E) Buyer or seller in a real estate transaction who is not entered into a brokerage relationship with a licensee.
- F) A limited agent, who can represent both parties with the written informed consent of ALL parties.
- G) A single limited agent with the duties and obligations to only the buyer.
- H) A person authorizing an agent to represent them.
- I) A limited agent with the duties and obligations to only the seller.
- J) An all-inclusive term meaning designated broker, an associate broker or salesperson.

MODULE 10: MAKING SENSE OF IT ALL

Objectives:

Violations

Continuing Education

Seller Property Disclosures

- SID's, Homesteads & more.

Preparing for the Exam

- Q&A.

INSTRUCTORS YOU WILL NEED: A Nebraska License Law Packet for this 30 Hour Pre-License Course. It should include a copy of the "NEBRASKA CANDIDATE HANDBOOK."

If students do NOT already have a packet, they may go to the NREC website;

www.nrec.ne.gov to get one. NOTE: Final exam will be prepared by each independent school and submitted to NREC. Some schools may choose an electronic exam per NREC guidelines. (PPT209-210)

MODULE 10: "Making Sense of IT ALL"

Time	Topic	Lecture & Activities
5 Min	Introduction	<p>DISCUSS: What module will include. INSTRUCT LEARNERS TO FOLLOW ALONG, HIGHLIGHTING EACH STATUTE. <i>Module will include loose ends & exam.</i></p>
10 min	<p>E&O (PPT 210) (PG 109)</p>	<p>LECTURE: 81-885.55. Errors and omissions insurance; commission; duties; certificate of coverage; required; when; group plan unavailable at a reasonable premium; effect.</p> <ul style="list-style-type: none"> • ALL ACTIVE licensees must carry E&O (Errors and Omissions) Insurance. • NREC will set minimum standards of coverage; minimum policy coverage, permissible deductibles, and permissible exemptions. • Providers for E&O will be given the opportunity to bid recommended coverage. • NREC will make coverage available to ALL licensees through their recommended provider, with no right on the part of the insurance provider to cancel coverage. • NREC must notify licensees of required terms and conditions for E&O at least 30 days prior to their renewal

		<p>date of November 30.</p> <ul style="list-style-type: none"> • NREC premiums cannot exceed \$500 per year, if it exceeds that amount coverage requirements may be waived. • Licensees can find their own provider as long as it meets the minimum standards of NREC policy guidelines. • Licensees MUST provide NREC with a certification of coverage form prior to the renewal deadline of November 30 of each renewal year. • Licensees who do not need to renew in the current year must provide certification of coverage prior to December 31.
<p>15 min</p>	<p>Continuing Education</p> <p>(PPT 212-215)</p> <p>(PG 110)</p>	<p>LECTURE:81-885.49 Continuing education; purpose THROUGH 81-885.54 Continuing education; rules and regulations.</p> <p>DISCUSS;</p> <ul style="list-style-type: none"> • “In each two year period, every licensee shall complete twelve hours of approved Continuing Education activities and six hours of Broker-Approved Training.” <input type="checkbox"/> What does that mean to a new licensee? See PPT. <input type="checkbox"/> ***EXPLAIN to students NO CE during first year of license, then 2 year renewal begins. <input type="checkbox"/> Explain team CE, 3 hours within of joining a team an every four years after that <input type="checkbox"/> Property Management CE, 3 hours every CE cycle

30 min	<p>SELLER PROPERTY CONDITION DISCLOSURE STATEMENT</p> <p>(PPT 215)</p>	<p>Lecture and read; 76-2,120. Written disclosure statement required, when; contents; delivery; liability; noncompliance; effect; State Real Estate Commission; rules and regulations.</p> <ul style="list-style-type: none"> • Law applies to ALL residential properties located in the State of Nebraska consisting of one to four units. • Sellers of residential property listed MUST fill out a Seller Condition Property Disclosure Statement. The agreement must be filled out, completed and signed by Seller(s). • Seller Property Disclosure must be given to the potential buyer on or before the effective date of a Purchase Agreement. • Seller Property Disclosure should include; <ul style="list-style-type: none"> ○ Legal description and address of property. ○ Statement that this was the properties condition on the date the disclosure was SIGNED by the Seller(s). ○ It is not a warranty, but merely a disclosure of what the seller believes to be true in regards to the properties condition. ○ It is not to be replaced for an inspection or warranty. However, the information should be considered reliable to the purchaser. ○ Agents can provide copies of the disclosure to anyone interested in purchasing the property.
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- Information is a representation made by the Seller(s) NOT the agent, and is not considered to be any part of the contract between the seller and the purchaser.

READ: 76-2, 120 (4), (5), & (6) out loud in class. You may want to rotate each paragraph in a large group.

LECTURE:

- Any updates which need to be made MUST be made before effective date of Purchase Agreement, closing.
- Purchaser must acknowledge each receipt of update in writing.
- The Seller(s) and/or agent have no liability for any error, inaccuracy or omission of information in the disclosure statement if they did NOT have any personal knowledge of the condition.
- Agents are not required to verify accuracy or completeness of any disclosure in the statement. HOWEVER, it does not limit the duties and obligation of the agents. **FIND & READ** section 76-2418.

ACTIVITY:

**ACCESS INFORMATION using smart phones or other electronic devices;
NREC Website**

		<p>http://www.nrec.ne.gov/licensing-forms/formlist.html#Form5 DEMONSTRATE: Use of form.</p> <p>REMIND LEARNERS: DO NOT FILL OUT SPDC FOR CLIENTS!!!!</p>
30 min	<p>OTHER STATUTORY REFERENCES:</p> <p>(PPT 2167-222)</p> <p>(PG 111)</p>	<p>SMALL GROUP ACTIVITY; Divide learners into small groups to create a short 3-5 minute presentation on the following topics to be delivered in a large group setting;</p> <ul style="list-style-type: none"> • SID • Smoke Detectors • Sale of Trailers • Homesteads • Statute of Frauds • 1980 Time Share Act • Dual Contracts • Appealing Commission Decisions • Recognition of Acknowledgements • Real Estate Closing Agents
15 min	BREAK	
30 min	<p>OTHER STATUTORY REFERENCES:</p>	<p>SMALL GROUP ACTIVITY PRESENTATIONS</p> <ul style="list-style-type: none"> • SID • Smoke Detectors • Sale of Trailers

		<ul style="list-style-type: none"> • Homesteads • Statute of Frauds • 1980 Time Share Act • Dual Contracts • Appealing Commission Decisions <p>LARGE GROUP DISCUSSION: Any “Other Statutory References”</p>
10 min	<p>Preparing For The Real Estate Exam</p> <p>(PPT 224-225)</p>	<p>REPEAT INFORMATION:</p> <ul style="list-style-type: none"> • Tips for proceeding through the application, provided by the NREC. • Real Estate Licensing information, provided by the NREC. <p>MAKE SURE ALL STUDENTS UNDERSTAND HOW TO APPLY FOR EXAM AND WHAT THEY SHOULD EXPECT.</p>
60 min	<p>QUIZ over Nebraska License Law</p> <p>(PPT 226)</p>	<p>ASSESS Learning; QUIZ over Nebraska Specific License Law.</p> <p><i>NOTE: Final exam will be prepared by each independent school and approved by NREC. Some schools may choose an electronic exam per NREC guidelines.</i></p> <p>Multiple Choice may be used from Speed Questions.</p>