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**Real Estate Practice - Part 1**

**Real Estate in Today’s Market**

**Program Offered by the Nebraska Real Estate Commission**

**Program Presented by**:

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Nebraska Real Estate Commission

www.nrec.nebraska.gov

**Sources**

* Homeowner Insights – Property and Neighborhood Reporting; Swanepoel 3T Group – 2016
* Commercial Real Estate Alert – Analysis of the Latest Emerging Risks and Trends;
* National Association of REALTORS® and Swanepoel 3T Group - 2017
* Profile of Home Buyers and Sellers – 2019 Summary; National Association of REALTORS®
* What to Expect from a Commercial Agent – www.engelvoelkers.com
* https://www.adwerx.com/blog/184-things-real-estate-agents-do/
* https://nrec.nebraska.gov/legal/article24toc.html - Agency Relationships - NREC
* https://nrec.nebraska.gov/additional-links/faqLicensees.html

**Session Objectives: Upon completion of the course, participant will be able to:**

1. List the expectations of a real estate professional as well as economic elements impacting the marketplace in today’s economy.
2. Customize a workable weekly skill building task list utilizing the template of the Real Estate Practice Blueprint.
3. Define the different types of agency relationships allowed by Nebraska Statute as well as implement and adhere to strict policies regarding disclosure, communication, fiduciary responsibilities and public engagement as it relates to agency relationships.
4. Define the difference between Agent, Customer and Client and how this status is obtained including use of the Nebraska process for public notification.
5. Explain Limited Dual Agency and provide step by step procedures that incorporate best practices for securing client written permission.

**Real Estate as a Career**

Why did you seek a career in real estate?

How do you think real estate professionals are perceived?

What areas do you feel need to be covered in this program and why?

**Expectations of a Real Estate Professional**

* Cares about people and truly wants to do what is best for their client’s goals.
* Honesty – providing feedback and advice that is centered on the client’s needs.
* Professionalism in dress, manner and language use.
* Focuses on doing a job well vs. getting paid.
* Works independently and seeks educational opportunities to build competence.
* Sets goals and strategies and then implement the plan, adapting as needed.
* Builds long term relationships with clients and peers.
* Exceptional company and personal reputation.
* Adheres to the law as well as company policies and procedures.
* Designs efficient working systems to increase effectiveness.
* Uses technology as a tool to enhance productivity and strengthen relationships.
* Acts in a professional manner with integrity and trustworthiness.
* Pledges loyalty to the Designated Broker.
* Communicates clearly and often in a manner that others appreciate.
* Maintains complete transactional records.
* Utilizes the power of strong relationships.
* Negotiates fearlessly with the client’s desires firmly at the forefront.
* Seeks innovative ways to engage in the community in ways that matter.
* Has experience, education and/or proven results that results in a high level of competency.

**Skills Necessary to be Effective in Real Estate**

* Ability to gather and analyze data into workable strategies.
* Master of networking, connecting with different levels of authority.
* In-depth knowledge of real estate financing.
* Adaptable to changing environments.
* Comfortable with handling large transactions and complex projects (commercial).
* A full understanding of tax law, economics and statistics (commercial) .
* Developing themselves as an expert in a niche – residential, industrial, retail, or urban development.
* Competent in leasing, property development and management (commercial).
* Ability to remain focused and task oriented for the long haul as typical commercial transactions can take months to close (commercial).
* Provide customized service based upon the size of the client’s commercial needs – industrial complex vs a small two owner shop (commercial).

**The Real Estate Landscape**

**Homeowner Insights – Property and Neighborhood Reporting**

*Swanepoel 3T Group – 2016*

* Customer/Client retention is a struggle.
* Costs for brokerage firms and Agents increases as they work to acquire new customers.
* Staying connected for years while a Seller remains in a home is a challenge.
* Marketing practices fail to deliver value to homeowners and Agents alike.
* Sellers must feel services are worth what they are giving up in equity to pay a commission.

**Commercial Real Estate Alert – Analysis of the Latest Emerging Risks and Trends**

*National Association of REALTORS® and Swanepoel 3T Group - 2017*

* Commercial real estate is the life blood of every economy ranging from retail, distribution to infrastructure.
* Real estate sales are impacted by local, national and international economic dynamics as well as political and societal changes.
* Keeping on top of emerging trends is vital for the commercial real estate practitioner which presents a unique opportunity to interpret the global marketplace that undergoes constant change and apply this insight into local projects.
* Commercial development transforms urban centers which in turn demands a high level of competency of any Agent who specializes in this aspect of real estate.
* Trends include crowdfunding, debt, use of technology and e-commerce, changing demographics, return on investment, dealing with regulations, cyber security and mergers.

**Qualities and Skills Inventory**

List the qualities and skills you can offer to a real estate customer. Be specific.

**Internet “Digital” Realities**

* Consumers want the real estate process to be easy and convenient and to be involved at all stages.
* Creates opportunities for a brokerage and Licensees to work digitally for marketing and consumer engagement.
* New brokerage models are working completely in the digital world.
* Customization of search ability enables the consumer to fine tune their search.
* Video of properties and accurate photos are vital.
* Licensees want systems to be integrated for reducing the number of times data is keyed in.
* Contact management software that connect all levels of interaction, including social media is on high demand.
* Automation of existing processes is easier due to multiple software companies offering solutions for the real estate transaction.
* Digital signature technology and high level of use has created security concerns that internal processes must address – such as do we know who really signed the document?
* Agents and the consumer desire streamlined communication processes with access 24 hours a day to relevant information.
* A large amount of technology is used between the consumer and the Agent, the relationship may morph into a less intimate level.
* “Mobi” ready websites need to be easily usable on multiple devices.
* Emergency backup routines must be in place to ensure data security and retention.
* Lead generation software can be an effective prospecting tool if the Agent creates a process of contact and follow up that is consistent and non-invasive. The consumer doesn’t like to feel like he/she is being stalked.

**Profile of Home Buyers and Sellers – 2019**

*National Association of REALTORS®*

* A report annually compiled by the National Association of REALTORS® that tracks home buying trends and insight into consumer behavior.
* Buyer Characteristics
	+ 33% were first time home Buyers.
	+ 12% in a multigenerational home – taking care of parents and move back kids.
* Buyer Search Process
	+ 44% looked online first before working with a Licensee.
	+ Searched for 10 weeks and on average 9 properties.
	+ 87% who used Internet found photos and detailed information very useful.
	+ Only 63% were very satisfied with the home buying process.
* Buyer Relationship with Agent
	+ 89% of Buyers used an Agent.
	+ 41% used an Agent that was referred to them.
	+ 75% interviewed only one Agent before working with them.
* Seller Characteristics
	+ 16% moved to be closer to family/friends, and because the property was too small, 13% and 11% due to relocation.
	+ 10 years in a property before moving again.
* Seller Relationship with Agent
	+ 89% worked with an Agent.
	+ 66% were very satisfied with the selling process.
	+ 75% contacted only one Agent before using them to sell the property.
	+ 70% stated they would probably work with the Agent again.

**Experts Point of View**

*Doris Barrell, Dearborn Author; Kelly Burge, AE NW Iowa Board of REALTORS®*

1. What do you feel are the major issues the public complains about in terms of Licensee behavior and/or performance?
	1. Lack of communication (not returning phone calls, emails etc.).
	2. Tardiness.
	3. Not explaining real estate lingo, using terminology the public doesn’t understand or not thoroughly explaining ins and outs of a transaction.
	4. Setting unrealistic expectations – example: letting potential Buyer think it’s perfectly fine to submit an offer at noon and ask for a 5:00 pm answer. (There could be consequences to doing this they don’t explain to the Buyer that the pressure may have the Seller back away).
	5. Agent spends too much time talking about themselves and not listening to the client.
	6. Having computer generated reports do the Agent’s job. It’s all fine to set up a client to get listings that on paper fit their criteria daily, but Agents need to follow up with phone calls.
	7. Having clients sign contracts via the computer on their own. Call and walk them through what they are signing. If a client does not want the Agent to do this, get it in writing.
	8. Agent pushing Buyers to purchase a property over their price range.
	9. Harassing the client after the closing asking for more business.
2. What are three things a Licensee can do (commercial and residential) that would increase public trust?
	1. Do better at explaining exactly everything an Agent does for their client. The general public has no idea. Follow through, when an Agent says they will do something, then do it.
	2. Listing a property, a Licensee knows the Sellers are asking too much for the sale price, but they take the listing anyway, just so they can get the listing. An Agent should be honest and take enough pride in themselves and profession to walk away.
	3. Come to every meeting prepared. The Licensee should have a procedural plan that can be tweaked a bit per client but shows potential clients there is a plan of attack and be prepared to explain why it works.
	4. Always be honest about every part of the deal within the parameters of the law.
	5. Agents should deliver what they promise – every time.
	6. Be accountable - admit to a mistake and apologize. Then fix the issue.
	7. The Licensee should speak about what they know for a fact, not what they “guess”. If the Agent doesn’t know the answer - say so.
3. What do you believe the public deserves in terms of communication from the Licensee?
	1. Expectations for communications with clients should be laid out as soon as a relationship is established.
		1. Does the client prefer text messaging, phone calls, emails?
		2. How often? Daily, weekly, only when there’s something to report?
	2. The Licensee should always be honest, even when they know the client won’t like what they have to say (say it graciously though) or tell the client that they don’t know the answer.
	3. When in doubt, step up to the plate and find the answer for the client. If the Agent is not able to do so because it is against license law, company policy or ethics for them to answer, tell the client and point them in the right direction in order to find the answer – all this done within the confines of agency status.
	4. Communication is dictated by the client
		1. Do they expect texting?
		2. What do they consider an appropriate response time to a text or email?
		3. Is email the preferred method of communication?
		4. Know when a telephone call is appropriate to maintain client contact!
		5. Stay in touch - with whatever means determined by the client.
		6. Follow up with agreements and conversations in writing.

Based upon what you have learned, write down 7 areas of concentration, insight, needed education, or focus you should incorporate into your business plan.

## UserSelf-Assessment: How Do You Measure Up?

### Ability to Think Outside the Box - Dream Big Excellent Very Good Good Fair Poor

### Competency with Forms, Paperwork, etc.Excellent Very Good Good Fair Poor

### Communication Skills Excellent Very Good Good Fair Poor

Dedication to Customer Service Excellent Very Good Good Fair Poor

Financial Responsibility Excellent Very Good Good Fair Poor

Accountability and Follow up Excellent Very Good Good Fair Poor

Negotiating Abilities Excellent Very Good Good Fair Poor

Professional Demeanor and Attitude Excellent Very Good Good Fair Poor

Progressive Use of Technology Excellent Very Good Good Fair Poor

Time Management and Organizational Skills Excellent Very Good Good Fair Poor

Self-Discipline Excellent Very Good Good Fair Poor

Positive, Pleasant Assertiveness Excellent Very Good Good Fair Poor

People Skills (makes conversation) Excellent Very Good Good Fair Poor

Ethical Decision Making and Follow-Through Excellent Very Good Good Fair Poor

Communication with Superiors Excellent Very Good Good Fair Poor

## UserYour Self-Assessment Results

From Self-Assessment above, list your two greatest strengths:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

From Self-Assessment above, list two areas that require improvement:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 2. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Recommendations for Time Management

**Spend 65% of Real Estate Time on Income Producing Activities:**

#### Prospecting/Farming List/Sell properties Network

#### Show home Do mailings Write offers

#### Make phone calls Negotiate contracts Hold open houses

#### Process paperwork Qualify Buyers Communicate

Do market analysis Go to closings Conduct follow-ups

**Spend 35% of Real Estate Time on Maintenance Activities:**

Advertise Board activities Attend meetings

Personal time Counseling Record keeping

Education Use computer Maintain car

**Before Working with the Public**

* The license is fresh off the press and the new Agent has learned the fundamentals of what is expected. The big question is what should be done next to ensure the Agent doesn’t fumble their interaction with a potential customer or step into a liability situation.
* Typically, it takes about 3 months before the first closing happens. However, with attention to gaining competency in essential tasks, this time frame can be shortened.
* Long term, high producing Licensees begin their careers by moving methodically *initially* to ensure they learn how to effectively accomplish the elements of the work before ever meeting their first client. A first impression can never be undone.
* When competency is gained, confidence soars. When a consumer feels an Agent’s confidence in handling a transaction, it is much easier to say “yes” to having that Agent handling the listing.
* The following are steps of “on the street” education a Licensee can initiate to gain competency and confidence – a six-month step by step plan is provided in a customizable Real Estate Practice Blueprint, designed by Karel Murray, DREI Emeritus:
	+ **Company – Internal Operations**
		- Regularly communicate issues of concern or importance to the Broker.
		- Learn about the company by attending sales meetings and training sessions.
		- Become proficient in the use of the company equipment.
		- Comply with office policy and procedures.
		- Know about the company’s offerings and understand its procedures.
		- Get educated regarding the company’s software, applications, and Internet activities.
		- Review and select appropriate company merchandise and advertising material.
	+ **Setting Up and Running Your Business**
		- Set up and attend to the efficient, professional running of a business.
		- Identify the professional resources essential to building a business.
		- Master tools to assist in securing buying and selling prospects.
		- Become familiar with the MLS and cooperative activity with other Business Partners.
	+ **Business Plan and Strategic Prospecting**
		- Set competency and production goals.
		- Prepare a budget.
		- Establish sources of prospects that will yield both short and long-term results.
		- Find and develop a prospecting niche or system that works.
		- Develop a geographic or people farm.
		- Design a stage-by-stage program for personal promotion.
		- Become the expert in the neighborhood.
		- Master the procedures to obtain, send, and follow-up on a referral.
		- Identify excellent service providers and vendors.
		- Develop a dialogue for making contacts that will lead to qualified prospects
* **Personal Marketing (Branding the Business)**
	+ - Adhere to Nebraska Real Estate Commission advertising rules and regulations.
	+ Ensure Brokerage name is in all advertising and promotion.
	+ Put the scope and content of an effective marketing plan into action.
	+ Set up a method to keep in contact with past clients.
	+ Design and incorporate the company brand to align with individual business principles and objectives.
	+ **Listing Practices**
	+ Know level of quality and amenities to expect in various housing price ranges.
	+ Understand how a property is appraised and how it is priced.
	+ Know the disclosure requirements mandated by law and good practice.
	+ Master the use of a “Listing Interview”.
	+ Master contract, forms, and disclosure document completion.
	+ Write benefit statements highlighting why client should work with the Agent.
	+ Master concepts of an effective, pro-active Seller marketing system.
	+ Be prepared for the typical challenges that Sellers present in listing situations.
	+ Use effective negotiating techniques.
	+ Establish an open house routine that provides maximum benefit to the Seller.
	+ Create a social media presence.
	+ Enhance the Seller’s advantage by staging (preparing) a property for show.
	+ For liability reduction purposes, establish a routine offer presentation process.
	+ **Buying Practices**
* Master completing contracts, forms, and disclosure documents.
* Master the use of a “Buyer’s Needs Analysis”.
* Remain informed and current on financing options available to Buyers.
* Refer Buyers to competent lending experts for financing options.
* Convert Buyers to Sellers through service, value and a contact regimen.
* Remain familiar with current MLS inventory and activity.
* Develop a thoughtful and astute method for selecting and showing property
* Know the primary buying motives of Buyers.
* Recognize the common buying signals of Buyers.
* Establish tools, techniques, and dialogue to help Buyers make decisions.
* Prepare for the typical challenges Buyers present in the buying process.
* Understand the home inspection process.
* Write a winning offer and successfully handle negotiations.
* **Career Competency and Professionalism**
	+ Learn about insurance issues related to the home buying process.
	+ Learn about the title process
	+ Know how to renew the real estate license.
	+ Be familiar with state-specific real estate rules and regulations.
	+ Review the agency options permitted by your state and company.
	+ Establish and maintain ethical business practices.
	+ Implement routines that reflect a conscious concern for personal safety.
	+ Understand the opportunities and requirements for continuing education.
	+ Stay informed on current issues and trends in the real estate industry.
	+ Begin earning a real estate designation that ties directly into selected niche.

**Agency and Representation**

 **Are They Doing it Right?**

What are your concerns as it relates to how Agents handle agency representation with customers and clients?

**Representation**

* **Agent** – a business professional who works on another’s behalf. This includes representation as a trusted advisor, knowledgeable about real estate and the real estate Licensee places the client’s interests above their own.
* **Customer** – an individual who has not entered into a legal representation agreement with a real estate Agent or brokerage.
* **Client** – an individual who has entered into a legal representation agreement with a real estate Agent or brokerage.



What is your practice when you review possible agency relationships to customers?

What is your practice when you secure written agency agreements from clients?

What is your practice when securing written permission to act as a Disclosed Limited (Dual) Agent?

**Guidelines for Agency Disclosure**

* Real estate Licensees must clarify for their Seller/Buyer clients at the outset of the business relationship, the different forms of representation – i.e. representation of the Seller only, the Buyer only; or both the Seller and the Buyer.
* Nebraska Statute (<https://nrec.nebraska.gov/consumer-info/index.html>) requires that an Agent provide a copy of the initial Agency Disclosure pamphlet for Buyers and Sellers at the first substantial contact with a potential client or customer. It is merely a disclosure of the types of agency relationships and obligations which may be entered into between the Licensee and consumer should a transaction or listing agreement be entered into in the future. More detail on first substantial contact can be found here: <https://nrec.nebraska.gov/legal/policyinterpretation.html#PI38>
* **Seller Representation** is secured through the Listing Agreement**.**
* **Buyer Representation** can be established without a written agreement by the Agent as a result of receiving confidential information that could compromise the Buyer’s negotiation ability.

## You may want to consider procuring a signed Buyer’s Representation Agreement in order to do the following:

## Clarify the agency relationship.

## Outline responsibilities and duties the Buyer’s Agent will perform.

## Specify where the Buyer’s Agent will search for properties – by stating “Buyer’s Agent will search for active MLS properties only”, the Agent can minimize potential liability for not uncovering a For Sale By Owner that might have fit the Buyer’s needs better than the one the Agent showed.

## Come to agreement about compensation terms and conditions which by custom and practice usually is paid by the Seller from the Listing Agreement commission.



What, in your opinion, constitutes first substantial contact and qualifies for distribution of the form?

**Limited Dual Agency**

* Limited Dual Agency occurs when an Agent has established an agency relationship with the Seller(s) and the Buyer(s), and the Buyer’s wishes to purchase the Seller’s property.
* Best practices on Limited Dual Agency:
* At first contact, provide the Agency Disclosure form.
	+ <https://nrec.nebraska.gov/pdf/newsletters/2010springcc.pdf>
* Upon securing a written agency agreement (via a Listing Agreement or Buyer Representation Agreement) also obtain written permission to do Limited Dual Agency. This also includes gaining confidential information from the Buyer client.
	+ For a Seller, the permission is property specific (they can accept or decline Limited Dual Agency for each property they wish to sell).
	+ For a Buyer, the permission is general in nature and applies to any in-house showing.
	+ Inform clients when Agent is acting under Limited Dual Agency *before* showing the property and writing any offers
	+ Agent’s behavior for showings and negotiation must reflect the type of agency they are under depending upon the circumstances and their clients should know when Limited Dual Agency is in force for a particular showing.
		- NOTE: If Limited Dual Agency is declined by the client, the Agent is not able to show their Seller’s listed properties to their own (or company) Buyers.

**Appendix**

**Session Evaluation**

Session Title: Real Estate Practice – Part 1 Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Presenter:

1. How did you find out about this program? (Select all that apply)

\_\_\_ Calendar handout \_\_\_ College Bulletin \_\_\_ E-Mail \_\_\_ Fax

\_\_\_ Internet \_\_\_ Mail \_\_\_ MLS \_\_\_ Newsletter

\_\_\_ Word of mouth \_\_\_ Workplace \_\_\_ Other

**Session Evaluation Very**

 **Excellent Good Good Fair Poor**

1. Session content (worth time and money invested) 5 4 3 2 1
2. Contribution to overall career knowledge 5 4 3 2 1
3. Likelihood of actual use of session material 5 4 3 2 1

**Presenter Evaluation**

1. Demonstrated material and subject knowledge 5 4 3 2 1
2. Use of visual aids and technology 5 4 3 2 1
3. Encouraged student involvement & participation 5 4 3 2 1
4. Handout organization & ease of use 5 4 3 2 1
5. Handling of student questions & feedback 5 4 3 2 1
6. Overall presentation style 5 4 3 2 1
7. What could be done to improve the session? (Please use the back if you need more room)

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1. If you felt the session was worthwhile and beneficial, please write down your comments for the meeting planner. (Please use the back if you need more room).

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***I hereby give \_\_\_\_\_\_\_\_\_\_\_\_ permission to use my comments in her advertising efforts utilizing any and all media (i.e., Internet, newspaper, radio, brochures, etc.)***

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Sign Name Date Print Name