

Memo

To: Montana Association of REALTORS
From: James A. Bowditch, Boone Karlberg P.C., Missoula, Montana
Date: May 18, 2023
Subject: Form Changes from October 2022 Forms Subcommittee Meeting

The form changes approved by the Forms Subcommittee of the Montana Association of REALTORS® in October 2022 are complete, uploaded to the platforms of all of MAR's licensed form vendors, and available for use by MAR members. A summary of these approved changes is below.

Form Changes

I. Amendment to Agreement Between Client and Broker – The language at lines 22-23 was amended as follows:

All terms and conditions of the Agreement, **including any amendments thereto,** are hereby incorporated by reference except as amended by the following terms and conditions:

and more blank lines were inserted below the above-referenced language.

Additionally, the title of the form was changed slightly to allow members to insert the amendment number as can currently be done with the addendum forms.

II. Amendment to Agreement Between Parties for Existing Terms and Conditions – The language at lines 20-21 was amended as follows:

All terms and conditions of the Agreement, **including any amendments thereto,** are hereby incorporated by reference except as amended by the following terms and conditions:

and more blank lines were inserted below the above-referenced language.

Additionally, the title of the form was changed slightly to allow members to insert the amendment number as can currently be done with the addendum forms.

III. Listing Agreement-Exclusive Right to Lease – The word “Commercial” was removed from the title of this form to clarify that the form can be used to list property for lease that is not strictly commercial in nature.

IV. Listing Agreements (all) – Language was added to the Safeguarding of Seller’s Property section to advise sellers of the potential for buyers, inspectors, appraisers, etc., to take photographs or videos of the property. The new language and the location where it was added for each applicable agreement is as follows:

Third parties, including but not limited to, appraisers, inspectors, brokers/salespersons and prospective buyers, may have access to and take videos of the interior of the Property.

- a. Listing Agreement-Residential: Lines 233-235
- b. Listing Agreement-Commercial (Exclusive Right to Sell): Lines 242-244
- c. Listing Agreement-Exclusive Right to Lease: Lines 236-237
- d. Listing Agreement-Farm & Ranch: Lines 277-279
- e. Listing Agreement-Land: Lines 182-183

New Form

I. Mobile Home Lot Lease-Rental Agreement – This new form is available for use in situations where a property manager, on behalf of an owner of a mobile home lot (but not the mobile home) is managing the property. This new form is similar to the MAR Residential Lease-Rental Agreement but the information is specific for a relationship with a tenant who owns a mobile home and is renting only the lot upon which the home is located.