

WB-44 Counter-Offer - 10/1/86 (optional use date); 1/1/87 (mandatory use date) (This form will be revised in the spring of 1991)

WB-45 Cancellation Agreement and Mutual Release - 5/1/82

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; cr. (1) (d), am. (2), Register, June, 1988, No. 390, eff. 7-1-88; cr. (1) (e), am. (2), Register, January, 1992, No. 433, eff. 2-1-92; am. (1) (a), Register, July, 1992, No. 439, eff. 8-1-92.

RL 16.04 When to utilize approved forms. (1) Except as provided in subs. (2) and (3), a licensee shall use approved forms when acting as an agent or a party in a real estate or business opportunity transaction.

(2) For those kinds of real estate or business opportunity transactions for which the department has not approved contractual forms a licensee, when acting as an agent or a party, may use contractual forms drafted by a party or an attorney, if the name of the drafter is imprinted on the form before use by a licensee. For the purpose of this subsection, a listing broker is a party to the listing contract transaction.

(3) A licensee may in any transaction where the licensee is acting as an agent, negotiate an agreement and permit the parties or an attorney for one or other of the parties to draft or prepare a contractual agreement which embodies all of the negotiated terms and conditions.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; am. (1) to (3), cr. (2m) and (3m), Register, July, 1992, No. 439, eff. 8-1-92; am. (1) and (2), r. (2m) to (3m), renum. (4) to be (3) and am., Register, July, 1993, No. 451, eff. 8-1-93.

RL 16.05 Legal advice and practice of law. (1) A licensee may not give advice or opinions concerning the legal rights or obligations of parties to a transaction, the legal effect of a specific contract or conveyance, or the state of title to real estate.

(2) Notwithstanding sub. (1), a licensee may give a general explanation of the provisions in an approved form to the parties to a transaction at the time of completing the form or when delivering an approved form for the seller's or buyer's acceptance.

(3) A licensee may use approved forms only in those transactions in which the licensee is acting in a capacity as licensee or in which the licensee is a principal, and in either case the use of such forms is incidental to the real estate practice of the licensee.

(4) A licensee may not make a separate charge for completing an approved form in connection with a transaction.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86.

RL 16.06 How to use approved forms. (1) A licensee who reproduces or arranges for printing a contractual form prepared and approved by the department pursuant to s. 452.05 (1) (b), Stats.:

(a) Shall assure that the numbering of lines and line contents are identical to those on the department's form.

(b) May not reproduce the form in such a manner that optional provisions are left out and blank spaces are filled in without any indication of where the optional provisions and blanks occur on the department's form.

(c) Shall indicate that the form is reproduced by the licensee's firm, stating its address and telephone number at an appropriate place on the form.

(d) May add additional blank lines, provided that such lines remain unnumbered and the contents and line numbers on the department's form are not altered.

(e) Shall retain the department's approval statement and date in the upper left corner exactly as these appear on the department's form.

(f) Shall assure that the formatting of the form is substantially identical to that on the department's form.

(2) A licensee who reproduces or arranges for printing a form under s. RL 16.03 (1) (a) or (b) may not modify the form in any way.

(3) A licensee may cross out provisions on approved forms to reflect the agreement of a party to a transaction, provided that the deleted provisions remain legible.

(4) A licensee may use a pre-prepared addendum or otherwise set forth on attached pages provisions relating to the blanks on an approved form or which alters or supplants optional secondary offer provisions or optional contingencies for financing, sale of buyer's property or inspection which are set forth in an offer, offer to exchange or option prepared and approved by the department, if the licensee properly incorporates the attachment by reference into the approved form and relates the approved form and the attached pages to one another. For purposes of this subsection a pre-prepared addendum may be prepared by the broker or the broker's attorney.

(5) A licensee may use a pre-prepared addendum which supplants or alters the printed provisions of an approved form only if:

(a) The addendum has been drafted by an attorney who is identified on the addendum;

(b) There are no optional or multiple choice provisions in the addendum;

(c) There are no blanks or fill-in provisions in the addendum except for spaces for the signatures of the parties and those items required under par. (d); and,

(d) The addendum is incorporated by reference into the approved form and the approved form and the addendum are properly related to one another.

(6) A licensee may alter an approved exclusive-right-to-sell listing contract to create an exclusive agency listing or an open listing.

(7) A licensee shall use the latest approved version of an approved form.

(8) A licensee shall use approved forms and prepare addenda in such a manner as to adequately accomplish the contractual intent of the person for whom the licensee uses the forms and prepares the addenda.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86; am. (4), Register, June, 1988, No. 390, eff. 7-1-88; am. (4), Register, July, 1993, No. 451, eff. 8-1-93; cr. (1) (f), Register, August, 1994, No. 464, eff. 9-1-94.

RL 16.07 Violation of this chapter. A licensee who violates this chapter demonstrates incompetency to act as a real estate licensee in a manner that, for purposes of s. 452.14 (3) (i), Stats., safeguards the interests of the public and shall be in violation of s. 452.14 (3) (m), Stats.

History: Cr. Register, March, 1986, No. 363, eff. 4-1-86.