



LEGAL HOTLINE

The NMAR Legal Hotline is a **MEMBER ONLY** service designed to answer your legal questions about many diversified areas of today's real estate industry.

The REALTORS® Association of New Mexico is pleased to provide an member benefit that has far-reaching benefits to you and the public you serve. Use of the NMAR Legal Hotline will constitute acceptance of certain limitations and conditions as set forth in this document and as amended from time to time.

PROGRAM PURPOSE

The Legal Hotline is direct toll-free access to a qualified attorney who can provide information on real estate law and related matters to an NMAR Member.

The program benefits NMAR Members and the real estate industry, in general, in the following ways:

- Access to Legal Hotline information will help prevent REALTORS® from making mistakes; thus, REALTORS® will become more professional, and consequently, the image of REALTORS® in New Mexico will be enhanced.
- Major Issues affecting REALTORS® in New Mexico will be identified, providing early warning to NMAR and allowing time for us to address the issues through legislation, educational programs, or otherwise.
- Easy access to the Legal Hotline is intended to encourage all NMAR members to ask questions that do not require legal advice, but when unasked may create future problems.
- The public is better served by having access to more informed and professional real estate personnel who protect the public's interest more completely by being better prepared to avoid potential problems in real estate transactions.

Calls handled through the Legal Hotline do not result in an attorney-client relationship. The Legal Hotline is a source of legal information and no attorney-client relationship is intended or implied. This means that any information conveyed by the caller is not subject to attorney-client privilege and may be subject to discovery by another person under certain circumstances.

CAUTION: *Information received via the Legal Hotline is not to be used to counsel other licensees or the public. It is intended to provide legal information, but not legal advice. You are not to act as a conduit by relaying use-specific information to clients, customers or other licensees.*

LEGAL HOTLINE RULES OF ENGAGEMENT

- Limit your questions to those topics under "permissible topics" (see backside)
- This service is for NMAR Members only. Please do not provide the Legal Hotline phone or e-mail to your clients/customers.
- Don't ask the Legal Hotline attorney to draft language for you or your client/customers or to review and approve or amend specific language you or your client/customer have drafted.
- Member Boards should not ask the Legal Hotline attorney to review or opine on specific issues involving their Bylaws or Policies; Core Standards require that Local Boards have their own legal counsel to advise them on these matters.
- Do not ask personal legal questions, i.e. your divorce, bankruptcy, Will, etc.

CONTACT

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FAQS

Q: What happens when my call is answered?

A: You will be asked for your name, company and local board or association to confirm your NMAR membership. Once your access to the Legal Hotline has been cleared, you can ask your question. If you get the Legal Hotline voice mail, leave a message and your call will be returned.

Q: Will my question be answered right away?

A: If your question falls into the scope of permissible topics, the attorney will give you an answer as soon as possible. Legal Hotline calls are returned as soon as possible; in most cases no later than 48 hours after your call or e-mail is received.

Q: If I get a verbal answer, will I also receive it in writing later?

A: Questions and answers can be confirmed in writing. If you would like a written confirmation, please ask. Copies of all written responses may be sent to the caller's Designated REALTOR®.

Q: Are there any specific topics the Legal Hotline will not handle?

A: The Hotline is not intended to provide legal advice with respect to any particular factual situation. In addition, questions concerning commission disputes between members and questions concerning violations of the Code of Ethics will not be handled by the Hotline. The caller will be directed to contact his or her local Board. A LIST OF PC ISSUES /QUESTIONS AN ARBITRATION PANEL WOULD CONSIDER (PUBLISHED BY NAR). Also, some questions may require extensive research or may fall outside the scope of permissible topics. In these cases, callers will be directed to contact outside counsel.

If you or a customer need an attorney, you may call the **State Bar Lawyer Referral Service** to obtain a lawyer with appropriate expertise. Persons over 60 years of age may be eligible for free or reduced-fee services through the **State Bar Lawyer Referral Elderly Program**. They can be reached at **505-797-6000**.

PERMISSIBLE HOTLINE TOPICS

Access
Advertising

- Truth-in-Lending
- Fair Housing
- REC Regulations

Adverse Possession
Agency

- Buyer
- Seller
- Dual
- Disclosure

Anti-trust

Appraisal & Appraiser Law & Regulations

Assistants (licensed and unlicensed)

Auctions

Bankruptcy (real property)

Breach of Contract

- Mediation
- Litigation
- Damages
- Specific performance
- Mitigation of damages

Broker Price Opinions

Civil Rights Laws

- Fair Housing Laws
- Americans with Disabilities Act

Closings

Costs

- Proceeds
- Proration

Commissions or Rebates

Condominium Law

Contracts/Purchase Agreements

- Amendment
- Back-up Offers
- Contingencies
- Counter Offers
- Disclosure of Terms
- Earnest Money
- Execution
- Expiration
- Multiple Offers
- Termination
- Presentation
- Shopping Offers
- Offer & Acceptance
- Representations/
Warranties

Deeds of Trust

- Process
- Trustee's Sale
- Redemption Rights

Disclosure

- Agency
- Fair Housing
- Fees/Commissions
- Broker Status
- Hazardous Substances
- Material/Adverse Factors
- Stigmatized Properties

Earnest Money Deposits

Easements

Electronic Signatures
Employment Law and Related Issues
Environmental Matters

- Clandestine Drug Lab Regulations
- Domestic Well Regulations
- Septic System Regulations

FCC Regulations

Financing

- Real Estate Contracts
- Notes, Mortgages, & Deeds of Trust

FIRPTA

Foreclosures

- Process
- Redemption Rights

Foreign Brokers

Homeowners Associations

Independent Contractor Relationships

Incentives

Interpleader

Interstate Brokerage

Landlord-Tenant

Lead Based Paint

Lease/Options

Lease/Purchase

Legal Capacity

License Law

- Appraisers
- REC Regulations
- Qualifying Brokers
- Associate Brokers

Liens

Listings

- Exclusion/Exceptions
- Protection
- Requirements
- Solicitation
- Termination
- Transfer

Manufactured Housing (Mobile Homes)

Marital Property

Mediation

Misrepresentation

MLS Issues

Mortgage Fraud

Mortgage Loan Originator Licensing Law

NAR Code of Ethics (general information)

NMAR Forms

Options

Owner (Seller) Financing

Qualifying Broker/Associate Broker

Relations

Real Estate Contracts

Record Keeping

Referral/Finder's Fees

RESPA

Restrictive Covenants

Seller/Buyer Occupancy Agreements

Service Members Civil Relief Act

Short Sales

Methods of Taking Titles

Title Insurance

Transaction Coordinator

Trust Accounts

Unauthorized Practice of Law

Water Rights