



NORTH CAROLINA REAL ESTATE COMMISSION

Real Estate Bulletin

Volume 29

Summer 1998

Number 2

Commission Staff Update



Susi Viens

Records Specialist **Susanne H. "Susi" Viens** has been promoted to Assistant to the Director of Audits and Investigations. A native

of Germany where she was employed as a pharmacist's assistant, Susi has lived in North Carolina for 13 years. She was licensed as a real estate salesman in 1991. Before joining the Commission Staff in 1996, Susi was a real estate secretary in Fayetteville.

In her new position, Susi will provide support services to the Audits and Investigations Division.

Rebecca A. Sabel also has transferred to the Audits and Investigations Division. Rebecca joined the Commission staff in 1996 as an Information Officer in the Legal Services Division.

A graduate of UNC-Greensboro, Rebecca has been a licensed real estate salesman in both North Carolina and Texas. She was associated with real estate firms in Wilmington and Durham prior to her employment with the Commission.

As an Auditor/Investigator, Rebecca will audit real estate trust accounts and investigate complaints against licensees on a state-wide basis.

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Governor appoints new Commission member

Lanny T. Wilson of Wilmington succeeds J. Kemp Sherron, III.



Lanny T. Wilson

Governor James B. Hunt, Jr., has appointed Lanny T. Wilson of Wilmington to the North Carolina Real Estate Commission for a term expiring July 31, 2000. The Honorable Sarah Parker, Associate Justice of the North Carolina Supreme Court, administered the oath of office to Mr. Wilson on

June 10, 1998, at the Commission's office in Raleigh.

Mr. Wilson graduated magna cum laude from East Carolina University in Greenville and received his law degree from Wake Forest University School of Law. He is licensed to practice law in Virginia, where he worked as a law clerk and later was in private practice, and also in North Carolina - having worked as a Law Clerk for the Attorney General's Office prior to becoming General Counsel and Vice President of Boney Wilson & Sons, Inc.

Currently, Mr. Wilson is involved in several family-owned businesses, serving in capacities that include President and Managing Partner.

Mr. Wilson is the son of Allan and Laura Wilson of Wilmington. ■

Commission elects officers



Mona S. Hill
Chairman



Billie J. Mercer
Vice-Chairman

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REAL ESTATE BULLETIN

Published quarterly as a service to real estate licensees to promote a better understanding of the Real Estate License Law and Commission Rules, and proficiency in real estate practice. The articles published herein shall not be reprinted or reproduced in any other publication without specific reference being made to their original publication in the **North Carolina Real Estate Commission Real Estate Bulletin**.

NORTH CAROLINA REAL ESTATE COMMISSION

1313 Navaho Drive
P.O. Box 17100
Raleigh, North Carolina 27619 - 7100
Phone 919/875-3700
James B. Hunt, Jr., Governor

COMMISSION MEMBERS

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Chairman
Billie J. Mercer Wilson
Vice-Chairman
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John D. Bridgeman Gastonia
Sang J. Hamilton, Sr. Winton
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Lanny T. Wilson Wilmington

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Robin F. Oliver Cons. Prot. Officer

Editor - in - Chief

Phillip T. Fisher

Editor

Carrie D. Worthington

Commission Staff Update

(continued from page 1)

Vickie Jordan and Reneé Rhodes recently resigned from the Commission staff. The Commission thanks both of them for their years of service, and wishes them much success in their new employment.

David B. Bayard and Jennifer M. Sullivan have been employed as Legal Interns on a temporary basis this summer to assist with research and other projects in the Commission's Legal Services Division. Both are rising second-year law students.

David attends UNC-Chapel Hill and Jennifer attends North Carolina Central University in Durham.

The following Commission staff members have made appearances before various real estate industry and related groups since the last issue of the *Bulletin*. The Commission's Director of Education and Licensing, Larry A. Outlaw, attended a meeting of the Brunswick County Board of REALTORS® and spoke on "The

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REAL ESTATE COMMISSION PUBLICATIONS ORDER FORM

No. Copies
Requested

Res. Property Disclosure Statement and Guidelines
(Please limit request to one copy.)

Questions and Answers on: Tenant Security Deposits

Questions and Answers on: Fair Housing

Questions and Answers on: Condos and Townhouses

Questions and Answers on: Who Agents Represent

*Questions and Answers on: Purchasing Coastal Real Estate
in North Carolina*

Questions and Answers on: Renting Residential Real Estate

()

Name

Phone Number (Including Area Code)

Street Address (NOT P.O. BOX)

City

State

Zip

Instructions

1. You may request single copies of these free publications by returning this Order Form or calling the Commission office (919) 875-3700, menu option 3.
2. To order multiple copies of these publications, please complete this Order Form and return it to the N.C. Real Estate Commission, P.O. Box 17100, Raleigh, N.C. 27619-7100. Attention: Publications.
3. Please allow two weeks for delivery.
4. Please understand that orders of more than 50 copies require special consideration.
5. The Residential Property Disclosure Statement and Guidelines may be duplicated as needed.
6. Space has been provided on the *Questions and Answers* brochures if you wish to add your company name.

Commission Staff Update

(continued from page 2)

Present and Future Responsibility of Real Estate Salesmen, Brokers and Brokers-in-Charge"...Miriam J. Baer, Assistant Director of Legal Services, discussed problem areas to avoid with regard to the Real Estate License Law and Commission rules when she appeared before the High Point Regional Association of REALTORS®, spoke on common complaints against real estate agents at a meeting of the Asheville Board of REALTORS®, addressed the Wake County Real

Property Lawyers' Association to explain the Residential Property Disclosure Statement and reasons for amending the form, and made a Continuing Legal Education presentation at the annual meeting of the North Carolina Bar Association's Real Property Section...Chief Deputy Legal Counsel Blackwell M. Brogden, Jr., spoke to the Avery-Watauga Board of REALTORS® on agency and compensation issues...Consumer Protection Officer

Robin F. Oliver, in Monroe at a Union County Association of REALTORS® meeting, discussed problem areas that real estate agents should avoid with regard to the Real Estate License Law and Commission rules. (Individuals and groups requesting a speaker from the Real Estate Commission are reminded that a "Request for Program Presenter" form is available from the Commission Office or by calling (919) 850-2757 for Document No. 510.) □

Announcing... New reciprocal licensing arrangement with Mississippi

The reciprocal licensing arrangement between North Carolina and Mississippi has been updated.

The revised arrangement permits a qualified North Carolina real estate broker or salesman, by filing an application and fee, to obtain a similar license in Mississippi without satisfying any additional education or experience requirements or taking the examination in that state. Furthermore, a reciprocal licensee is permitted to retain the license upon moving to Mississippi. Under the original arrangement, only salesmen were eligible for reciprocal licensure in Mississippi.

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EXAM RESULTS

	Passed	Failed
March		
Brokers	75	67
Salesmen	394	265
April		
Brokers	96	63
Salesmen	439	262
May		
Brokers	95	72
Salesmen	375	276

License Renewal Report

Renewal Applications Sent

Brokers & Salesmen 76,218
Firms 4,556

Renewed by June 30 Deadline

62,632 (82%)
4,096 (90%)

REGISTRATION FORM

for

BASIC TRUST ACCOUNT PROCEDURES COURSE MONTHLY - RALEIGH

Four (4) hours continuing education elective credit will be awarded for completion of the course. The course will begin at 1:00 p.m. and end at 5:00 p.m.

The course is intended for brokers and trust account bookkeepers. Salesmen will be admitted on a space available basis. Each session is limited to 40 participants, scheduled according to date received.

Complete this form (make copies for additional persons) and mail with a check for \$35 tuition fee to be received by the Commission no later than 7 working days prior to date of preferred session. Walk-ins will be accepted on a space available basis only.

☐ September 15

☐ October 6

☐ November 4

☐ December 8

Name _____ Phone _____

(Daytime)

Address _____

(Street, P.O. Box, etc.)

(City)

(State)

(Zip)

☐ Broker (License No. _____)

Mail to: NC REAL ESTATE COMMISSION

Attention: Education and Licensing Division

P. O. Box 17100

Raleigh, NC 27619-7100

☐ Salesman (License No. _____)

☐ Bookkeeper

Enclose \$35 tuition fee

Communicating with the Commission

Mail

1313 Navaho Drive
Post Office Box 17100
Raleigh, North Carolina 27619-7100

Fax

919/872-0038
919/981-5023 (Legal Services Division)

Telephone

919/875-3700

You will receive more prompt service if you use this directory when calling the Commission. If the automated telephone attendant answers your call, you may access the section or division shown in the "Access Code" column by dialing on your touchtone phone the number shown parenthetically ().

Subject	Access Codes
• Application form requests	Receptionist (0)
• Real estate license renewals and record changes	Records Section (1)
• Complaints and legal matters (Consumer complaints/inquiries, pending cases/hearings)	Legal Services Division (2)
• Education matters	Education Section (3)
• Real estate license qualifications and examinations	Application Section (4)
• Real estate firm licensing and licensing by reinstatement or reciprocity	Licensing Section (5)
• Complaint investigations and audits	Audits and Investigations Division (6)
• Administration, personnel matters and accounting	Administration Division (7)
• Other matters	Receptionist (0)

Interactive Voice Response

To retrieve licensee data (license status, CE credits, broker-in-charge information, etc.) from the Interactive Voice Response (IVR) system, use a touchtone phone to dial (919) 850-2753.

Internet

"Visit" the Commission on-line at Web Site: www.ncrec.state.nc.us - your easy access to Commission information. The Internet brings to your computer screen licensing information including the License Law, Commission Rules, Trust Account Guidelines, State Fair Housing Act, general information and guides, sample forms and real estate licensing forms. Also, exam schedules and review dates as well as Commission publications including the *Bulletin* (and index of *Bulletin* articles), *CE Schedule*, Commission brochure and the complete *Question and Answer Series*.

E-Mail

• Executive	exec@ncrec.state.nc.us
• Administration	admin@ncrec.state.nc.us
• Education & Licensing	educ@ncrec.state.nc.us
• Audits & Investigations	ai@ncrec.state.nc.us
• Legal Services	legal@ncrec.state.nc.us
• Records	records@ncrec.state.nc.us

Fax-on-Demand

The following documents are available from the various Commission Divisions/Sections by dialing on your touchtone phone (919) 850-2757.

Document #	Administration/Records
200	Request to Activate Broker or Salesman License, Notification of Salesman Supervision, Notification of Change of Broker's Business Address
210	Broker-in-Charge Declaration
220	Request for Reissuance of Real Estate License Certificate and/or Renewal Pocket Card
	Education/Licensing
300	Continuing Education Course Schedule
310	Publications Order Form
320	License Examination Schedule and License Examination Review Schedule
330	Basic Trust Account Procedures Course Schedule and Registration Form
340	Order Form for License Examination Candidate Roster/Order Form for Register of New Licensees
350	Verification of Salesman Experience
360	Request for Equivalent Education Credit
	Legal Services
400	Complaint Form
410	Criminal Conviction Reporting Form
420	Residential Property Disclosure Statement
430	Disclosure to Buyer From Seller's Agent or Subagent
	Other
500	1998 Commission Meeting Schedule
510	Request for Program Presenter

Here's a handy list of addresses for you to copy, clip and save for your ready-reference when communicating with the Commission.

Mail



1313 Navaho Drive
Post Office Box 17100
Raleigh, NC 27619-7100

Interactive Voice Response
(919) 850-2753



Fax

919/872-0038
919/981-5023 (Legal Services Division)



Fax-on-Demand
919/850-2757

Web Site
www.ncrec.state.nc.us

Phone
919/875-3700

E-Mail

Exec.	exec@ncrec.state.nc.us
Admin.	admin@ncrec.state.nc.us
Ed. & Lic.	educ@ncrec.state.nc.us
Audits & Inv. ...	ai@ncrec.state.nc.us
Legal Ser.	legal@ncrec.state.nc.us
Records ...	records@ncrec.state.nc.us

New Officers

(continued from page 1)

Mona S. Hill of Pinehurst has been elected Chairman of the Real Estate Commission for 1998 - 1999.

Mrs. Hill has been active in real estate since 1964. She and her husband, Don, are brokers/owners of Hill Realty. The family-owned business has offices in both Pinehurst and Southern Pines. Their son, Barry, is the Property Manager, and their daughter-in-law, Pamela, is Office Manager. They also have a daughter, Mitzie, who is a REALTOR® in Raleigh.

Mrs. Hill is a Graduate of the REALTORS® Institute (GRI) in Chapel Hill. She is active in the N.C. Association of REALTORS® (NCAR) and served as a regional vice-president. She is a former chairman of the NCAR Grievance Committee and has served on the Finance Committee and numerous subcommittees. A past-president of the Sandhills Association of REALTORS®, Mrs. Hill was named "REALTOR® of the Year" by that Board in 1986.

Mrs. Hill is a Certified Residential Specialist (CRS) and Certified Real Estate Brokerage Manager (CRB). She has served as president of the state chapters of both the CRS and CRB, and she was recipient of the North Carolina CRS of the Year Award.

The Sandhills Business and Professional Women's Organization named Mrs. Hill "Woman of the Year," and she was named "Associate of the Year" by the Moore County Homebuilders Association.

In 1988, Mrs. Hill was the first woman to serve as President of the Sandhills Area Chamber of Commerce. A Member of Southern

Pines United Methodist Church, Mrs. Hill has served on its Administrative Board. She also has served on the Board of Directors of the local Multiple Listing Service.

Mrs. Hill was appointed to the Commission by Governor Hunt in 1994. She was reappointed last year for a three-year term which will expire on July 31, 2000.

Billie J. Mercer of Wilson has been elected Vice-Chairman of the Real Estate Commission for 1998 - 1999.

A graduate of UNC-Wilmington with a BA in history, Mrs. Mercer taught in the North Carolina public school system from 1975 - 1978.

Mrs. Mercer was licensed as a real estate broker in 1979. A former real estate instructor, she taught "Principles of Real Estate" and "Brokerage Operations" courses.

Mrs. Mercer is currently broker/owner of Billie Mercer Realty, Inc. in Wilson.

She is a Graduate of the REALTORS® Institute and is an active REALTOR® as well as a Certified Residential Specialist.

Mrs. Mercer served two terms as treasurer of the Wilson Board of REALTORS® and was president of the Board in 1993. She is also a past-president of the Wilson Multiple Listing Service.

A past-director of the Wilson Chamber of Commerce, Mrs. Mercer now serves on the advisory board of Branch Banking & Trust Company in Wilson.

She is married to C.H. Mercer.

Mrs. Mercer was appointed to the Real Estate Commission by Governor Hunt in 1995. ■

For your information...

You are reminded that the Real Estate Commission's meetings are open to the public. Real estate licensees and consumers are always welcome.

Although advance notice is not required in order for you to attend, you are encouraged, when possible, to please notify the Commission of your plans to attend a scheduled meeting at least ten business days prior to the meeting, in order to ensure adequate parking and seating arrangements.

Please mail your notice to the North Carolina Real Estate Commission, P. O. Box 17100, Raleigh, NC 27619-7100, or call the Commission office (919) 875-3700.

For your convenience, the following calendar lists the meeting dates for the next four months. □

Commission Calendar

Meeting Dates

September 9

October 14

November 18

December 9

Meetings begin at 9 a.m. and are held in the conference room of the Real Estate Commission office, 1313 Navaho Drive, Raleigh, NC 27609, unless otherwise noted. [Please understand that circumstances sometimes necessitate changes in meeting dates and times.]

In Appreciation

The Commission would like to thank each of you who renewed your license in a timely manner.

Educators meet in Raleigh

By Anita R. Burt, Education and Examination Officer

The Real Estate Commission held its nineteenth annual state-wide conference for real estate educators on March 31 and April 1 at the North Raleigh Hilton. Education and Licensing Director Larry Outlaw welcomed the 130 attendees, who included prelicensing and continuing education instructors, school directors, course sponsors, and publishing company representatives.

A highlight of the conference was the "Learning Outcomes Seminar" conducted by nationally-renowned adult education consultant and trainer Louis Phillips. Dr. Phillips demonstrated effective teaching strategies as he explained relationships between brain physiology and learning styles.

The topic, "Problems of Private Real Estate Schools and Community Colleges" was addressed by school directors Susan Wall, Roger Cumbie and Jim Hagan. Veteran instructors Tom Mangum and Jo-Ann LaVecchia shared their ideas for "Teaching Practical Applications of Concepts."

Commission Continuing Education Officer Pamela Milligan addressed issues of particular importance to sponsors and instructors of real estate continuing education courses, and Education and Examination Officer Anita Burt discussed matters of concern to prelicensing instructors.

Tom Miller, the Commission's Legal Counsel, and Miriam Baer, Assistant Director of Legal Services, conducted a "License Law Forum" based on actual Real Estate Commission cases.

In conjunction with the conference, the North Carolina Real Estate Educators Association (NCREEA) held its annual chapter meeting and awards ceremony recognizing exceptional contributions to real estate education during the past year. Deborah Carpenter of Raleigh was honored as "Educator of the Year," while "Program of the Year" honors went to Cindy Chandler of Charlotte for development of a commercial real estate training program. For the second year in a row, NCREEA newsletter editor Mike Hughes received the "President's Award" for his outstanding service to the organization.

NCREEA President Sharon Pelt recognized Past President Peggy Bivens for her years of dedicated service to the organization and announced that NCREEA had made a contribution to the Alamance Community College Foundation for the Everett G. Mogle Memorial Scholarship.

Also in attendance and assisting with conference preparation and registration was Penny Childress, Assistant to the Director of Education and Licensing. □

Amended rules result in new/amended forms

As previously reported in the *Bulletin* [see Volume 28, Numbers 3 and 4], the Residential Property Disclosure Act was amended in 1997 to direct the Commission to develop a new form for residential property condition disclosure. Through a formal rule-making process, the Commission has developed the new **Residential Property Disclosure Statement** form which is reprinted on pages 7 and 8 of this *Bulletin*.

According to the amended Act, the new Statement form is to be used in transactions which go under contract on or after October 1, 1998. However, in order to comply with the Act before the effective date of the amendment, the existing Residential Property Disclosure Statement form must be used in transactions which go under contract prior to that date.

Also, an amendment to Rule A.0104 resulted in a change on the second page of the "Disclosure to Buyer from Seller's Agent or Sub-agent" form, under the "Dual Agents" section. The amended form is reprinted in its entirety on pages 13 and 14. □

Announcing Commission employment opportunity!

Please see pages 9 - 12.

Announcing scholarship winners

The North Carolina Real Estate Educational Foundation announces this year's recipients of the Joe Schweidler Memorial Scholarship and Blanton Little Scholastic Achievement Award.

Sponsored by the Real Estate Commission, the scholarships recognize outstanding achievement at the

North Carolina REALTORS® Institute.

The Commission joins the Educational Foundation in congratulating Clarence King of Surf City, recipient of the Joe Schweidler Memorial Scholarship, and Phillip Stegall, formerly of Raleigh, who received the Blanton Little

Scholastic Achievement Award.

The scholarships are awarded annually in honor and memory of the Real Estate Commission's former Executive Directors. Mr. Schweidler served the Commission as Executive Director from 1960 - 1975, and Mr. Little was Executive Director from 1975 - 1981. ■



STATE OF NORTH CAROLINA RESIDENTIAL PROPERTY DISCLOSURE STATEMENT

Instructions to Property Owners

1. North Carolina General Statute 47E requires owners of residential real estate (single-family homes and buildings with up to four dwelling units) to furnish purchasers a property disclosure statement. This form is the only one approved for this purpose. A disclosure statement must be furnished in connection with the sale, exchange, option and sale under a lease with option to purchase (unless the tenant is already occupying or intends to occupy the dwelling). A disclosure statement is not required for some transactions, including the first sale of a dwelling which has never been inhabited and transactions of residential property made pursuant to a lease with option to purchase where the lessee occupies or intends to occupy the dwelling. For a complete list of exemptions, see N.C.G.S. 47E-2.
2. You must check ☐ one of the boxes for each of the 20 questions on the reverse side of this form.
 - a. If you check "Yes" for any question, you must describe the problem or attach a report from an engineer, contractor, pest control operator or other expert or public agency describing it. If you attach a report, you will not be liable for any inaccurate or incomplete information contained in it so long as you were not grossly negligent in obtaining or transmitting the information.
 - b. If you check "No", you are stating that you have no actual knowledge of any problem. If you check "No" and you know there is a problem, you may be liable for making an intentional misstatement.
 - c. If you check "No Representation", you have no duty to disclose the conditions or characteristics of the property, even if you should have known of them.
 - * If you check "Yes" or "No" and something happens to the property to make your Statement incorrect or inaccurate (for example, the roof begins to leak), you must promptly give the purchaser a corrected Statement or correct the problem.
3. If you are assisted in the sale of your property by a licensed real estate broker or salesman, you are still responsible for completing and delivering the Statement to the purchasers; and the broker or salesman must disclose any material facts about your property which they know or reasonably should know, regardless of your responses on the Statement.
4. You must give the completed Statement to the purchaser no later than the time the purchaser makes an offer to purchase your property. If you do not, the purchaser can, under certain conditions, cancel any resulting contract (See "Note to Purchasers" below). You should give the purchaser a copy of the Statement containing your signature and keep a copy signed by the purchaser for your records.

Note to Purchasers

If the owner does not give you a Residential Property Disclosure Statement by the time you make your offer to purchase the property, you may under certain conditions cancel any resulting contract and be entitled to a refund of any deposit monies you may have paid. To cancel the contract, you must personally deliver or mail written notice of your decision to cancel to the owner or the owner's agent within three calendar days following your receipt of the Statement, or three calendar days following the date of the contract, whichever occurs first. However, in no event does the Disclosure Act permit you to cancel a contract after settlement of the transaction or (in the case of a sale or exchange) after you have occupied the property, whichever occurs first.

5. In the space below, type or print in ink the address of the property (sufficient to identify it) and your name. Then sign and date.

Property Address: _____

Owner's Name(s): _____

Owner(s) acknowledge having examined this Statement before signing and that all information is true and correct as of the date signed.

Owner Signature: _____ Date _____

Owner Signature: _____ Date _____

Purchaser(s) acknowledge receipt of a copy of this disclosure statement; that they have examined it before signing; that they understand that this is not a warranty by owner or owner's agent; that it is not a substitute for any inspections they may wish to obtain; and that the representations are made by the owner and not the owner's agent(s) or subagent(s). Purchaser(s) are encouraged to obtain their own inspection from a licensed home inspector or other professional.

Purchaser Signature: _____ Date _____

Purchaser Signature: _____ Date _____

[Note: In this form, "property" refers only to dwelling unit(s) and not sheds, detached garages or other buildings.]

Regarding the property identified above, do you know of any problem (malfunction or defect) with any of the following:

	Yes*	No	No Representation
1. FOUNDATION, SLAB, FIREPLACES/CHIMNEYS, FLOORS, WINDOWS (INCLUDING STORM WINDOWS AND SCREENS), DOORS, CEILINGS, INTERIOR AND EXTERIOR WALLS, ATTACHED GARAGE, PATIO, DECK OR OTHER STRUCTURAL COMPONENTS including any modifications to them? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Siding is <input type="checkbox"/> Masonry <input type="checkbox"/> Wood <input type="checkbox"/> Composition/Hardboard <input type="checkbox"/> Vinyl <input type="checkbox"/> Synthetic Stucco <input type="checkbox"/> Other _____			<input type="checkbox"/>
b. Approximate age of structure? _____			<input type="checkbox"/>
2. ROOF (leakage or other problem)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Approximate age of roof covering? _____			<input type="checkbox"/>
3. WATER SEEPAGE, LEAKAGE, DAMPNESS OR STANDING WATER in the basement, crawl space or slab? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. ELECTRICAL SYSTEM (outlets, wiring, panel, switches, fixtures, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. PLUMBING SYSTEM (pipes, fixtures, water heater, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. HEATING AND/OR AIR CONDITIONING? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Heat Source is: <input type="checkbox"/> Furnace <input type="checkbox"/> Heat Pump <input type="checkbox"/> Baseboard <input type="checkbox"/> Other _____			<input type="checkbox"/>
b. Cooling Source is: <input type="checkbox"/> Central Forced Air <input type="checkbox"/> Wall/Window Unit(s) <input type="checkbox"/> Other _____			<input type="checkbox"/>
c. Fuel Source is: <input type="checkbox"/> Electricity <input type="checkbox"/> Natural Gas <input type="checkbox"/> Propane <input type="checkbox"/> Oil <input type="checkbox"/> Other _____			<input type="checkbox"/>
7. WATER SUPPLY (including water quality, quantity and water pressure)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Water supply is: <input type="checkbox"/> City/County <input type="checkbox"/> Community System <input type="checkbox"/> Private Well <input type="checkbox"/> Other _____			<input type="checkbox"/>
b. Water pipes are: <input type="checkbox"/> Copper <input type="checkbox"/> Galvanized <input type="checkbox"/> Plastic <input type="checkbox"/> Other _____ <input type="checkbox"/> Unknown _____			<input type="checkbox"/>
8. SEWER AND/OR SEPTIC SYSTEM? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a. Sewage disposal system is: <input type="checkbox"/> Septic Tank <input type="checkbox"/> Septic Tank with Pump <input type="checkbox"/> Community System <input type="checkbox"/> Connected to City/County System <input type="checkbox"/> City/County System available <input type="checkbox"/> Other _____			<input type="checkbox"/>
9. BUILT-IN APPLIANCES (RANGE/OVEN, ATTACHED MICROWAVE, HOOD/FAN, DISHWASHER, DISPOSAL, etc.)? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. OTHER SYSTEMS AND FIXTURES: CENTRAL VACUUM, POOL, HOT TUB, SPA, ATTIC FAN, EXHAUST FAN, CEILING FAN, SUMP PUMP, IRRIGATION SYSTEM, TV CABLE WIRING OR SATELLITE DISH, OR OTHER SYSTEMS? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. DRAINAGE, GRADING OR SOIL STABILITY OF LOT? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. PRESENT INFESTATION, OR DAMAGE FROM PAST INFESTATION OF WOOD DESTROYING INSECTS OR ORGANISMS which has not been repaired? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Also regarding the property identified above, do you know of any:

13. ROOM ADDITIONS OR OTHER STRUCTURAL CHANGES ? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. ENVIRONMENTAL HAZARDS (substances, materials or products) including asbestos, formaldehyde, radon gas, methane gas, lead-based paint, underground storage tank, or other hazardous or toxic material (whether buried or covered), contaminated soil or water, or other environmental contamination? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. COMMERCIAL OR INDUSTRIAL NUISANCES (noise, odor, smoke, etc.) affecting the property? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. VIOLATIONS OF BUILDING CODES, ZONING ORDINANCES, RESTRICTIVE COVENANTS OR OTHER LAND-USE RESTRICTIONS ? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. UTILITY OR OTHER EASEMENTS, SHARED DRIVEWAYS, PARTY WALLS OR ENCROACHMENTS FROM OR ON ADJACENT PROPERTY? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. LAWSUITS, FORECLOSURES, BANKRUPTCY, TENANCIES, JUDGMENTS, TAX LIENS, PROPOSED ASSESSMENTS, MECHANICS LIENS, MATERIALMEN'S LIENS OR NOTICE FROM ANY GOVERNMENTAL AGENCY that could affect title to the property? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. OWNERS' ASSOCIATION OR "COMMON AREA" EXPENSES OR ASSESSMENTS? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. FLOOD HAZARD or that the property is in a FEDERALLY-DESIGNATED FLOOD PLAIN? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* If you answered "Yes" to any of the above questions, please explain (Attach additional sheets, if necessary): _____

APPLICATION FOR EMPLOYMENT

STATE OF
NORTH CAROLINA

Date of Application

Please Print or Type (SSN Voluntary, for Record-Keeping and Data Processing Only)

Social Security Number

Last Name

First Name

Middle Name

Address (Street number and name)

City

County

State

Zip Code

Phone (Home or where you can be reached)
()

Business Phone
()

Availability

Do you now work for the State of N.C.?

Are you related by blood or marriage to any person now working for the State? ☐ YES ☐ NO

☐ YES ☐ NO

(If yes, give name, relationship to you and the agency where employed.)

If subject to Military Selective Service registration, certify compliance by initialed dotted line

Military Service

Have you served honorably in the Armed Forces of the United States on active duty for reasons other than training? ☐ YES ☐ NO

Do you wish to declare a service-connected disability? ☐ YES ☐ NO

At the time of this application, are you the surviving spouse or dependent of a deceased veteran who died from service-related reasons? ☐ YES ☐ NO

Do you wish to declare eligibility for veterans preference as the spouse of a disabled veteran? ☐ YES ☐ NO

Give dates of your (or spouse's) qualifying active military service:

Entered: _____ Separated: _____ Branch _____ Rank _____

Are you a member of the Military Reserves? ☐ YES ☐ NO Branch: _____ Rank: _____

AGENCY USE ONLY ELIGIBILITY FOR VETERAN'S PREFERENCE. ☐ YES ☐ NO

CHECK the types of work you will accept: ☐ 1. Permanent full-time ☐ 2. Permanent part-time ☐ 3. Temporary full-time
☐ 4. Temporary part-time ☐ 5. Any of the preceding ☐ 6. Work involving Travel ☐ 7. Shift or Split Shift Work

If you are not available for work now, enter the earliest date you could begin work (mo./day/yr) _____

Will you accept work anywhere in N.C.? ☐ YES ☐ NO (If no, list below the counties in which you would be willing to work.)

1. _____ 2. _____ 3. _____ 4. _____ 5. _____

Jobs Applied For

Enter below the specific title(s) of the job(s) for which you are applying. Please list no more than three on this application.

1. _____ 2. _____ 3. _____

Referral Source

Please indicate your referral source: _____ If you were referred by the
Employment Security Commission (Job Service) please indicate which local office: _____

Education

Circle highest grade completed: 1 2 3 4 5 6 7 8 9 10 11 12 GED College 1 2 3 4 Graduate School 1 2 3 4

Under S/Q Hrs., list the hours of credit received and if they were semester (S) or quarter (Q) hours.

Schools	Name and Location	Dates Attended (mo/yr) From: To:	Grad?	S/Q Hrs.	Maj/Min Course Work	Type of Degree Received
High School			YES			
			NO			
College(s) University (s)			YES			
			NO			
Graduate or Professional			YES			
			NO			
Other educational, vocational school, internships, etc.			YES			
			NO			

Special training programs and seminars you have completed in the last five years (List):

If the job(s) applied for calls for specific courses, indicate those courses taken and credits received:

Current professional status: (List fields of work for which you have been registered)

Registration: _____ State: _____ No. _____

Registration: _____ State: _____ No. _____

Membership in professional, honorary, or technical societies (List):

DO NOT COMPLETE THIS BLOCK

DEGREES AND PROFESSIONAL CREDENTIALS

☐ Have been verified

☐ Will be verified within 90 days (G.S. 126-30)

Person responsible _____

Licenses and certifications (List, giving dates and sources of issuance):

Skills

CHECK the following skills, experiences, etc. which you have.

- ☐ Driver's License _____ Number _____ State _____
- ☐ Chauffeur's license _____ Number _____ State _____
- ☐ Car for use at work _____

- ☐ Sign language _____
- ☐ Foreign language (specify) _____
- ☐ Adding machine/calculator _____
- ☐ Typing (specify WPM) _____
- ☐ Shorthand/speedwriting (specify WPM) _____

- ☐ Legal transcription _____
- ☐ Medical transcription _____
- ☐ Braille _____
- ☐ Word Processing _____
- ☐ Other _____

Have you ever been convicted of an offense against the law other than a minor traffic violation? (A conviction does not mean you cannot be hired. The offense and how recently you were convicted will be evaluated in relation to the job for which you are applying.) ☐ YES ☐ NO (If yes, explain fully on an additional sheet.)

Work History (include volunteer experience) Use Additional Sheets If Necessary.

Current or Last Employer:			Address:		
Job Title:			Supervisor's name:		Telephone Number:
Date Employed (mo/yr)			Starting Salary \$ per	Ending or Current Salary \$ per	Reason for Leaving:
Date Separated (mo/yr)			May We Contact Employer? YES <input type="checkbox"/> NO <input type="checkbox"/>		
List major duties in order of their importance in the job.					
Full Time	Years	Months			
Part Time	Years	Months			
If part time, number of hours worked per week:					
Employer:			Address:		
Job Title:			Supervisor's name:		Telephone Number:
Date Employed (mo/yr)			Starting Salary \$ per	Ending Salary \$ per	Reason for Leaving:
Date Separated (mo/yr)			May We Contact Employer? YES <input type="checkbox"/> NO <input type="checkbox"/>		
List major duties in order of their importance in the job.					
Full Time	Years	Months			
Part Time	Years	Months			
If part time, number of hours worked per week:					
Employer:			Address:		
Job Title:			Supervisor's name:		Telephone Number:
Date Employed (mo/yr)			Starting Salary \$ per	Ending Salary \$ per	Reason for Leaving:
Date Separated (mo/yr)			May We Contact Employer? YES <input type="checkbox"/> NO <input type="checkbox"/>		
List major duties in order of their importance in the job.					
Full Time	Years	Months			
Part Time	Years	Months			
If part time, number of hours worked per week:					

I certify that I have given true, accurate and complete information on this form to the best of my knowledge. In the event confirmation is needed in connection with my work, I authorize educational institutions, associations, registration and licensing boards, and others to furnish whatever detail is available concerning my qualifications. I authorize investigation of all statements made in this application and understand that false information or documentation, or a failure to disclose relevant information may be grounds for rejection of my application, disciplinary action or dismissal if I am employed, and (or) criminal action. I further understand that dismissal upon employment shall be mandatory if fraudulent disclosures are given to meet position qualifications. (Authority: G.S. 126-30, G.S. 14-122.1.)

Signature of Applicant (unsigned applications will not be processed)

Date

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number: No. Supervised by you:
Date Employed (mo/yr)	Starting Salary \$ per		Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number: No. Supervised by you:
Date Employed (mo/yr)	Starting Salary \$ per		Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number: No. Supervised by you:
Date Employed (mo/yr)	Starting Salary \$ per		Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

Copy and attach additional sheets if needed.

Equal Opportunity Information						
<p>State Government policy prohibits discrimination based on race, sex, color, creed, national origin, age or disability. Sex or age is a bona fide occupational qualification in a small number of State jobs. The information requested below will in no way affect you as an applicant. Its sole use will be to see how well our recruitment efforts are reaching all segments of the population.</p>						
<p>Date of Birth</p> <table style="width: 100%;"> <tr> <td style="text-align: center;"> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (mo.) </td> <td style="text-align: center;"> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (day) </td> <td style="text-align: center;"> <input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (year) </td> </tr> </table> <p>Check One</p> <p>SEX <input type="checkbox"/> M (male) <input type="checkbox"/> F (female)</p> <p>ETHNIC GROUP</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> White (non-Hispanic) 2. <input type="checkbox"/> Black (non-Hispanic) 3. <input type="checkbox"/> Hispanic (Mexican, Puerto Rican, Cuban, Central or South American, other Spanish origin regardless of race) 4. <input type="checkbox"/> Asian (including Pacific Islander) 5. <input type="checkbox"/> American Indian (including Alaskan native) 	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (mo.)	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (day)	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (year)	<p>DISABILITY: "Disability means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual, (2) a record of such an impairment; or (3) being regarded as having such an impairment" (Americans with Disabilities Act of 1990). Persons without a disability should check item A.</p> <p>The reporting of a disability is strictly VOLUNTARY. Persons with disabilities who DO NOT WISH to report their disabilities should check item A. Information reported on this form will be kept confidential as required by State law. Public disclosure of this information without your consent would be a violation of G.S. 126-27.</p> <table style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p>A <input type="checkbox"/> None/Prefer not to report</p> <p>B <input type="checkbox"/> Blind or severely visually impaired</p> <p>C <input type="checkbox"/> Deaf or severely hearing impaired</p> <p>D <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p>E <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p>F <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p> </td> <td style="vertical-align: top; width: 50%;"> <p>G <input type="checkbox"/> Respiratory impairment</p> <p>H <input type="checkbox"/> Nervous system/Neurological disorder</p> <p>I <input type="checkbox"/> Mentally restored</p> <p>J <input type="checkbox"/> Mental retardation</p> <p>K <input type="checkbox"/> Learning disability</p> <p>L <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p>M <input type="checkbox"/> Other (please specify) _____</p> </td> </tr> </table>	<p>A <input type="checkbox"/> None/Prefer not to report</p> <p>B <input type="checkbox"/> Blind or severely visually impaired</p> <p>C <input type="checkbox"/> Deaf or severely hearing impaired</p> <p>D <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p>E <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p>F <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p>G <input type="checkbox"/> Respiratory impairment</p> <p>H <input type="checkbox"/> Nervous system/Neurological disorder</p> <p>I <input type="checkbox"/> Mentally restored</p> <p>J <input type="checkbox"/> Mental retardation</p> <p>K <input type="checkbox"/> Learning disability</p> <p>L <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p>M <input type="checkbox"/> Other (please specify) _____</p>
<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (mo.)	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (day)	<input style="width: 30px; height: 20px; border: 1px solid black;" type="text"/> (year)				
<p>A <input type="checkbox"/> None/Prefer not to report</p> <p>B <input type="checkbox"/> Blind or severely visually impaired</p> <p>C <input type="checkbox"/> Deaf or severely hearing impaired</p> <p>D <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p>E <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p>F <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p>G <input type="checkbox"/> Respiratory impairment</p> <p>H <input type="checkbox"/> Nervous system/Neurological disorder</p> <p>I <input type="checkbox"/> Mentally restored</p> <p>J <input type="checkbox"/> Mental retardation</p> <p>K <input type="checkbox"/> Learning disability</p> <p>L <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p>M <input type="checkbox"/> Other (please specify) _____</p>					

REAL ESTATE COMMISSION EMPLOYMENT OPPORTUNITY

APPLICATION FOR EMPLOYMENT

Instructions

The following job description summarizes a position now available on the Real Estate Commission staff. Interested, **qualified** persons are referred to the accompanying Application for Employment Form and instructions.

Questions or requests for additional information should be directed in **writing** (no telephone inquiries please) to the Commission's Director of Administration, N.C. Real Estate Commission, P.O. Box 17100, Raleigh, N.C. 27619-7100.

Information Officer

Salary: Beginning Salary Range \$28,609 - \$30,038 (depending upon qualifications)

Benefits: Blue Cross health insurance; retirement contribution; paid vacation and sick leave.

Duties:

1. Responds to written and telephone inquiries from real estate licensees and to complaints and inquiries from real estate consumers relating to the Real Estate License Law, the Commission's rules and positions, and general brokerage practices.

2. Performs other related duties at the direction of the Commission's Legal Counsel.

Minimum

Qualifications: Bachelor's degree, a real estate license and one year of experience in general real estate brokerage, or an equivalent combination of education and experience. Must relocate to Raleigh or vicinity.

Other

Requirements: In addition to a properly completed Application for Employment form, applicants **must** submit a writing sample (articles, reports, papers, etc. prepared by the applicant).

Completion of Application Form (pages 9-11)

1. Use black ink or typewriter.
2. List your social security number correctly.
3. List your zip code correctly.
4. Complete the section for Equal Opportunity Information.
5. Give complete information on your education and work history (Do not put "See Résumé" under education and work history).
6. List separately each job held and your duties for each position when you worked for one employer and held more than one position.
7. Sign and date your application.
8. [Note: Incomplete applications may not be considered or may be returned to you for proper completion.]

Other Application Materials

In addition to a properly completed Application for Employment form, applicants **must** submit a writing sample (articles, reports, papers, etc. prepared by the applicant), and **may** submit a Résumé.

Filing Application Form and Materials

1. Carefully remove the application form from the **Bulletin**.
2. Mail your application form and other required materials to the N.C. Real Estate Commission, P.O. Box 17100, Raleigh, NC 27619-7100, Attn: Director of Administration.
3. **No telephone inquiries or requests for appointments, please!**
4. Application for Employment and related materials must be received in the Real Estate Commission Office by August 24, 1998.

Employment Schedule

August 24	Application Deadline
September 3	Preliminary Interviews
September 9	Final Interviews and Decision
October 1	Employment Date (date negotiable)

EQUAL OPPORTUNITY EMPLOYER



**DISCLOSURE TO BUYER
FROM SELLER'S AGENT OR SUBAGENT**

*Note: This form must be used by real estate agents working with buyers as agents or subagents of the seller.
[N.C. Real Estate Commission Rule 21 NCAC 58A .0104(e), eff. 7/1/95].*

Firm Name: _____ Agent Name: _____

AGENCY DISCLOSURE

When showing you property and assisting you in the purchase of a property, the above-referenced agent and firm will be representing the interests of the SELLER. As such, the firm and its agents must work to obtain for the seller the best price and terms possible. The firm and its agents must also furnish the seller any information obtained from you or any other source which is material to the transaction or which might influence the seller's decision to sell. **Therefore, as a buyer, you should not give the seller's agent any information that you do not want the seller to know.**

ACKNOWLEDGEMENT

(DO NOT SIGN THIS FORM UNTIL YOU HAVE READ BOTH SIDES.)

By signing below, I acknowledge that I have received a completed copy of this form.

Buyer's Name (Print or type)

Buyer's Name (Print or type)

Buyer's Signature

Buyer's Signature

Date

Date

INSTRUCTIONS TO AGENTS

1. Review the "Description of Agent Duties and Relationships" on the second page of this form with the buyer(s) at the time of your first substantial contact with the buyer(s).
2. Explain the type(s) of agency (seller agency, buyer agency, dual agency) your firm offers.
3. Enter your name and the firm name at the top of this form and review the Agency Disclosure with the buyer(s).
4. Have the buyer(s) complete the ACKNOWLEDGEMENT above.
5. Give the buyer(s) a copy of this form, and retain the signed original for your files.

NOTE: If your firm will act as a buyer's agent, do not use this form. Enter into a buyer agency agreement with the buyer.

DESCRIPTION OF AGENT DUTIES AND RELATIONSHIPS

Before you begin working with any real estate agent, you should know who the agent represents in the transaction. Every listing agreement, buyer agency agreement or other agreement for brokerage services in a real estate sales transaction in North Carolina must contain this "Description of Agent Duties and Relationships" [N.C. Real Estate Commission Rule 21 NCAC 58A .0104(c), eff. 7/1/95]. Real estate agents should carefully review this information with you prior to entering into any agency agreement.

AGENTS' DUTIES

When you contract with a real estate firm to act as your agent in a real estate transaction, the agent must help you obtain the best price and terms possible, whether you are the buyer or seller. The agent also owes you the duty to:

- Safeguard and account for any money handled for you
- Be loyal and follow reasonable and lawful instructions
- Act with reasonable skill, care and diligence
- Disclose to you any information which might influence your decision to buy or sell

Even if the agent does **not** represent you, the agent must still be fair and honest and disclose to you all "material facts" which the agent knows or reasonably should know. A fact is "material" if it relates to defects or other conditions affecting the property, or if it may influence your decision to buy or sell. *This does not require a seller's agent to disclose to the buyer the minimum amount the seller will accept, nor does it require a buyer's agent to disclose to the seller the maximum price the buyer will pay.*

AGENTS WORKING WITH SELLERS

A seller can enter into a "listing agreement" with a real estate firm authorizing the firm and its agent(s) to represent the seller in finding a buyer for his property. The listing agreement should state what the seller will pay the listing firm for its services, and it may require the seller to pay the firm no matter who finds the buyer.

The listing firm may belong to a listing service to expose the seller's property to other agents who are members of the service. Some of those agents may be working with buyers as buyers' agents; others will be working with buyers but still representing the seller's interests as an agent or "subagent." When the buyer's agents and seller's subagents desire to share in the commission the seller pays to the listing firm, the listing agent may share the commission with the seller's permission.

AGENTS WORKING WITH BUYERS

A buyer may contract with an agent or firm to represent him (as a **buyer's agent**), or may work with an agent or firm that represents the seller (as a **seller's agent or subagent**). All parties in the transaction should find out at the beginning who the agent working with the buyer represents.

If a buyer wants a buyer's agent to represent him in purchasing a property, the buyer should enter into a "buyer agency agreement" with the agent. The buyer agency agreement should state how the buyer's agent will be paid. **Unless some other arrangement is made which is satisfactory to the parties, the buyer's agent will be paid by the buyer.** Many buyer agency agreements will also obligate the buyer to pay the buyer's agent no matter who finds the property that the buyer purchases.

A buyer may decide to work with a firm that is acting as agent for the seller (a **seller's agent or subagent**). If a buyer does not enter into a buyer agency agreement with the firm that shows him properties, that firm and its agents will show the buyer properties as an agent or subagent working on the seller's behalf. Such a firm represents the seller (not the buyer) and must disclose that fact to the buyer.

A seller's agent or subagent must still treat the buyer fairly and honestly and disclose to the buyer all material facts which the agent knows or reasonably should know. The seller's agent typically will be paid by the seller. **If the agent is acting as agent for the seller, the buyer should be careful not to give the agent any information that the buyer does not want the seller to know.**

DUAL AGENTS

A real estate agent or firm may represent more than one party in the same transaction only with the knowledge and written consent of all parties for whom the agent acts. "Dual Agency" is most likely to occur when a buyer represented by a buyer's agent wants to purchase a property listed by that agent's firm. A dual agent must carefully explain to each party that the agent and the agent's firm are also acting for the other party.

In some situations, the agents may practice a form of dual agency known as "designated agency:" an agent in a firm is designated to represent the interests of the seller, and another agent in the same firm is designated to represent the interests of the buyer. This form of dual agency allows the designated agent to more fully represent the interests of the party with whom the agent is working.

In any dual agency situation, the agent must obtain a written agreement from the parties which fully describes the obligations of the agent and the agent's firm to each of them.

Preparations underway for 1998-99 Real Estate Update Course

By Larry A. Outlaw, Director of Education and Licensing

Commission staff is now preparing the mandatory *Real Estate Update* continuing education course for the current license year (through June 1999) for use by approved instructors and sponsors. Planned topics for the course are described below.

Revised Commission Rules

The Commission has adopted amendments to a number of rules to be effective August 1, 1998. Some of the rule changes that will be addressed in the course include:

- △ Revised requirement relating to display of license certificates and use of license pocket cards.
- △ Revised requirements for reporting changes to the Commission.
- △ Changes to rule regarding the handling of and accounting for trust funds.
- △ Changes to rule relating to retention of transaction records.
- △ Rule clarifying that licensees may not compensate or share compensation with unlicensed persons or entities for acts performed in North Carolina which require a real estate license.
- △ Minor changes to the broker-in-charge rule.
- △ New requirement for licensees to respond within 14 days to a formal Letter of Inquiry from the Commission.

Reciprocity

(continued from page 3)

To qualify, you must be of good character, a legal resident of North Carolina and hold an active license that is in good standing and was issued by examination.

For further information and/or an application, contact the Mississippi Real Estate Commission, P.O. Box 12685, Jackson, MS 39236-2685 (601) 987-3969. □

New

Residential Property Disclosure Statement Form

In accordance with 1997 changes to the Residential Property Disclosure Act, the Commission has adopted by rule a new Residential Property Disclosure Statement form (see pages 7 and 8 of this *Bulletin*) which becomes effective October 1, 1998. The *Update* course will address the new form in depth, and will briefly discuss licensees' responsibilities as they relate to the form.

The Commission expects the new form to be well-received by licensees because it is considerably more detailed than the original form and is more informative to prospective buyers.

Selected Agency Issues

There is still considerable misunderstanding about how to comply with agency common law and the Commission's agency rules in certain types of situations. The course will address several problem areas related to agency practice, including the following:

- △ Acting as the agent of a buyer or prospective buyer in a transaction without a written buyer agency agreement.
- △ Failure by a licensee to provide to a prospective buyer at first substantial contact written

disclosure of the licensee's status as a seller's agent or subagent when the licensee has no written buyer agency agreement with the prospective buyer. (See pages 13 and 14 of this *Bulletin*.)

- △ Transactions in which the prospective buyer won't sign a buyer agency agreement and some firms in the area won't offer subagency (i.e., will only co-broke on their listings with a buyer's agent). [Possible solution: Using a nonexclusive buyer agency agreement.]

- △ Misunderstandings about what constitutes dual agency.

Other Selected License Law Issues

Some of the other issues that will be addressed in the course include:

- △ What happens when a licensee lets his/her license expire and then "late renews" the expired license.
- △ What happens when the license of a principal broker or firm expires.
- △ Miscellaneous improper acts by licensed salesmen, such as: Acting independently of their broker-in-charge; accepting compensation directly from persons/firms other than their employing broker; etc.
- △ Proper handling of transactions in progress and old clients when licensees change firms. □

List of Reciprocal States

Below is a list of all the states with which the North Carolina Real Estate Commission has reciprocal licensing arrangements providing for waiver of the licensing examination:

Alabama

Arkansas

Connecticut

Georgia

Indiana

Iowa

Kentucky

Mississippi

Nebraska

Oklahoma

South Carolina

Tennessee

West Virginia

The Commission's position on...

Affinity Practices

In real estate, an "affinity group" is an association of people sharing a common interest; e.g., same employer, same trade or nonprofit organization, same club, etc. Increasingly, these respective groups are partnering with real estate companies to steer their members' real estate business to agents who will share their compensation with the members when the members relocate.

Typically, when a member of the affinity group wishes to purchase a new home, the member will contact the group's real estate "partner" - a licensed real estate firm - who, in turn, will refer the purchaser to a real estate agent or firm in the locality where the member wishes to relocate. In return for the referral,

the local agent agrees to pay a referral fee to the referring firm who often passes a portion of the fee along to the buyer-member.

In North Carolina, this practice is lawful if the referring agents or firm are acting lawfully in their own states; i.e., those making the referrals are properly licensed as real estate agents under the laws of the state where they are located. It's lawful even if the buyer receives a portion of the money, because under North Carolina law, buyers are exempt from the licensing requirement and may receive a portion of the real estate fees paid in their own transaction. (Whenever a seller's agent shares his fee with a buyer, however, it is important that the agent first obtain his seller-

client's permission and that the payment is reported on the closing statement and disclosed to the buyer's lender.)

One complaint concerning "affinity group" arrangements is what is referred to as the "after-the-fact referral" - made to the local agent after he or she is already working with the referred buyer. The question then arises whether the local agent must pay the requested referral fee, and the answer is usually no. To be enforceable, the fee-sharing arrangement must derive from an express or implied contract. Unless the local agent has contractually promised to pay the fee, there is no obligation. □

Settlement statements must reflect all payments to buyers

By Rebecca A. Sabel, Auditor/Investigator

In a real estate sales transaction, it is certainly a buyer's "dream come true" to receive a concession or compensation from either the seller, the seller's agent or the buyer's agent. But while such concession/compensation may be lawful, it is not always a pleasant dream for the real estate agents involved in the deal.

There are requirements that must be met in order for a licensee to compensate any party whom the licensee is not representing in the transaction. (Typically, that party is the buyer.) Prior to compensating a party who is not the licensee's principal, the licensee must:

- have the consent of the principal;
- disclose the payment to the lender; and
- assure that the compensation or consideration paid appears on the settlement statement.

The consent of the principal and the disclosure to the lender may be easily accomplished; however, agents sometimes encounter resistance to showing the compensation or concession to the buyer on the settlement statement. Why? Because compensation to a buyer can affect a buyer's loan to value ratio (LTV). Such a payment effectively reduces the purchase price - requiring a lender to recalculate the buyer's loan amounts to determine whether or not the buyer's LTV complies with the requirements of the loan.

When this occurs, or when the buyer's LTV exceeds the parameters of the loan, a loan processor may sometimes attempt to cut corners by requesting that the compensation to the buyer not appear on the closing statement. However, according to Fannie Mae guidelines and federal laws, even payments which are made

outside of closing shall be noted on the settlement statement. Therefore, failure to disclose the payment to the buyer on the settlement statement can constitute a "false statement to a lender" (a federal crime), and also a violation of the License Law and Commission rules.

Caveat

In any real estate transaction, when you discover that a settlement statement does not reflect compensation which may have been paid to the buyer, you should advise the parties to seek legal advice. If you find the statement to be incorrect, arrange to have it corrected and/or send a corrected statement to the lender explaining the discrepancy. Do not sign or acknowledge a settlement statement that does not accurately reflect all charges and compensation. ■

Disciplinary action

Penalties for violations of the Real Estate License Law and Commission Rules vary depending upon the particular facts and circumstances present in each case. Due to space limitations in the Bulletin, a complete description of such facts cannot be reported in the following Disciplinary Action summaries.

1ST ATLANTIC MANAGEMENT CORPORATION (Wilmington) - By Consent, the Commission reprimanded 1st Atlantic Management Corporation effective May 1, 1998. The Commission found that 1st Atlantic Management Corporation, between April and June 1995, had negligently allowed an unlicensed person to insert undisclosed increases or "mark-ups" to amounts charged to owners and tenants of rental property it managed for others. The Commission noted that upon its discovery of this practice, 1st Atlantic Management Corporation had discharged the unlicensed person and voluntarily reimbursed the owners or tenants who were wrongfully charged. The Commission further noted that 1st Atlantic Management Corporation had cooperated with the Commission's investigation of this matter.

BAYBERRY PROPERTIES, INC. D/B/A ERA DANCON (Raleigh) - By Consent, the Commission reprimanded ERA Dancon effective March 16, 1998. The Commission found that ERA Dancon, a licensed real estate firm, had operated a branch office without a designated broker-in-charge, and that it had failed to take any action to remedy this situation for two months.

MICHAEL A. BRAZELL (Concord) - By Consent, the Commission reprimanded Mr. Brazell effective May 31, 1998. The Commission found that Mr. Brazell's representation on an MLS listing form that a property was .94 acres was incorrect and that the property contained only .21 acres. The Commission further found that Mr. Brazell had failed to check the accuracy of the computerized version

of the MLS listing and therefore was not aware that an incorrect "year-built" entry of 1978 had been made to his listing, when in fact, the house had been built in 1955.

WANDA BURNS-RAMSEY (Raleigh) - By Consent, the Commission reprimanded Ms. Burns-Ramsey effective March 1, 1998. The Commission found that Ms. Burns-Ramsey had allowed other persons access to her Multiple Listing Service (MLS) computer code, which was then used to remove from the MLS, without authority, listings of another firm.

COLDWELL BANKER, TOWN AND COUNTRY/AM REALTY, INC. (Tryon) - By Consent, the Commission suspended the firm real estate broker license of Coldwell Banker, Town and Country/AM Realty, Inc. for 30 days effective February 16, 1998. The Commission then stayed the suspension for a probationary term of 30 days. The Commission found that Coldwell Banker, Town and Country/AM Realty, Inc. had permitted a broker and salesman to remain associated with it after July 1, 1997, while the broker's and salesman's licenses were both on inactive status for failing to complete their continuing education requirements. The Commission further found that Coldwell Banker, Town and Country/AM Realty, Inc. had advertised certain properties on behalf of the inactive licensees and had participated in the closing of at least one transaction handled by one of its "inactive" associates.

RICHARD L. COLLINS (Raleigh) - By Consent, the Commission revoked Mr. Collins' broker license effective March 16, 1998. The Commission then ordered that the salesman license previously issued to Mr. Collins be reinstated effective March 16, 1998. The Commission found that Mr. Collins, while principal broker and broker-in-charge of a firm, had allowed the firm to open and operate a branch office without first designating a broker-in-charge for that branch office.

DAVID J. COSTER (Raleigh) - By Consent, the Commission reprimanded Mr. Coster effective March 1, 1998. The Commission found that during 1994, while Mr. Coster and others were involved in negotiations to relocate an out-of-state business to North Carolina and were performing various services in connection with the relocation, compensation had been paid to an unlicensed firm at the closing of the transfer of the real estate, and the unlicensed firm in turn had compensated Mr. Coster.

NORWOOD F. CRAWFORD (Wilmington) - By Consent, the Commission suspended Mr. Crawford's broker license for 90 days effective May 1, 1998. The Commission found that Mr. Crawford had failed to adequately perform his duties as broker-in-charge of a firm between April and June 1995; therefore, an unlicensed person had been able to make undisclosed increases or "mark-ups" against rents charged by the firm.

CROSS CREEK REALTY, LTD. (Fayetteville) - By Consent, the Commission suspended the firm real estate broker license of Cross Creek Realty, Ltd. for six months effective April 1, 1998. The Commission then stayed the suspension for a probationary term of eighteen months. The Commission found that Cross Creek Realty, Ltd., as a property management firm, had engaged in deficit spending, had failed to properly account for and remit all funds collected, and that at times its trust accounts were short. The Commission further found that Cross Creek Realty, Ltd. had failed to perform prompt monthly trust account reconciliations and that its transaction records had failed to create a clear audit trail.

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Disciplinary action

(continued from page 17)



FRANK V. DEAL (Wilmington) - The Commission revoked Mr. Deal's broker license effective May 1, 1998. The Commission found that while in the real estate brokerage business, Mr. Deal had engaged in the unauthorized practice of law in violation of the General Statutes of North Carolina and the Real Estate License Law, and that he had prepared a lease-option contract in an incompetent manner.

CAROL J. DEGENNARO (Havelock) - By Consent, the Commission revoked Ms. DeGennaro's broker license effective June 1, 1998. The Commission found that Ms. DeGennaro, as the sole proprietor and broker-in-charge of a brokerage firm engaged in property management, had failed to maintain proper records of the trust monies in her care and had failed to properly account for and remit those monies. The Commission further found that as of March 12, 1998, Ms. DeGennaro's liability for the funds of others exceeded the funds in her trust account by \$36,930.30, and that approximately 53 checks drawn on her trust account had been returned due to insufficient funds in the account. The Commission noted that Ms. DeGennaro had repaid certain of the checks with certified funds.

DUNLEA REALTY CO. (Wilmington) - By Consent, the Commission suspended the firm real estate broker license of Dunlea Realty Co. for three years effective June 1, 1998. The Commission then stayed the suspension for a probationary term of three years if the corporation meets certain conditions. The Commission found that Dunlea Realty Co., relying on an unlicensed person, had submitted incorrect information during 1994 in connection with its application for a corporate broker license. The Commission further found that after it obtained its corporate broker license, Dunlea Realty Co. had allowed an unlicensed person to control rental trust account record-keeping which

resulted in some erroneous charges against the funds of owners and tenants.

MARK R. EDMONDSON (Raleigh) - The Commission accepted the voluntary surrender of Mr. Edmondson's salesman license effective March 6, 1998, until the termination date of Mr. Edmondson's probation imposed by Wake County Superior Court. The Commission dismissed without prejudice charges that Mr. Edmondson had violated provisions of the Real Estate License Law.

CHARLES E. GRADY, JR. (Raleigh) - By Consent, the Commission suspended Mr. Grady's broker license for 20 days effective April 1, 1998. The Commission then stayed the suspension for a probationary term of six months upon certain conditions. The Commission found that Mr. Grady had used his influence as a member of the Board of Transportation to secure a right-of-way sale on behalf of a client of the brokerage firm with which he was associated, which resulted in Mr. Grady's conviction of the misdemeanor offense of "conflict of interest."

JOSEPH E. HALE (Fayetteville) - By Consent, the Commission revoked Mr. Hale's broker license effective April 1, 1998. The Commission found that Mr. Hale, as a principal in a property management firm, had engaged in deficit spending, had failed to properly account for and remit all funds collected, and that at times his trust accounts were short. The Commission further found that Mr. Hale had failed to perform prompt monthly trust account reconciliations and that his transaction records had failed to create a clear audit trail.

ROBBIE M. HALE (Fayetteville) - By Consent, the Commission suspended Ms. Hale's broker license for six months effective April 1, 1998. The Commission then stayed the suspension for a probationary term of 18 months. The Commission found that Ms. Hale, as broker-in-charge and

principal broker of a property management firm, had engaged in deficit spending, had failed to properly account for and remit all funds collected, and that at times her trust accounts were short. The Commission further found that Ms. Hale had failed to perform prompt monthly trust account reconciliations and that her transaction records failed to create a clear audit trail.

HARVEY S. HARRIS (Wilmington) - The Commission accepted the voluntary surrender of Mr. Harris' broker license for two years effective June 1, 1998. The Commission dismissed without prejudice charges that Mr. Harris had violated the Real Estate License Law and the rules of the Commission in the conduct of a real estate brokerage business.

JOHNNY M. HUMBLE (Greensboro) - By Consent, the Commission suspended Mr. Humble's broker license for one year effective April 1, 1998. Thirty days of the suspension were active and the remaining period stayed for a probationary term of 11 months upon condition that he successfully complete the Basic Trust Account Procedures course by May 1, 1998. The Commission found that Mr. Humble, as the trust account custodian for his real estate company, had failed to maintain complete trust account records and to properly designate the escrow account on the signature card and bank statements. The Commission further found that Mr. Humble had failed to maintain transaction ledgers and to regularly reconcile his trust account. The Commission noted that Mr. Humble subsequently corrected the trust account record-keeping deficiencies.

CATHRYN T. LENNON (Tryon) - By Consent, the Commission suspended Ms. Lennon's salesman license for 30 days effective February 16, 1998. The Commission then stayed the suspension for a probationary term of 30 days. The Commission found that after her broker

Disciplinary action

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license was placed on inactive status effective July 1, 1997 for failure to satisfy the Commission's continuing education requirement during the 1996-1997 fiscal year, Ms. Lennon had continued to engage in real estate brokerage while on inactive status. The Commission noted that Ms. Lennon subsequently corrected the deficiency.

BOB MCLEMORE HOMES AND REALTY, INC. (Charlotte) - The Commission accepted the voluntary surrender of Bob McLemore Homes and Realty, Inc.'s firm real estate broker license for two years effective April 1, 1998. The Commission dismissed without prejudice charges that Bob McLemore Homes and Realty, Inc. had violated the Real Estate License Law and the rules of the Commission in the conduct of a real estate brokerage business.

ROBERT T. MCLEMORE (Charlotte) - By Consent, the Commission suspended Mr. McLemore's broker license for two years effective April 1, 1998. The Commission found that Mr. McLemore had received residential tenant security deposits in rental transactions, but that he had failed to deposit those funds into any designated trust or escrow accounts as required by law. The Commission further found that Mr. McLemore could not account for the disposition of those funds. Mr. McLemore neither admitted nor denied any misconduct.

WILLIAM H.S. MORIN (Tryon) - By Consent, the Commission suspended Mr. Morin's broker license for 30 days effective February 16, 1998. The Commission then stayed the suspension for a probationary term of 30 days. The Commission found that after his broker license was placed on inactive status effective July 1, 1997 for failure to satisfy the Commission's continuing education requirement during the 1996-1997 fiscal year, Mr. Morin had continued to engage in real estate brokerage while on inactive status. The Commission noted that

Mr. Morin subsequently corrected the deficiency.

LEONARD R. PARTRIDGE (Winston-Salem) - By Consent, the Commission suspended Mr. Partridge's broker license for six months effective July 1, 1998. The Commission then stayed the suspension for a probationary term of six months. The Commission found that Mr. Partridge, having contracted as buyer on his own account to purchase a property listed for sale by another agent in the firm with which Mr. Partridge was affiliated, had failed to disclose to the original owner Mr. Partridge's assignment of the contract and agreement for acceptance of a commission payment from a new buyer. The Commission noted that after the property owner discovered these facts and filed a complaint with the Commission, Mr. Partridge reimbursed the owner as agreed between the parties.

CONNIE E. PINER (Raleigh) - By Consent, the Commission suspended Ms. Piner's salesman license for three months effective March 1, 1998. The Commission found that Ms. Piner, a licensed real estate salesman acting as a firm owner, should have known that the firm was operating a branch office without a designated broker-in-charge, and that she had failed to take any action to remedy this situation for two months.

VENICE DANIEL PINER (Raleigh) - By Consent, the Commission reprimanded Mr. Piner effective March 16, 1998. The Commission found that Mr. Piner, a licensed real estate salesman acting as a firm owner, should have known that the firm was operating a branch office without a designated broker-in-charge, and that he had failed to take any action to remedy this situation for two months.

PAUL P. PULLEN (Tryon) - By Consent, the Commission suspended Mr. Pullen's broker license for 30 days effective February 16, 1998. The Commission then stayed the suspension for a probationary term of 30

days. The Commission found that while Mr. Pullen was serving as broker-in-charge of an office, a broker and salesman had remained associated with that office while both their licenses were on inactive status for failing to complete their continuing education requirements. The Commission further found that Mr. Pullen had permitted advertisements to be made on behalf of the broker and salesman while their licenses were on inactive status and had permitted the salesman to participate in at least one transaction that closed.

L. CALVIN RAMSEY, JR. (Raleigh) - By Consent, the Commission suspended Mr. Ramsey's salesman license for three months effective July 1, 1998. The Commission found that Mr. Ramsey had operated for two months as a salesman in a branch office without a designated broker-in-charge. The Commission further found that after he left the firm, Mr. Ramsey had instructed other salesmen to remove the firm's listings from the Multiple Listing Service, without authority to do so.

ROBERT LEWIS RAY (Winston-Salem) - By Consent, the Commission suspended Mr. Ray's broker license for three years effective April 1, 1998. The Commission then stayed the suspension for a probationary term of five years. The Commission found that Mr. Ray had been disbarred as an attorney in 1989 for misappropriation of client funds; i.e., making "loans" to himself, his employees and to his clients from money held in his trust account and from certain estate accounts. The Commission further found that Mr. Ray later pled guilty to four counts of misusing funds and that he had received a suspended sentence and had been placed on supervised probation for five years and ordered to pay restitution.

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Disciplinary action

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KENNETH N. TACKETT (Charlotte)
- By Consent, the Commission suspended Mr. Tackett's broker license for six months effective April 1, 1998. The Commission then stayed the suspension for a probationary term of one year. The Commission found that Mr. Tackett had altered his 1996 - 1997 appraiser pocket card to state that he was a state-certified residential appraiser until June 30, 1998, when in fact, his certification expired on June 30, 1997. The Commission further found that Mr. Tackett had presented the altered pocket card to a client. Mr. Tackett was disciplined by the North Carolina Appraisal Board.

FRANK SPRUILL THOMPSON (Wilmington) - By Consent, the Commission reprimanded Mr. Thompson effective May 1, 1998. The Commission found that Mr. Thompson, while licensed as a salesman and between April and June 1995, had negligently allowed an unlicensed person to insert undisclosed increases or "mark-ups" to amounts charged to owners and tenants of rental property managed by Mr. Thompson's firm. The Commission noted that upon his discovery of this practice, Mr. Thompson had discharged the unlicensed person and voluntarily reimbursed the owners or tenants who were wrongfully charged. The Commission further noted that Mr. Thompson had cooperated with the Commission's investigation of this matter.

THORNBURG & ASSOCIATES, INC. (Hickory) - By Consent, the Commission suspended the firm real estate broker license of Thornburg & Associates, Inc. effective January 1, 1998.

The Commission then stayed the suspension for a probationary term of one year. The Commission found that Thornburg & Associates, Inc. had failed to maintain at all times in its trust accounts sufficient monies to fund its trust account obligations and also had failed to keep complete and proper records of its handling of the funds of others. The Commission noted that these failures were due to conversion of funds by former associates who had been responsible for depositing trust monies and maintaining trust account records. The Commission further noted that immediately upon discovery of an employee's conversion of funds in 1996, the firm's current owner, Donna W. Thornburg, notified the Commission, instituted internal safeguards to prevent future employee conversion, and began actions which led to fully funding all affected trust accounts, and that no client experienced a loss. □

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