

A publication of Michigan Realtors®

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Looking back and ahead at the same time

As my year as President of Michigan Realtors® comes to a close, I've found myself reflecting on everything we've faced — and everything we've accomplished — together. It's been a year defined by resilience, reconnection and renewed purpose.

We began the year with Achieve, setting the tone for growth, professionalism and engagement. I watched members from across the state come together to share ideas, challenge themselves and build new leadership connections. From there, Broker Summit took us deeper into the issues that define our profession. Those conversations were candid, necessary and forward-thinking — a clear example of how committed Michigan Realtors® are to strengthening our businesses and our members.

At Capitol Day, we stood united as advocates for homeownership and property rights. It's always inspiring to see members fill the halls of our Capitol, not just to be seen but to be heard. And now, we just wrapped up at Convention, where we celebrated another successful year and prepared to pass the torch to our 2026 President, Mark Oegema.

Between those events, our association continued to provide the tools and knowledge members rely on every day — from *Michigan Realtors® Presents* offering high-quality continuing education, to *From the Mailbag*, *Letter of the Law* and *Policy Matters*, which kept us informed and ready to lead in an ever-changing market.

This year wasn't without its challenges. We've moved past the uncertainty of the lawsuit and entered calmer waters, though the market remains complex and demanding. Yet through it all, Michigan Realtors® have shown what it means to be adaptable, ethical and forward-looking. We've proven that, no matter the challenge, we are, and always will be, the state of Great Lakes, Great Times and Great Realtors®.

Earlier this year, I asked my board members a question no one expects in a boardroom: "What's your favorite dinosaur?" I asked it because, as adults, we rarely stop to ask fun, imaginative questions anymore and that's a

shame. Without hesitation, Mark Oegema noticed me writing down their answers and immediately ordered toy dinosaurs for each board member. The next meeting, we had a herd of plastic dinosaurs across the table and more laughter than we'd had in months. That small, spontaneous act created instant connection and joy.

That's what good leadership looks like. It's not always found in bylaws, budgets or policies. Sometimes it's in those unexpected moments that remind us to smile, to be human and to find joy in the work we do together.

When I brought the same question home, I asked my partner, Chris, what his favorite dinosaur was. He said probably a stegosaurus, but definitely not a T-rex. I laughed because the T-rex has always been mine. When he asked why, I told him it's because it's powerful but limited. And that's true for all of us. We can accomplish a lot on our own, but when we work together, we're capable of so much more. Chris once sent me a song that said, "We are stronger together." I've thought about that phrase often this year, because it perfectly sums up who we are as Realtors® and as people.

Dinosaurs may seem like a strange metaphor for our industry, but the truth is, they adapted. Some species didn't disappear — they evolved into the birds and reptiles we see today. When faced with extinction, they changed and survived. In their own way, they proved that even in the face of immense challenge, life finds a way forward.

The same is true for us. Our industry is evolving rapidly with technology, markets and expectations shifting constantly, but our core values remain unchanged. Integrity, professionalism and service will always set us apart.

So, as we move into a new year and a new presidency, my advice is simple: In a world of extinction, be a dinosaur. Stay strong. Stay adaptable. Keep smiling. And never lose sight of the joy that comes from working together. That's Who We R! ●

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COMING EVENTS

January 29-30, 2026

Achieve 2026
JW Marriott
Grand Rapids

April 21, 2026

Broker Summit 2026
The Lansing Center
Lansing

September 30-October 2, 2026

The Convention 2026
Grand Traverse Resort and Spa
Acme, MI

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A balanced budget is just the start for 2026

It is a busy fall for Michigan Realtors® and the state legislature. Among the Lansing insiders, there is a growing sense of optimism that the legislature's narrow avoidance of a prolonged state government shutdown means a thawing of relationships between the Republican controlled House and the Democratic controlled Senate.

The two parties achieved a balanced state budget for the upcoming year, and kind words were said about the deal after the fact. The legislature almost doubled the number of public acts that had been passed up to this point in the year, but it remains to be seen if this means a clear path for working across the aisle on other policy matters. On the other hand, sometimes parties are going to party.

Michigan Realtors® started off strong, wrapping up the summer with a hugely successful Capitol Day. Over 250 Realtors® from across the state gathered in Lansing to meet with our elected leaders on issues such as housing inventory, protecting our independent contractor status and speaking against the overregulation of housing providers. One of the main issues of the day, property rights under the Marketable Record Title Act (MRTA), House Bill 4524 passed the House unanimously with our support.

The MRTA is not the most exciting issue, but a clean chain of title is essential to every transaction. The bill provided clarity and uniformity in filing to preserve easements and restrictions of records on

residential and commercial property while trying to meet a statutory deadline of September 29th to preserve those rights. Two weeks after Capitol Day the State Senate passed HB 4524 and secured the Governor's signature before the September 29th deadline.

The visual Call For Action-style of a Capitol Day stressed the importance of this legislation, resulting in an extremely rare instance of a bill passing both chambers without a single "no" vote. Turning back to the state budget, Michigan Realtors® scored a significant victory for all real estate licensees by securing continued funding for Michigan Realtors® CE Marketplace. The importance of CE Marketplace has been felt across the industry by ensuring quality continuing education that meets the state requirements and providing accurate tracking of credits in the case of a department audit. There was a time in Michigan that this was not the case.

Twelve years ago, real estate licensees and educators struggled with continuing education under the then-named Department of Labor and Economic Growth (DLEG). Educators and schools would submit continuing education courses to be approved and had to wait a month or more for approval. DLEG also denied otherwise relevant classes for continuing education, like classes on how to conduct a short sale. Since that time, CE Marketplace has reduced

approval times to a few days, provided accurate tracking of hours with customizable reports and has taken on additional work answering all education questions.

Among the Lansing insiders,
there is a **GROWING
SENSE OF OPTIMISM**
that the legislature's
narrow avoidance of a
prolonged state government
shutdown means a
**THAWING OF
RELATIONSHIPS**
between the
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and the
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CONTROLLED SENATE.**

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The benefits of CE Marketplace to our members and general real estate licensees cannot be overstated. Securing continued funding in this year's state budget will allow CE Marketplace to remain at the forefront of providing exceptional service to the real estate industry.

With the budget completed, the legislature will again turn its focus to broader policy issues. There continues to be some optimism that, though political opposites, the House and Senate will work together to get things accomplished. Rest assured that when and if the two chambers start to pass each other's legislation, Michigan Realtors® will make sure that our policy priorities are in position to move.

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Our remaining priorities will continue to focus on housing inventory through zoning reforms and Land Division Act changes. We will address the requirement of written buyer agency agreements and finish off work to define post-closing occupancy agreements as something separate from a landlord/tenant relationship.

Please be sure to stay up to date on all the latest goings on with Michigan Realtors® Public Policy by visiting <http://www.mirealtors.com/Advocacy-Initiatives>, or subscribing to and liking our YouTube channel <https://www.youtube.com/MICHREALTORS>.

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THE CONVENTION

Amway Grand Plaza Hotel & DeVos Place | Grand Rapids | Oct. 8-10, 2025

Realtors® Bring Back The Magic at Annual Convention in Grand Rapids

The Convention, hosted by Michigan Realtors®, was recently held at the Amway Grand Plaza Hotel & DeVos Place in Grand Rapids. Over 1,000 real estate professionals and affiliates attended the 3-day event filled with knowledge, networking and recognition. Highlights of Day 1 included:

- *Grand Assembly keynote speaker, Ryan Campbell*
- *The swearing in of 2026 Michigan Realtors® President, Mark Oegema of the West Michigan Lakeshore Association of Realtors®*
- *The announcement of the 2025 Michigan Realtor® of The Year, Krista Martelli of the Midland Board of Realtors®*

Another highlight of Day 1 was the 2025 RPAC Appreciation Luncheon. The winner of the 2025 Michigan Realtor® Active in Politics award was announced: Todd Waller of the Greater Metropolitan Association of Realtors®.

Day 2 began with the Rise & Refocus Morning Keynote with Leah Rothstein. The session included the announcement of the 2025 Michigan Realtor® Good Neighbor, Danielle Stepp of the Lenawee County Association of Realtors®.

The RPAC LIVE and Silent auctions were once again a crowd favorite in the Expo. Local Realtor® associations from across Michigan generously contributed unique items and gift baskets in all price points to raise money that will be used to safeguard the real estate industry. Participants were also able to

bid on items through a virtual platform all week. The auctions raised over \$46,000!

Day 3 concluded with the Michigan Realtors® *Within The Law Legal Team* giving an overview of timely topics followed by audience Q&A. “Legal Friday” continues to be one of the most interactive and informative opportunities for attendees. Knowledge session handouts are available by visiting <https://convention.mirealtors.com>.

The Convention is an absolute must for real estate professionals with a dedication to their industry, their career, their business and themselves. Mark your calendar now for next year’s event!!

THE CONVENTION

(A Michigan Realtors® Event)

September 30-October 2, 2026
Grand Traverse Resort & Spa, Acme, MI

Michigan Realtors® is grateful to all the exhibitors, sponsors, and attendees. Your support and participation in The Convention help to make it the exceptional event that it is, year after year. Thank you, for your support in 2025. ●

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2026 President,
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Mark Oegema
West Michigan Lakeshore
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Legal Hotline Wrap Up: the **BEST** of 2025

As 2025 draws to a close, we're taking a look back at the questions that kept the Michigan Realtors® Legal Hotline buzzing all year. From shifting commission practices to disclosure dilemmas to earnest money disputes, this year gave us no shortage of “you can’t make this up” moments. So, before we turn the page to a new year (and new legal issues), let’s revisit the topics our members asked about most and the answers that might just save you from a frantic Friday afternoon call with our Hotline attorneys. **Let’s dive in.**

GENERAL LICENSING ISSUES

It is my understanding that a real estate licensee no longer has any responsibilities in connection with a closing handled by a title company. Is that true?

No. If a title company handles the closing, the closing statement need not be reviewed/signed by an associate broker. Licensees are still responsible for making sure that the transaction is closed in accordance with the purchase agreement.

I was at a continuing education class, and the instructor told us that we are required to carry our pocket cards at all times. Is this correct?

YES. Licensees are required to have their pocket cards in their possession while they are performing licensed activities.

I am a real estate licensee, and I would like to make an offer on a property, but I do not wish to disclose the fact that I am a real estate licensee until after the purchase agreement is accepted. Can I do this?

NO. The Occupational Code requires that the disclosure take place before the seller is asked to sign the purchase agreement. The disclosure must be in writing. Most often, the disclosure is included in the offer to purchase.

WRITTEN AGREEMENTS UNDER THE NAR SETTLEMENT PRACTICE CHANGES

If I do not yet have an agency relationship with a buyer, can I show them a home without a written agreement?

No. The Sitzler-Burnett settlement agreement requires that a Realtor® who is “working with a buyer” must have a written agreement in place with that buyer prior to touring a home. The phrase “working with a

buyer” applies when a Realtor® is providing services to a buyer whether in an agency or non-agency capacity. A Realtor® is not “working with a buyer” if they are interacting with the buyer as an agent or subagent of the seller. A Realtor® acting as a dual agent or a transaction coordinator is “working with the buyer” (and the seller).

Does a home tour agreement automatically establish an agency relationship?

Not necessarily. However, in Michigan, there is a doctrine known as implied agency whereby an agency relationship can be established through words and conduct. An implied agency relationship means that the agent will owe all the fiduciary and statutory responsibilities of someone in an agency role. Parties who wish to avoid an implied agency relationship should make sure to clearly indicate that intent in writing. They should also have the buyer sign an agency disclosure form acknowledging the non-agency status. A non-agency home tour agreement, like an agency agreement, must still specify the compensation that will be paid for the agreed-upon services.

Can my written agreement with the buyer provide that the buyer's obligation to pay me will be passed on to the listing broker/seller?

The written agreement must specify the amount of compensation that a buyer's broker will receive. That amount must be “objectively ascertainable.” You CANNOT agree that you will be paid whatever the listing broker or the seller is offering. Your agreement CAN state that the buyer will get credit against the stated amount for any payments made to you by the listing broker and/or seller. The buyer can direct you to include a provision in any purchase offer obligating the seller to assume all or any portion of their obligation to pay you.

PURCHASE AGREEMENTS

My seller received an offer with an escalation clause. The highest offer that the seller received was contingent upon the sale of the buyer's home. Does that type of offer trigger an escalation clause, or must it be disregarded because of the home sale contingency?

An offer with a home sale contingency would not be disregarded unless there is language in the escalation clause that says so. Buyer's agents should be careful when drafting escalation clauses if they want to exclude certain types of offers (or adjust for seller concessions).

If 2025 taught us anything, it's that **OUR INDUSTRY NEVER STOPS CHANGING**, and neither do the questions.

My sellers have a purchase agreement signed with Buyer A. Buyer B has now made an offer on the same property that the sellers consider to be a better offer. Buyer A has proposed an amendment to his purchase agreement asking to purchase some of the sellers' outdoor lawn furniture and pool equipment. The sellers believe that the purchaser's proposed amendment reopens the terms of the contract. The sellers want to rescind the purchase agreement with Buyer A and enter into a new purchase agreement with Buyer B. Does Buyer A's proposal of an amendment to the existing purchase agreement reopen the contract such that my sellers may terminate it?

NO. Some Realtors® have the misconception that if an amendment to an existing contract is proposed and rejected, the purchase agreement is terminated. This is not the case, unless the contract includes language that specifically says that proposed amendments will be treated in this way. Ordinarily, if a proposed amendment to a contract is rejected, the purchase agreement remains in full force and effect. Note that the rules may be different when the proposed amendment relates to the removal of a contingency, depending on the wording of the contingency.

My buyers do not want their identity disclosed to the seller until after the purchase agreement is signed. Can we submit an anonymous offer?

If the seller is willing, you can negotiate the terms of the purchase agreement anonymously, but keep in mind that you will not have a binding contract until it is actually signed by both parties. A Realtor® should never sign a contract on behalf of an undisclosed buyer – or even arrange for someone else to do so without the involvement of an attorney.

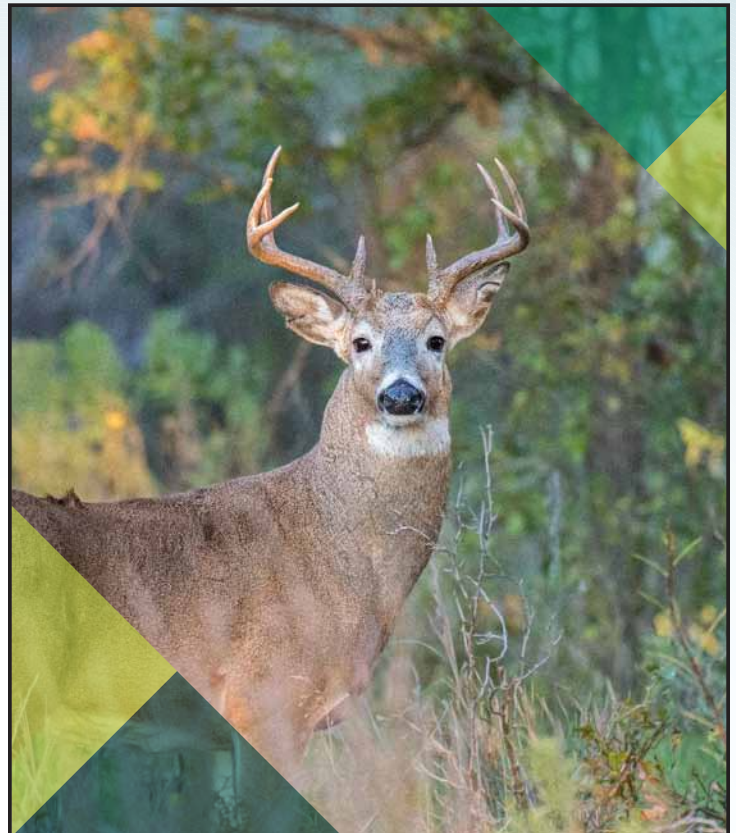
If my seller-client enters into a purchase agreement at a price higher than the list price, can I immediately increase the list price in the MLS to the higher amount?

Yes. The seller and the listing agent can adjust the list price in the MLS at any time and for any reason.

EARNEST MONEY DEPOSITS

I am a broker who represents a buyer. My buyer made an offer on a property that was accepted by the seller. Both the buyer and the seller have agreed in the contract that I am to hold the earnest money check in my office and not deposit it in my trust account until the inspection period has passed. Is this permissible?

No. An agreement by the buyer and the seller does not relieve the broker from its duty to deposit money in its possession within the 2 days after there is a binding purchase agreement signed by all parties. If the buyer and seller want to delay the deposit of the check, they should agree to either have someone other than a real estate broker hold the funds or agree that the check will not be delivered to the broker until after the inspection period has passed. (In this situation, a broker should have a system in place to follow up on collecting the check from the buyer.)



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I am a Realtor® that just moved to Michigan from another state. The state I'm coming from requires a listing broker to make sure that an earnest money deposit is provided for each transaction. Is this required in Michigan?

No. While an earnest money deposit is typically provided as a matter of custom (and is a good idea), it is not required for there to be a valid binding contract. The parties' mutual promises in a purchase agreement constitute sufficient "consideration" to create a binding contract.

I am a real estate broker, and I have heard that some other brokers in my area are allowing their salespersons to hold the earnest money checks until there is a binding purchase agreement signed by all parties. Is this permissible?

No. Note, however, that the Occupational Code does not contain any definitive time deadline for turning over a check to a broker. It only requires a salesperson to turn over the check "on receipt." While we don't think it is necessary for a broker to require a salesperson to drive over to the broker's house at midnight to deliver a check the salesperson just received, the salesperson must deliver the check as soon as reasonably possible. A salesperson may NOT hold the check until there is a binding purchase agreement signed by all parties.

DISCLOSURE

I represent buyers who terminated a purchase agreement after discovering black mold in the house. I now have another interested buyer who would like to make an offer on the same home. The listing agent said that I cannot tell my buyer about the prior buyers' discovery of mold because I obtained that information during a prior agency relationship. Is this true?

No. As a buyer's agent you have a fiduciary duty to notify your current client of any issues that you know of about the property. While most buyers' agency agreements expressly provide that the agent will not disclose confidential information learned through another agency relationship, the discovery of black mold is not "confidential" as to the first buyer. Information known to both a seller and a potential buyer is not "confidential" as to either.

I have a seller-client who the trustee of a property is owned by her parents' trust and in which she currently resides. Is she exempt from the Seller Disclosure Act?

No. The Seller Disclosure Act exempts transfers by a nonoccupant fiduciary during the administration of a trust. Since in your situation the trustee lives in the property, she is not exempt from the Act.

The owner of the home I am listing inherited the home from her father. She does not live in the home, but legal title is in her name. Does there need to be a seller's disclosure statement?

Yes. While property owned by an estate is exempt under the Seller Disclosure Act (so long as the personal representative does not live in the home), once the property has been distributed from the estate to the heir, it is no longer exempt.

I am a buyer's agent on a FSBO sale. The seller refuses to provide a Seller's Disclosure Statement. What can I do?

There is no way to force a seller to complete a Seller's Disclosure Statement, even where required by law. A buyer who does not receive a Seller's Disclosure Statement has the right to walk away from the transaction at any time before closing.

FINAL THOUGHTS

If 2025 taught us anything, it's that our industry never stops changing, and neither do the questions. Every "can they really do that?!" moment provides us with an opportunity learn, grow, and better serve our clients with confidence and professionalism. The more we share what we learn, using that Hotline wisdom to educate our clients and each other, the better equipped we are to handle whatever comes next. Remember, no question is too small (or too strange) for the Legal Hotline. So, keep those calls coming! Thanks for keeping us busy, curious, and (occasionally) shaking our heads along the way this year. Here's to another year of taking your calls. We'll see you in 2026! ●





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