**Pressure Points In The**

**Colorado State Approved Form System**

**By: Jon Goodman**

Frascona, Joiner, Goodman & Greenstein, P.C.

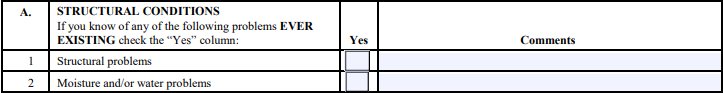
4750 Table Mesa Drive

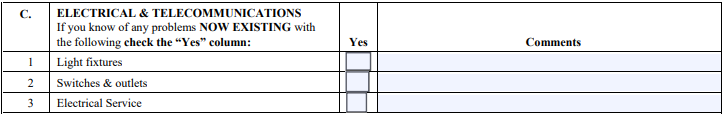
Boulder, Colorado 80305

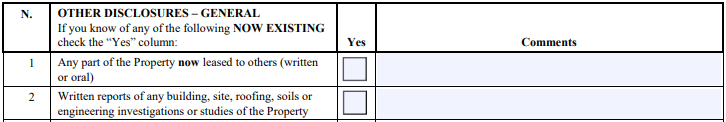
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1. **Seller’s Property Disclosure (SPD19C-2-18) — Three types of questions**:







1. **Contract to Buy and Sell Real Estate**
   1. Incorrect legal descriptions.
   2. Representation about buyer’s availability of funds **(4.4.2):**

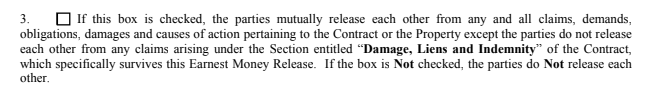
Buyer represents that Buyer, as of the date of this Contract, **☐Does ☐ Does Not** have funds that are immediately verifiable and available in an amount not less than the amount stated as Cash at Closing

* 1. Inspection 10.3 isn’t quite a free look contingency.
     + 1. Zoning (10.6.3) (Not in basic residential contract.)
       2. General land use (10.6.3) (Not in basic residential contract.)
       3. Text not in the “CBS1 (Basic residential contract): **10.6.3 Zoning.** Buyer has the Right to Terminate under §

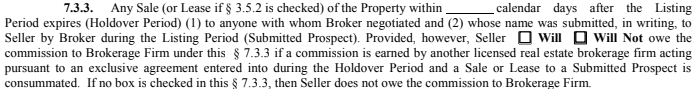
25.1, on or before Due Diligence Documents Objection Deadline, based on any unsatisfactory zoning and any use restrictions imposed by any governmental agency with jurisdiction over the Property, in Buyer’s sole subjective discretion.

* 1. Lack of ability of Seller to kick buyer out of deal due to futility.
  2. Lack of obligation to cooperate with other side’s need for a §1031 Exchange.
  3. Lack of representations from the Seller:
     + 1. Authority of the person signing.
       2. No notice of bad things.
  4. Lack of Prohibition against Seller shopping the contract.
  5. Lack of pre-printed text to identify Seller-carry terms.

1. **Earnest Money Release: Is it a full release?**



1. **Exclusive Right-to-Sell Listing Contract**



1. **Opportunity for Deep Education:**

The nature of this fifty minute presentation is that it can only identify a small portion of the nuances of the Colorado Real Estate Commission Approved forms system. For a more thorough discussion see: COLORADO REAL ESTATE FORMS DESKBOOK, SECOND EDITION, CBA-CLE Books, 2016 (Updated May 2017; January 2019), Edited by James G. Benjamin, Esq.