**Pressure Points In The**

**Colorado State Approved Form System**

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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.