



GUIDE TO USING OREF RESIDENTIAL LIBRARY FORMS

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FORM REFERENCE TABLE

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FORM DESCRIPTION GUIDE

The forms in the Guide are color-coded according to the following categories.

Code	Category
AGREEMENT/COUNTEROFFER	Sale Agreements, Counteroffers, and Other Agreements
ADDENDA	Addenda
INFORMATIONAL/ADVISORY	Informational or advisory
REQUIRED	Required by law or regulation if applicable
NOTICES/REPRESENTATIONS	Notices and Representations

CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 001
FORM TITLE	Residential Real Estate Sale Agreement
PURPOSE	Used for the purchase and sale of standard residential properties. The form begins with the statutory Final Agency Acknowledgment. It continues with customary provisions regarding price, earnest money, a description of property included and not included, contingencies (financing, title, lead-based paint inspection, well water), seller representations, escrow and closing, tax issues, and dispute resolution.
USER TIPS	<ul style="list-style-type: none"> • Use the Guide with your clients to summarize each section of the Sale Agreement and provide a handy reference guide. • Give your clients a form sample well before signing; invite questions and discussion. • Calendar all contingency period deadlines. The contingency period in the Property Inspection section <u>includes</u> the time for negotiation. Get an extension in writing if you need more time to negotiate repairs, seller concessions, or other terms. Silence can result in a waiver of the contingency. • Review the Definitions section and use them to improve clarity.

CATEGORY	ADDENDA
FORM NO.	OREF 002
FORM TITLE	Addendum to Real Estate Agreement
PURPOSE	Used to write special provisions or developments in the transaction not covered in the Sale Agreement.
USER TIPS	<ul style="list-style-type: none"> • Except for identifying the transaction and the signature block, the form is mostly blank. • When drafting, be clear and concise: cover the who, what, when, where, and why for every topic. Review your draft with your client. • Don't use this form if there is an OREF form that addresses the same subject matter.

CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 003
FORM TITLE	Seller's Counteroffer
PURPOSE	Used for Sellers making a counteroffer to a Buyer's offer to purchase.
USER TIPS	<ul style="list-style-type: none"> • A counteroffer rejects the buyer's offer: the buyer can walk away. • Be clear about what you are countering because things in the buyer's offer not countered remain part of the agreement.

CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 004



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FORM TITLE	Buyer's Counteroffer
PURPOSE	Used for Buyers making a counteroffer to a Seller's counteroffer.
USER TIPS	<ul style="list-style-type: none"> • Countering a counteroffer can be confusing, so keep track of which provisions are still in agreement and which are not. • At some point, it is better to start over, using a new Sale Agreement with a jointly written Addendum covering what everyone has agreed upon.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 005
FORM TITLE	Farms, Ranches, Acreage, and Natural Resource Real Estate Sale Agreement
PURPOSE	Use for the purchase and sale of farms, ranches, acreage, or natural resource property. In addition to the applicable provisions of OREF 001, it includes clauses addressing equipment, lender shares, growing crops/timber, UCC filings, grazing rights, and brands.
USER TIPS	<ul style="list-style-type: none"> • Both the NAR Code of Ethics and the law require competence before selling specialty properties. Users should be familiar with wells, well water, irrigation, water rights, septic systems, and crop production. If you are not familiar with these subjects, team up with someone who is or make a referral.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 006
FORM TITLE	New Residential Construction Sale Agreement
PURPOSE	Used for the purchase and sale of newly constructed homes or homes under construction. This form contains all the applicable provisions of OREF 001, plus an estimated commencement date, a reference to plans and specifications, and CCB requirements.
USER TIPS	<ul style="list-style-type: none"> • Use this form with OREF 026, the New Construction Professional Inspection Addendum. • Buyer should review a copy of the builder's warranty before signing this agreement. • If the buyer is paying all cash, address whether the seller or builder will provide and pay for title endorsement against post-closing construction liens - see ORS 87.007. • If construction is not complete, make sure that plans and specifications for the rest of the work are agreed upon.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 008
FORM TITLE	Vacant Land Real Estate Sale Agreement
PURPOSE	Used for the purchase and sale of land without a structure. It has all the applicable provisions of OREF 001, but many inapplicable provisions have been deleted. The disclosure statement is not required by law when the property does not include a structure, so the parties can decide whether it will be provided and whether the buyer has a right to revoke the offer.
USER TIPS	<ul style="list-style-type: none"> • Those using this form must usually be familiar with development issues such as non-resource uses (cemeteries, landfills, dumps); unrecorded agreements (for harvesting, fishing, hunting, livestock movement, and pasture); state or federal requirements regarding crops, grazing, reforestation, etc.; supplier agreements, production processing commitments and similar obligations. • Remind buyers to determine whether wells, water sources, or water district resources have been adequate for the seller's use of the property; and the availability and transferability of water rights.
CATEGORY	ADDENDA
FORM NO.	OREF 009



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FORM TITLE	Back-Up Offer Addendum
PURPOSE	Used for a buyer to make an offer on a property with a pending offer or for a seller to make a counteroffer to a back-up buyer.
USER TIPS	<ul style="list-style-type: none"> • Back-up buyers should be cautioned about waiving contingencies and unrealistic timelines in bidding wars. • Find out if your brokerage has a protocol for handling multiple offers. • Notices to be given by the parties are integrated into the form at the end.
CATEGORY	REQUIRED
FORM NO.	OREF 010
FORM TITLE	Final Agency Acknowledgment Addendum
PURPOSE	This form is required when the parties agree to use a sale agreement that does not have a Final Agency Acknowledgement at the top of the first page.
USER TIPS	<ul style="list-style-type: none"> • See ORS 696.845 and OAR 863-015-0200, which require buyers and sellers to acknowledge the existing agency relationships when buyers sign offers and when sellers sign acceptances, rejections, and counteroffers. • The form uses the wording required by the state. It also adds some helpful additional information.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 011
FORM TITLE	Residential Condominium Real Estate Sale Agreement
PURPOSE	Used for the purchase and sale of pre-owned condominiums. It contains all of the applicable provisions of OREF 001, plus addresses issues unique to condominiums, such as the owners' association, its records, dues, and assessment history. Do not use this form for new condominiums – the OREA-approved form must be used.
USER TIPS	<ul style="list-style-type: none"> • A condominium buyer usually purchases everything between the walls and has a limited interest in other areas, so an owner's concerns differ from detached homes. • CC&Rs, association governance, replacement reserves, assessments, and records of finances and meetings are important. • Buyers should talk with management and other unit owners to learn how well the property is managed.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 012
FORM TITLE	Manufactured Home Sale Agreement (without land)
PURPOSE	Used when making an offer on a manufactured home in a park that rents to manufactured homeowners.
USER TIPS	<ul style="list-style-type: none"> • Users may not participate in these transactions unless their office has a current Manufactured Structures Dealer license issued by the Department of Consumer and Business Services. • Users who are not familiar with manufactured homes and inspectors, lenders, and appraisers of these homes should not handle these transactions without the assistance of an experienced person.
CATEGORY	ADDENDA
FORM NO.	OREF 019
FORM TITLE	Vacant Land Disclosure Addendum
PURPOSE	Operates much like the Seller's Property Disclosure Statement, although its use is not mandated by Oregon law. There are no provisions for structures.
USER TIPS	<ul style="list-style-type: none"> • Section 10 of the Vacant Land Sale Agreement (OREF 008) requires the seller to complete and deliver this form unless the buyer waives it in writing. When representing sellers discuss ahead of time whether they want to ask the buyer to waive receipt of this form and whether they want the buyer to have the right to revoke after reviewing the form.
CATEGORY	REQUIRED
FORM NO.	OREF 020
FORM TITLE	Seller's Property Disclosure Statement
PURPOSE	Required by ORS 105.462 - .490 . Non-exempt sellers must complete and deliver this form to each buyer who makes a written offer to purchase real property in Oregon.



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USER TIPS	<ul style="list-style-type: none"> • Users can help sellers understand the questions but must not help answer them or fill in the form. • Users should review the completed form to ensure all questions are answered and that the seller has attached information where a question marked with an asterisk is answered "yes." • Even if a seller is exempt, they must still disclose any known material information. • The Oregon Real Estate Agency has disciplined sellers' agents who post the form to the MLS instead of sending it to the buyer.
CATEGORY	REQUIRED
FORM NO.	OREF 021
FORM TITLE	Lead-Based Paint Disclosure Addendum
PURPOSE	Federal law requires this form. Sellers must complete it when selling a home, garage, or other outbuildings constructed before 1978. It requires sellers to give buyers test results, reports, records, or other information they have and to give time to do their own testing.
USER TIPS	<ul style="list-style-type: none"> • A summary of the lead-based paint rules is here. • Federal law requires agents to make sure the seller knows their duty to disclose, make sure the lead-based paint pamphlet is delivered to the buyer, get this form signed by all parties, and retain records for at least three years. • Allows buyers a 10-day period to conduct a LBP inspection or risk assessment. The Sale Agreement does not become binding until the 10-day period has elapsed, so buyers should receive this early in the transaction. The 10-day period may be waived or modified in writing.
CATEGORY	ADDENDA
FORM NO.	OREF 022A
FORM TITLE	Buyer's Repair Addendum
PURPOSE	Prepared following a professional inspection if the buyer wants the seller to grant concessions or to perform maintenance, repairs, or replacements.
USER TIPS	<ul style="list-style-type: none"> • Use in conjunction with OREF 022B & 023. • It is usually best not to ask that every problem in the report be corrected – be selective. • Avoid surprises and upset by having broker-to-broker conversations before delivering the form. • Remember that the lender has a right to see all addenda between parties and all reports.
CATEGORY	ADDENDA
FORM NO.	OREF 022B
FORM TITLE	Seller's Repair Addendum
PURPOSE	Completed by sellers in response to Buyer's Repair Addendum (OREF 022A) to identify the repairs or concessions the sellers are willing to make.
USER TIPS	<ul style="list-style-type: none"> • The Buyer and Seller Repair Addenda are standalone documents: any documents that are not final do not have to be provided to the lender. • Keep track of the end of the inspection period since a failure to object during that period constitutes acceptance of the property's condition as-is. • The only way for a buyer to terminate after the Inspection Period expires is to forfeit their earnest money.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 023
FORM TITLE	Notice of Completion of Repairs/Corrective Action
PURPOSE	Section 1 notifies the buyer that the work has been completed, and section 2 notifies the seller that the buyer has received the notice.
USER TIPS	<ul style="list-style-type: none"> • The first section starts the clock on the buyer's reinspection period. • The second section helps the seller avoid future liability by getting the buyer's confirmation that the buyer has had the opportunity to inspect the work.
CATEGORY	ADDENDA



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FORM NO.	OREF 024
FORM TITLE	Homeowners Association/Townhome/Planned Community Addendum
PURPOSE	This is used when a home is located in a development with common area. If the property is a condominium, OREF 011 is the preferred form.
USER TIPS	<ul style="list-style-type: none"> • Property located in communities with common areas are required to have homeowner associations ("HOAs") to maintain and, if necessary, repair and replace common elements. • Advise buyers to thoroughly investigate HOA minutes, dues, reserves, and assessment history. • Be sure to request and review all HOA governance and budget documents.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 025
FORM TITLE	Exterior Siding/Stucco/EIFS Disclosure
PURPOSE	This form allows sellers to disclose whether the exterior siding is natural wood or synthetic. If the latter, to find out about the manufacturer, any warranties, and possible defects.
USER TIPS	<ul style="list-style-type: none"> • Sellers may want to have the siding inspected ahead of time so that unanticipated problems don't appear during the inspection period.
CATEGORY	ADDENDA
FORM NO.	OREF 026
FORM TITLE	New Construction Professional Inspection Addendum
PURPOSE	Used for new residential construction when the builder doesn't insist on using their form or where the builder only uses an addendum.
USER TIPS	<ul style="list-style-type: none"> • This form is generally more balanced than builder forms. • The failure to timely develop and deliver a punch list can result in a waiver of the right to do so. • Buyers should be encouraged to engage the services of an expert familiar with code compliance, such as a contractor or inspector.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 027BUY
FORM TITLE	Short Sale Summary for Buyers
PURPOSE	This is an informational form, not a contract. It tells buyers what to expect during the short sale process. Buyers are asked to sign, acknowledging that they read and understood the information.
USER TIPS	<ul style="list-style-type: none"> • Short sales take longer to close because the lender must agree to accept less than the seller owes. To keep the buyer from losing patience, buyers' agents should obtain as much information as possible from sellers' agents about lender consent status and timelines. • The short sale addendum (OREF 027B) permits the buyer to withdraw from the transaction at any time prior to the lender's written consent on terms acceptable to the buyer.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 027SEL
FORM TITLE	Short Sale Summary for Sellers
PURPOSE	This is an informational form, not a contract. It tells sellers what to expect during the short sale process. Sellers are asked to sign, acknowledging that they read and understood the information.
USER TIPS	<ul style="list-style-type: none"> • Sellers' agents should keep in touch with the lender's point of contact, ensuring that all lender-requested information has been uploaded and is current, and pass along as much information as possible to Buyers' agents.



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	<ul style="list-style-type: none"> Sellers' agents should remind sellers that the Short Sale Addendum (OREF 027B) permits the buyer to withdraw from the transaction prior to the lender's written consent on terms acceptable to the buyer.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 027A
FORM TITLE	Notice Pursuant to Short Sale Addendum
PURPOSE	Used by sellers to give buyers notice that lender consent has been obtained.
USER TIPS	<ul style="list-style-type: none"> Sellers' agents should have this signed and sent as soon as all lenders have provided written consent to the short sale. The parties sign to indicate their agreement to the terms proposed by the lender(s) and their commitment to proceed with closing the sale.
CATEGORY	ADDENDA
FORM NO.	OREF 027B
FORM TITLE	Short Sale Addendum
PURPOSE	Addresses many issues unique to the short sale process, including new contingencies, delayed timelines, and the parties rights.
USER TIPS	<ul style="list-style-type: none"> Makes the seller's obligations contingent upon the lender's agreement to accept less than the seller owes. Provides for automatic termination if the lender imposes unacceptable conditions on a party. The buyer may withdraw at any time before the lender issues written consent acceptable to the buyer.
CATEGORY	REQUIRED
FORM NO.	OREF 028
FORM TITLE	Seller's Property Disclosure Statement Addendum
PURPOSE	The Seller's Property Disclosure Statement (OREF 020) contains asterisks (*) where the seller's answer is to be supplemented by additional information. This form is formatted to provide additional information.
USER TIPS	<ul style="list-style-type: none"> Buyers have a five (5) business day right of revocation following delivery of the Seller's Property Disclosure Statement. However, if the form is incomplete due to the failure to include the required additional information, a buyer who wants to back out could argue that the 5-day period has not commenced since the form was delivered incomplete. Users should ensure that, if there is an asterisk next to an answer marked yes, additional information is included in this addendum and attached to the Seller's Property Disclosure Statement when delivered to the buyer.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 030
FORM TITLE	Advisory to Buyer: Vacant Land
PURPOSE	This informational form should be used when OREF 008 is used.
USER TIPS	<ul style="list-style-type: none"> This form warns buyers to investigate property boundaries, access to a public street, zoning, soil conditions, water availability, flooding, special use tax assessment, utilities, prior uses, and other possible issues.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 031
FORM TITLE	Advisory to Buyer Condominium/Townhome Resales



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PURPOSE	This informational form should be used with OREF 011 and OREF 024. The form covers both condominiums and townhomes.
USER TIPS	<ul style="list-style-type: none"> • This form warns buyers to investigate such issues as HOA dues assessments, CC&Rs, bylaws, and management, the condition of the structure of the building, type and amount of insurance, whether the nearby property might be developed, and whether units can be rented.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 032
FORM TITLE	Advisory Regarding Seller-Carried Transactions
PURPOSE	This informational form explains a seller-carried transaction and the guidelines that must be followed by the parties and those who provide real estate financing services.
USER TIPS	<ul style="list-style-type: none"> • Agents involved in these transactions can be information resources to their clients: they can direct them to sources containing amortization schedules, loan rates, and reliable legal and financing information. But being the source of information exposes agents to liability. • Agents must not negotiate loan terms such as loan types, interest rates, or payment amounts unless they are licensed mortgage loan originators. • Agents may write up transactions based on their clients' choices and convey authorized information to the other broker. • Communication via email is best, as it creates an accessible record of the communication.
CATEGORY	ADDENDA
FORM NO.	OREF 033
FORM TITLE	Seller-Carried Transactions Addendum
PURPOSE	Used when the seller provides some or all of the financing for the purchase of a one-to-four-family dwelling to be occupied by the buyer or an immediate member of the buyer's family.
USER TIPS	<ul style="list-style-type: none"> • This supplement to the Sale Agreement covers terms unique to seller-carried sales, such as loan type, repayment terms, interest rate, maturity date, insurance, and property taxes. • Users should not recommend financial terms or what security instrument to use unless they are licensed loan officers.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 034
FORM TITLE	Seller-Carried Deed of Trust
PURPOSE	This security instrument is recorded in the county records to give constructive notice to the world that the seller has a lien encumbering the buyer's property. The lien secures the repayment of the Promissory Note.
USER TIPS	<ul style="list-style-type: none"> • The client must choose whether to use this document (with a promissory note) or the Contract of Sale (also known as a Land Sale Contract): only attorneys can recommend which form to use. • The seller conveys title to the property by a deed and "takes back" the Promissory Note and Deed of Trust. • This document is also known as a trust deed.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 035
FORM TITLE	Seller-Carried Promissory Note Secured by Deed of Trust



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PURPOSE	This debt instrument documents the buyer's obligation to pay the unpaid balance of the purchase price. It is secured by the Deed of Trust.
USER TIPS	<ul style="list-style-type: none"> • The Promissory Note is not recorded – the Deed of Trust is recorded. • The Promissory Note terms (interest rate, amortization, due date, etc.) are entered into the Seller-Carried Transactions Addendum.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 036
FORM TITLE	Seller-Carried Contract of Sale
PURPOSE	This single document serves as <u>both</u> a "debt instrument" and a "security instrument." It, or a Memorandum of Contract, is recorded in the county records to give the world constructive notice of the buyer's interest in the property. This document is also known as a Land Sale Contract.
USER TIPS	<ul style="list-style-type: none"> • The client must choose whether to use this document or the Promissory Note and Trust Deed: only attorneys can recommend which form to use. • The seller does <u>not</u> convey legal title to the property at the closing; the deed is delivered to the buyer only when the Contract of Sale is entirely paid off. • There is not a vast functional difference between the Contract of Sale and a Note and Deed of Trust – except that most buyers prefer to have legal title via the recorded deed at the time of closing. • To protect both parties, a collection escrow should be established to hold the seller's pre-signed deed and receive and disburse payments.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 037
FORM TITLE	Seller-Carried Memorandum of Contract of Sale
PURPOSE	This document is often recorded instead of the Contract of Sale.
USER TIPS	<ul style="list-style-type: none"> • This brief document does not describe all the terms of sale – just the parties' names, legal description of the property, and sale price. • Recording this instead of the entire Contract of Sale saves recording fees and keeps most of the terms of the Contract of Sale contract's terms private.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 038
FORM TITLE	Seller-Carried Transactions MLO Worksheet
PURPOSE	Allows the parties to determine whether OREF seller-carried transaction documents can be used.
USER TIPS	<ul style="list-style-type: none"> • OREF seller-carried transaction documents cannot be used for 1-4 family dwelling transactions in limited situations, such as when the seller is a party to multiple seller-carried transactions or provides a "high-cost mortgage." • In some cases, a mortgage loan originator, lawyer, or other experts must document seller-carried transactions.
CATEGORY	REQUIRED
FORM NO.	OREF 040
FORM TITLE	Disclosed Limited Agency Agreement for Sellers



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PURPOSE	Helps sellers' agents comply with ORS 696.815 and OAR 863-005-0210 , which require any Disclosed limited agency to be disclosed and consented to in writing and signed by the broker and client(s).
USER TIPS	<ul style="list-style-type: none"> • Disclosed limited agency – a transaction where the buyer and seller, or two or more buyers, are represented by agents in the same brokerage – is not unusual or problematic as long as the principal broker follows procedures that ensure compliance with duties to all clients. • There is a greater risk when one agent represents both sides; the representations must be disclosed to each other, and the agents must comply with ORS 696.815. • Having one side use a separate broker in the same company may be safer. • Options allow clients to opt out of certain types of disclosed limited agency.
CATEGORY	REQUIRED
FORM NO.	OREF 041
FORM TITLE	Disclosed Limited Agency Agreement for Buyers
PURPOSE	This form helps buyers' agents comply with ORS 696.815 and OAR 863-015-0210 , which require any Disclosed limited agency to be disclosed and consented to in writing and signed by the broker and client(s).
USER TIPS	<ul style="list-style-type: none"> • See the tips for OREF 040.
CATEGORY	REQUIRED
FORM NO.	OREF 042
FORM TITLE	OREA - Initial Agency Disclosure Pamphlet
PURPOSE	Oregon law requires agents to deliver this pamphlet to clients and certain prospective clients under ORS 696.280 and OAR 863-015-0215 .
USER TIPS	<ul style="list-style-type: none"> • The pamphlet summarizes the definition of confidentiality and the duties of agents to others under ORS 696.800 - .820. • Must be delivered to clients and prospective clients at "first contact," meaning "when the agent has sufficient contact information about a person to provide an initial agency disclosure pamphlet to that person. Contact with a person includes, but is not limited to, contacts in person, by telephone, over the Internet, by electronic mail, or by similar methods."
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 043
FORM TITLE	Advisory Regarding Electronic Funds
PURPOSE	This advisory warns clients of the dangers of electronically transferring funds and suggests ways to protect themselves.
USER TIPS	<ul style="list-style-type: none"> • The form explains methods commonly used to steal electronic funds and reminds clients to take steps to keep their funds safe. • Includes contact information for law enforcement agencies.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 045
FORM TITLE	Advisory Regarding Historic Property
PURPOSE	This advisory alerts buyers to some of the unique aspects of owning historic property.



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USER TIPS	<ul style="list-style-type: none"> • Many of Oregon's 2,000 historic sites are in private hands and are subject to both special assessment and restrictions on how the property can be modified and used.
CATEGORY	ADDENDA
FORM NO.	OREF 045A
FORM TITLE	Historic Property Addendum
PURPOSE	Use with the Sale Agreement (OREF 001) and Advisory (OREF 045) when a property is or may become registered as "historic" under local, state, or federal laws and/or ordinances.
USER TIPS	<ul style="list-style-type: none"> • Agents need special knowledge to represent the buyer of a potentially historic property. Historic designations carry property tax advantages that expire and restrictions that might interfere with a buyer's intended use of the property. • <u>Federal</u>, <u>state</u>, and many county and city programs exist for preserving historic properties.
CATEGORY	ADDENDA
FORM NO.	OREF 046
FORM TITLE	Woodstove/Wood-burning Fireplace Insert Addendum
PURPOSE	Oregon law (ORS 468A.460-468A.515) requires sellers of "residential structures" to remove and destroy uncertified solid fuel-burning devices. This form explains the law and allows the parties to specify whether the seller or buyer will remove the device.
USER TIPS	<ul style="list-style-type: none"> • The seller must arrange to remove and destroy uncertified devices unless the buyer agrees to do so within 30 days after closing. • Seller may take the device to a metal scrap recycler or DEQ-approved landfill, obtain a receipt verifying the destruction of the device, and then notify DEQ. • Link to Oregon Heat Smart Program.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 050
FORM TITLE	Buyer's Representation Agreement
PURPOSE	This contract describes the scope of the agent's services and what the buyer will pay the broker if the buyer purchases or leases property.
USER TIPS	<ul style="list-style-type: none"> • Assures broker that buyer will not simultaneously use other agents to look for property. • Provides for the commission owed to be offset by any split received from the seller's agent. • Although this form protects buyers' agents, Oregon law does not require its usage.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 051
FORM TITLE	Seller's Fee Agreement
PURPOSE	A buyer's broker can ask a FSBO seller to sign this form to protect the broker's right to a commission if the broker's client buys the property.
USER TIPS	<ul style="list-style-type: none"> • Agreements to pay a commission must be in writing to be enforceable, but a listing agreement would be inappropriate since the broker is not acting as the seller's agent. • This form points out that the broker does not represent the seller.
CATEGORY	AGREEMENT/COUNTEROFFER



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FORM NO.	OREF 053
FORM TITLE	Agreement to Occupy Before Closing
PURPOSE	Used when the buyer wants possession of all or part of the property before closing.
USER TIPS	<ul style="list-style-type: none"> • Giving the buyer the right to occupy is very risky. If the transaction fails and the buyer refuses to vacate, the seller may need to hire a lawyer to pursue an eviction. • If this is used, the seller should consider requiring a large, non-refundable deposit in case the sale fails.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 054
FORM TITLE	Agreement to Occupy After Closing
PURPOSE	This form should be used when the seller wants to retain possession of all or part of the property after closing.
USER TIPS	<ul style="list-style-type: none"> • This is less risky because the transaction has closed, but there is still a chance the seller could refuse to vacate, and eviction would be required. • Two issues frequently arise (a) the amount of the security deposit; and (b) the property's condition when the seller leaves. The parties should ensure they are comfortable with how the form addresses these issues.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 055
FORM TITLE	Buyer's Waiver of Right to Revoke
PURPOSE	Use when the buyer decides to waive the 5-business day right of revocation under the Seller's Property Disclosure Statement law.
USER TIPS	<ul style="list-style-type: none"> • ORS 105.475(1) permits the buyer to waive the right to revoke a purchase offer in writing. • In competitive bidding, some buyers and agents believe a waiver makes their offer more attractive. • The buyer's waiver of the right of revocation does not mean that the seller's representations are invalid - the buyer still has a right to rely on them.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 056
FORM TITLE	Buyer's Notice to Seller of Revocation and Demand for Refund
PURPOSE	Used when buyers revoke their offer as permitted under the Seller's Property Disclosure Statement law.
USER TIPS	<ul style="list-style-type: none"> • The detail in this form is important, so buyers' agents should not try to revoke using an addendum or other document. • This form should be fully completed, and timely delivered to the title company, send a copy to the seller's agent. • The title company must disburse the earnest money deposit to the buyer if the buyer revokes timely, even if the seller objects. See ORS 105.475(5).
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 057
FORM TITLE	Termination Agreement
PURPOSE	This form should be signed and delivered to escrow when the seller and buyer <u>mutually</u> agree to terminate the sale. Use the first part to terminate the transaction only, but use both parts when there is an agreement on the disbursement of the earnest money.



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USER TIPS	<ul style="list-style-type: none"> • This form is <u>not</u> appropriate when the buyer is terminating under the 5-business day right of revocation: use OREF 056 in that situation. • When terminating, no earnest money can be disbursed from escrow unless this form, or a similar one, is signed by all parties. • If the parties agree to terminate but don't agree on who is entitled to the earnest money, using the first part allows the seller to put the property back on the market.
CATEGORY	ADDENDA
FORM NO.	OREF 058
FORM TITLE	Professional Inspection Addendum
PURPOSE	Used when the buyer elects to use this protocol rather than the one described in the Professional Inspection section of the Real Estate Sale Agreement, OREF 001.
USER TIPS	<ul style="list-style-type: none"> • This form and the Sale Agreement provisions have advantages and disadvantages. Agents can get advice from their principal broker. • This form requires buyers to specifically select inspections; the Sale Agreement permits buyers to have as many inspections as they want within the inspection contingency period.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 059
FORM TITLE	Receipt of Reports/Removal of Contingencies Addendum
PURPOSE	The parties use this notice to acknowledge receipt of requested reports and notify the other party of contingency removals.
USER TIPS	<ul style="list-style-type: none"> • This form must be timely delivered to the other party or their agent. • Don't forget to negotiate any buyer-requested repairs or other concessions before the expiration of the Contingency Period because the right to do so expires at the end of the Contingency Period.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 061
FORM TITLE	Advisory to Buyer: Purchase of Bank-owned Property
PURPOSE	Buyers' agents deliver this form to help their clients understand the unique issues involved when considering making an offer on a property owned by a bank or other lender.
USER TIPS	<ul style="list-style-type: none"> • This form explains some issues when buying from a lender, including a period of vacancy, lack of maintenance, less disclosure, squatters, a lesser deed, a bank-oriented addendum that makes significant changes to the standard sale agreement, and nobody to sue if there are undisclosed problems. • Buyers of these properties may want to get more thorough inspections, talk with an attorney and take other steps to protect themselves.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 064
FORM TITLE	Notice of Buyer's Unconditional Disapproval
PURPOSE	Buyers' agents should deliver this form to sellers when buyers unconditionally reject inspection reports.
USER TIPS	<ul style="list-style-type: none"> • Delivered within the Inspection Contingency Period identified in the Sale Agreement - otherwise, it is too late. • Agents should make sure they calculate the Inspection Contingency Period from the same date used by the other party's agent.



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CATEGORY	ADDENDA
FORM NO.	OREF 065
FORM TITLE	Addendum To Listing/Employment/Service Contract (For Option Agreements)
PURPOSE	Sellers' agents attach this addendum to their agreement with the seller if the seller might enter into an agreement that gives the buyer an option to buy the property.
USER TIPS	<ul style="list-style-type: none"> • This form states that the seller pays the broker part of the commission when the seller enters into an option agreement and the rest after the option is exercised when the sale is closed. • The seller should either set the option price high enough to pay the up-front portion of the commission or make sure that the seller has enough cash to pay it.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 066
FORM TITLE	Buyer's Instructions Regarding Transferring Funds Out of State
PURPOSE	Used when the buyer's earnest money is sent to an out-of-state escrow. It describes the reason for sending the money out of state and the risks of doing so, requires the buyer to acknowledge the risk, and instructs escrow to send the money to an identified out-of-state escrow.
USER TIPS	<ul style="list-style-type: none"> • ORS 696 contemplates that escrow for Oregon transactions will be in Oregon, but owners of REO property might insist that earnest money be sent out of state. If there is a dispute over the earnest money, it can be challenging to resolve the dispute if escrow is not in Oregon. This form helps buyers understand the risks. • An out-of-state escrow may not be neutral if it is controlled by the same entity that owns the property.
CATEGORY	ADDENDA
FORM NO.	OREF 070
FORM TITLE	Investment Property Addendum
PURPOSE	Use this form when tenants will occupy the property. It lists documents and information to be delivered and deadlines for delivery and review.
USER TIPS	<ul style="list-style-type: none"> • Agents who have not previously been involved in commercial transactions should seek assistance from their principal broker. • The buyer agrees to the confidential treatment of information received. • The seller agrees to promptly disclose any material events.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 071
FORM TITLE	Bill of Sale
PURPOSE	Used whenever titling personal property transferred as part of the sale or when it is more than a minor part of the transaction.
USER TIPS	<ul style="list-style-type: none"> • This form transfers ownership of personal property. • The seller promises that the seller owns the property, free and clear of any liens.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 072
FORM TITLE	Tenant Estoppel Certificate



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PURPOSE	Buyers' agents use this when the buyer wants to ensure that the property's leases are valid and that the tenants have no unexpected claims against the landlord.
USER TIPS	<ul style="list-style-type: none"> • The buyer wants to know that the income stream for the property will be as described in the leases. • Without this, tenants may claim that they paid rent a year in advance, that the landlord never paid for promised tenant improvements, or that the landlord is in breach. • This form is rarely used for residential tenants.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 073
FORM TITLE	Assignment and Assumptions of Leases
PURPOSE	Used when tenants are in possession of all or a portion of the property.
USER TIPS	<ul style="list-style-type: none"> • The seller assigns all existing leases, and the buyer assumes the seller's lease obligations. • Each party indemnifies the other against claims arising during the period when the party owns the property.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 080
FORM TITLE	Advisory Regarding Smoke and CO Alarms
PURPOSE	Combines information regarding smoke and carbon monoxide alarms
USER TIPS	<ul style="list-style-type: none"> • Provide this form to the seller early in the transaction so that any devices that do not meet legal requirements can be installed or replaced by the seller before the commencement of the inspection period. • Space is provided for the user to add any local or regional sources of alarm information. • Due to severe liability concerns, agents should not install these devices.
CATEGORY	ADDENDA
FORM NO.	OREF 081
FORM TITLE	Septic/Onsite Sewage System Addendum
PURPOSE	Buyers' agents use this addendum when the property has its own wastewater system onsite.
USER TIPS	<ul style="list-style-type: none"> • The form requires sellers to make representations and provide documentation about these systems. • The buyer can ask for inspections, pumping, or other work and can ask for it to be paid by the seller. The buyer can terminate if not satisfied with an inspection report. • Users unfamiliar with onsite systems should seek assistance from their principal broker.
CATEGORY	ADDENDA
FORM NO.	OREF 082
FORM TITLE	Private Well Addendum to Real Estate Sale Agreement
PURPOSE	Used when the property gets groundwater for domestic purposes from an operational well located on the property or a nearby property and accessed through an easement or license.
USER TIPS	<ul style="list-style-type: none"> • This addendum is required if the "Private Well" section of the Sale Agreement is marked "Yes." • By law, the seller must test for specific contaminants. The buyer may ask the seller to pay for other tests, such as flow, lead, and other contaminants. The form allows the buyer to ask for logs and reports. • The buyer is given the right to terminate if they are not satisfied with well reports.



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CATEGORY	ADDENDA
FORM NO.	OREF 083
FORM TITLE	Buyers Contingent Right to Purchase Addendum
PURPOSE	Used when buyers make offers contingent upon the sale of their home.
USER TIPS	<ul style="list-style-type: none"> • Users and their clients need to carefully read the form and the associated notices plenty of time ahead of signing to understand the options, deadlines, and consequences. • "Bumpable" will be a new concept for most parties.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 083A
FORM TITLE	Contingent Right to Purchase – Notice to Seller
PURPOSE	Used by buyers' agents (after the parties have signed OREF 083), even if the seller has not sent OREF 083B to the buyer.
USER TIPS	<ul style="list-style-type: none"> • If Buyers do not use this form to indicate whether the buyer has accepted an offer before the Contingency Deadline agreed to in ORE -083, the transaction automatically terminates. • In both alternatives, certain contingencies are waived.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 083B
FORM TITLE	Contingent Right to Purchase – Notice to Buyer
PURPOSE	Used by sellers' agents (after the parties have signed OREF 083) to indicate that another offer has been received.
USER TIPS	<ul style="list-style-type: none"> • This form is only used when the seller has received an offer before the Contingency Deadline and before the buyer sends OREF 083A. • If the buyer does not, by the Buyer's Response Deadline agreed to in OREF 083, send OREF 083A in response to this form, the transaction automatically terminates
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 085
FORM TITLE	Option Agreement
PURPOSE	Used when a seller agrees to sell to a buyer at a specific price and within a specific time in the future. This form is usually combined with a Lease Agreement and must be combined with a Sale Agreement.
USER TIPS	<ul style="list-style-type: none"> • An OREF Sale Agreement must be attached as an exhibit. A lease agreement must also be attached as an exhibit if the transaction is a lease with an option to buy. (OREF does not currently publish a lease form.) • Each party should be given a copy of the Advisory Regarding Lease Option (OREF 085SUM). • The last page of the form is a memorandum of the option to be used if the parties agree to record it. • OREF 065 can be used to trigger partial payment of the commission.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 085 SUM
FORM TITLE	Advisory Regarding Lease Option
PURPOSE	Used with OREF 085 to explain lease options.



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USER TIPS	<ul style="list-style-type: none"> The advisory describes risks that arise in the lease/option context and contractual issues that the parties may want to negotiate.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 086
FORM TITLE	Notice to Parties of Demand for Disbursal of Disputed Trust Funds
PURPOSE	Used to notify parties that the principal broker holding funds in a trust account has received a demand for disbursal of those funds.
USER TIPS	<ul style="list-style-type: none"> OAR 863-015-0186 states that a principal broker holding "disputed funds" in a client trust account must issue this letter to the parties within 20 days after receiving a demand for the money. The money can only be returned to the party who delivered the funds to the principal broker and only if no party provides proof that a legal claim to the funds has been filed.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 090
FORM TITLE	Buyers Broker Compensation
PURPOSE	The buyer's agent can submit this form to escrow to assist in calculating and disbursing the broker's compensation. It does not provide the protection of the statutory Notice of Real Estate Compensation described in ORS 696.582 .
USER TIPS	<ul style="list-style-type: none"> The buyer's agent's compensation is typically set by the "offer of compensation" made by the seller's agent in the MLS. Commission disputes may arise, such as when a seller's agent asserts that the buyer's agent's compensation is not paid on seller concessions. Users should be proactive by working these issues out before closing.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 091
FORM TITLE	Notice of Real Estate Compensation
PURPOSE	ORS 696.582 requires escrow to hold the commission shown in a compensation agreement if escrow has a principal broker signed Notice of Real Estate Compensation and conflicting written closing instructions from the parties.
USER TIPS	<ul style="list-style-type: none"> Agents cannot submit instructions to escrow because they are not "parties" to the transaction in escrow; only sellers and buyers are parties. ORS 696.582 requires escrow to hold a disputed commission if escrow receives a timely and proper notice. This form is the "proper notice;" it allows the agent's principal broker to comply with that statute.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 092
FORM TITLE	Advisory Regarding FIRPTA Tax
PURPOSE	Explains the buyer's tax obligations in certain sales. The buyer must send 10-15% of the seller's gross proceeds to the IRS if the seller is a "foreign person," as defined by federal law.
USER TIPS	<ul style="list-style-type: none"> Sellers who are not U.S. citizens or do not have a "green card" should, before listing a property, talk with an accountant about whether an exemption to FIRPTA is available. Buyers might have to pay the 10-15% withholding if a seller is a "foreign person" and the amount due is not sent to the IRS at closing. Escrow can usually assist with some functions.



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CATEGORY	ADDENDA
FORM NO.	OREF 096
FORM TITLE	Extraordinary Event Agreement
PURPOSE	Use this if a government order, quarantine, hospitalization, or third-party issue makes it impossible to proceed with due diligence, closing, or another activity that must occur.
USER TIPS	<ul style="list-style-type: none"> • This form could come from either a buyer or a seller. • The parties can determine which deadlines to extend. • It is up to the responding party to decide whether an event justifies a deferral. • A party may terminate if an activity that led to this agreement cannot be resumed after the extension expires.
CATEGORY	ADDENDA
FORM NO.	OREF 097
FORM TITLE	VA/FHA AMENDATORY CLAUSE & REAL ESTATE CERTIFICATION
PURPOSE	Use this when financing is through the Federal VA or FHA.
USER TIPS	<ul style="list-style-type: none"> • Required for all Federal VA and FHA loans. • Allows the buyer to terminate and get their earnest money back if the property's appraised value is less than the sale price. • If the sale price changes for an FHA-financed property, a new form must be generated with the new sale price. • This is also the Real Estate Certification required by VA & FHA lenders, which requires the signature of all parties in the transaction.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 098
FORM TITLE	Advisory to Buyer: Waiving Contingencies
PURPOSE	Used when a buyer wants to waive one of the standard contingencies in the Sale Agreement or an addendum.
USER TIPS	<ul style="list-style-type: none"> • Points out that agents do not recommend waiving standard contingencies and that buyers should consult with inspectors, lawyers, and others to understand the risks associated with giving up rights.
CATEGORY	ADDENDA
FORM NO.	OREF 099
FORM TITLE	Seller's Contingent Obligation to Sell Addendum
PURPOSE	Used when the seller wants to be able to terminate if the seller cannot find a replacement property within a stated period of time.
USER TIPS	<ul style="list-style-type: none"> • The seller must use their best efforts to find a replacement property and terminate this contingency. • The buyer can terminate the transaction at any time before contingency removal or expiration. • The form includes notices at the end.
CATEGORY	NOTICES/REPRESENTATIONS
FORM NO.	OREF 100
FORM TITLE	Unrepresented Party Acknowledgement
PURPOSE	Agents should use this when one of the parties is not being represented by an agent.



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USER TIPS	<ul style="list-style-type: none"> • Points out that agents have no duty of confidentiality to an unrepresented party.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 101
FORM TITLE	Offer Summary
PURPOSE	<p>When representing a buyer, include this with your offer to provide the listing agent/seller with a quick overview of the offer terms.</p> <p>When representing a seller, you can use this summary to provide a quick overview of each offer for your seller in a multiple-offer situation.</p>
USER TIPS	<ul style="list-style-type: none"> • The form auto-populates to allow a quick look at many of the transaction terms. • This can be a helpful guide to ensure you haven't missed filling out fields within the offer.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 102
FORM TITLE	Advisory to Buyer: Recording Devices May Be Present
PURPOSE	Use this to warn buyers not to disclose anything during a showing.
USER TIPS	<ul style="list-style-type: none"> • No Oregon law clearly states whether the seller can listen to a conversation between a buyer and their agent in a seller's home.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 104
FORM TITLE	Advisory to Buyers and Sellers Regarding Fair Housing
PURPOSE	Explains that it is illegal for sellers and agents to discriminate against any person who is a member of a protected class.
USER TIPS	<ul style="list-style-type: none"> • The federal- and state-protected classes are race, color, religion, national origin, sex, disability, familial status, sexual orientation, gender identity, marital status, legal source of income, and victims or survivors of domestic violence. • Cities and counties may add additional classes.
CATEGORY	ADDENDA
FORM NO.	OREF 105
FORM TITLE	Solar Panel System Advisory and Addendum
PURPOSE	Many solar panel systems are subject to an agreement with a third party, such as being leased, a license or easement being given, or a financing agreement that governs the solar panel system. This form advises the buyer of these scenarios and provides timelines to review documentation.
USER TIPS	<ul style="list-style-type: none"> • Seller should be sure to provide all documentation regarding the solar panel. • Buyer should read all documentation as soon as received and begin the process of any financing arrangements early on to prevent any delays in closing.
CATEGORY	INFORMATIONAL/ADVISORY
FORM NO.	OREF 106
FORM TITLE	Advisory Regarding Tenant-Occupied Property



GUIDE TO USING OREF RESIDENTIAL LIBRARY FORMS

This document provides a reference table and description guide for the transaction forms, advisories, notices, and other tools available to subscribers. The description guide section describes the purpose of each form and provides tips for using them. This Guide should not be relied upon for legal advice – if a seller or buyer needs advice regarding the legal effect of any specific form, they should be encouraged to consult with an attorney.

PURPOSE	Landlords must abide by many local and state laws. This advisory educates the buyer and seller on the laws they need to be aware of when purchasing a tenant-occupied property.
USER TIPS	<ul style="list-style-type: none"> • This advisory is intended to be provided to the client before writing an offer.
CATEGORY	AGREEMENT/COUNTEROFFER
FORM NO.	OREF 107
FORM TITLE	Referral Fee Agreement
PURPOSE	Used when referring a buyer and/or seller to another agent.
USER TIPS	<ul style="list-style-type: none"> • Agents can refer a client as a buyer, seller, or both. Be sure to select which option (or both if they apply). • If referring a client as both a buyer and seller, complete all fields for each side.