

fractionalized long-term estate shall comply with the disclosure requirements imposed by rules made by the commission under this section.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules as to the timing, form, and substance of disclosures required to be made by a licensee or certificate holder under this section.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules imposing requirements for a management agreement related to an undivided fractionalized long-term estate that makes the offer or sale of the undivided fractionalized long-term estate treated as a real estate transaction and not treated as an offer or sale of a security under Chapter 1, Utah Uniform Securities Act.

(3) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission shall make rules establishing:

(a) the disclosures required in the sale or offer of an undivided fractionalized long-term estate that is subject to a master lease;

(b) requirements for the management of a master lease on an undivided fractionalized long-term estate; and

(c) the requirements on the structure of a master lease on an undivided fractionalized long-term estate.

61-2-27. Exclusive brokerage agreement.

(1) As used in this section:

(a) "Client" means a person who makes an exclusive brokerage agreement with a principal broker under Subsection (1)(c).

(b) "Closed" means that:

(i) all documents required to be executed under the contract are executed;

(ii) all monies required to be paid by either party under the contract are paid in the form of collected or cleared funds;

(iii) the proceeds of any new loan are delivered by the lender to the seller; and

(iv) all applicable documents are recorded in the office of the county recorder for the county in which the property is located.

(c) "Exclusive brokerage agreement" means a written agreement between a client and a principal broker:

(i) (A) to list for sale, lease, or exchange:

(I) real estate;

(II) an option on real estate; or

(III) an improvement on real estate; or

(B) for representation in the purchase, lease, or exchange of:

(I) real estate;

(II) an option on real estate; or

(III) an improvement on real estate;

(ii) that gives the principal broker the sole right to act as the agent or representative of

the client for the purchase, sale, lease, or exchange of:

- (A) real estate;
- (B) an option on real estate; or
- (C) an improvement on real estate; and
- (iii) that gives the principal broker the expectation of receiving valuable consideration in exchange for the principal broker's services.

- (2) (a) Except as provided in Subsection (2)(b), a principal broker subject to an exclusive brokerage agreement shall:
 - (i) accept delivery of and present to the client offers and counteroffers to buy, lease, or exchange the client's property;
 - (ii) assist the client in developing, communicating, and presenting offers, counteroffers, and notices; and
 - (iii) answer any question the client has concerning:
 - (A) an offer;
 - (B) a counteroffer;
 - (C) a notice; and
 - (D) a contingency.
 - (b) A principal broker subject to an exclusive brokerage agreement need not comply with Subsection (2)(a) after:
 - (i) an agreement for the sale, lease, or exchange of the real estate, option on real estate, or improvement on real estate is:
 - (A) signed;
 - (B) all contingencies related to the sale, lease, or exchange are satisfied or waived; and
 - (C) the sale, lease, or exchange is closed; or
 - (ii) the exclusive brokerage agreement expires or terminates.
- (3) A principal broker who violates this section is subject to Section 61-2-17.

**TITLE 61, CHAPTER 2a
REAL ESTATE RECOVERY FUND**

61-2a-1. Citation.

This act shall be known and may be cited as the "Real Estate Recovery Fund Act."