

Texas Real Estate Commission

CHAPTER 537 PROFESSIONAL AGREEMENTS AND STANDARD CONTRACTS

Rules Adopted by ER Action at the February 14, 2011 Commission Meeting

22 TAC §537.20, §537.28, §537.30, §537.31, §537.32; and §537.37

The Texas Real Estate Commission (TREC) adopts on an emergency basis amendments to §537.20, concerning Standard Contract Form TREC No. 9-7, Unimproved Property Contract; §537.28, concerning Standard Contract Form TREC No. 20-8, One to Four Family Residential Contract (Resale); §537.30, concerning Standard Contract Form TREC No. 23-9, New Home Contract (Incomplete Construction); §537.31, concerning Standard Contract Form TREC No. 24-9, New Home Contract (Completed Construction); §537.32, concerning Standard Contract Form TREC No. 25-6, Farm and Ranch Contract; and §537.37, concerning Standard Contract Form TREC No. 30-7, Residential Condominium Contract (Resale).

The amendments are adopted on an emergency basis to eliminate from the contracts subparagraph 15B which requires a party to the contract to file suit for specific performance within 45 days of the closing date of the contract. This subparagraph may conflict with §16.070 of the Civil Practice and Remedies Code which precludes parties to a contract from agreeing to shorten the time period in which to file suit to less than two years. An urgent public necessity requires emergency action to prevent confusion and possible litigation regarding a potential conflict between a contract provision and an existing statutory provision.

The amendments are adopted on an emergency basis under Texas Occupations Code, §1101.155, which authorizes the Texas Real Estate Commission to adopt rules in the public's best interest that require license holders to use contract forms prepared by the Texas Real Estate Broker-Lawyer Committee and adopted by the commission.

The statute affected by this emergency adoption is Texas Occupations Code, Chapter 1101. No other statute, code or article is affected by the emergency adoption.

§537.20. Standard Contract Form TREC No. 9-9 [~~9-7~~]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. 9-9 [~~9-7~~] approved by the Texas Real Estate Commission in 2011 [~~2008~~] for use in the sale of unimproved property where intended use is for one to four family residences. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

§537.28. Standard Contract Form TREC No. 20-10 [~~20-8~~]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. 20-10 [~~20-8~~] approved by the Texas Real Estate Commission in 2011 [~~2008~~] for use in the resale of residential real estate. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

§537.30. Standard Contract Form TREC No. 23-11 [~~23-9~~]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. 23-11 [~~23-9~~] approved by the Texas Real Estate Commission in 2011 [~~2009~~] for use in the sale of a new home where construction is incomplete. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

§537.31. Standard Contract Form TREC No. 24-11 [~~24-9~~]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. 24-11 [~~24-9~~] approved by the Texas Real Estate Commission in 2011 [~~2009~~] for use in the sale of a new home where construction is completed. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

§537.32. Standard Contract Form TREC No. 25-8 [~~25-6~~]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. 25-8 [~~25-6~~] approved by the Texas Real Estate Commission in 2011 [~~2008~~] for use in the sale of a farm or ranch. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

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§537.37. Standard Contract Form TREC No. 30-9 [30-7]. The Texas Real Estate Commission adopts by reference standard contract form TREC No. **30-9 [30-7]** approved by the Texas Real Estate Commission in **2011 [2008]** for use in the resale of a residential condominium unit. This document is published by and available from the Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188, www.trec.state.tx.us.

This agency hereby certifies that the emergency adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on February 17, 2011.

TRD-201100654
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Effective date: March 1, 2011