



NAPLES REALTY SERVICES, INC.™

T/A ONESource REAL ESTATE SERVICES CENTER



Representing:
Preferred Mortgage
Group, LLC August 10, 2009

Preferred Title
of Florida, LLC The Florida Bar
Lori S. Holcomb
651 E. Jefferson St.
Tallahassee, FL 32399=2300

Re: Case No. SC09-250

Had the interested parties been given the opportunity **before** submitting Petition for Approval, I would have made these comments, important to Florida Realtors:
APPENDIX B & D

1. XII LEAD-BASED PAINT – Unless actually imposed by law, I strongly object to the inclusion of an "Agent's Acknowledgment" (that the "Agent has informed the Lessor of obligations under (the law) and an "Agent's Certification of Accuracy" (as to the correctness of Lessor's disclosure). The first imposed responsibility flies smack in the face of a long-held position that "real estate agents" are **not qualified** to provide "legal advice." The second reference has the agent "certifying" the veracity of the Lessor, which is a totally unacceptable position in which to place a Realtor. Finally, both of these agent-related provisions place the agent **as a party to the Lease (contract)**, a place where no broker wants to be.

2. NO BROKER'S COMMISSION PROVISION in B., and in D (Line 28.) it is made a part of the Lease by it's inclusion **before** the signatures of the actual parties to the Lease. Realtors **are not and do not wish to be parties to the Lease.**

3. VIII SMOKING BOX – All Leases provide for a "Smoking Box," which left unmarked signifies there is no smoking permitted. It seems all too easy for an addicted Lessee to alter this provision, with a simple "X." I suggest this Article should simply state: **NO SMOKING IS ALLOWED ON OR NEAR THE LEASED PREMISES WITHOUT WRITTEN PERMISSION OF LANDLORD.** The vast majority of rentals and condominium associations **do not** allow smoking on or near the premises and/or common areas.

I do thank you for keeping the interested parties to the Florida Bar efforts to revise and simplify the residential lease forms informed of the process, although **seemingly a bit late.**


John A. Steinwand, CRB, REALTOR

Cc: Michael Richardson, Naples Area Board of REALTORS

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