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# NOTICE

TO: All Florida Agents  
FROM: Underwriting Department  
DATE: February 2, 2011

Short sales are a significant part of the current residential transactions occurring in Florida. They arrived on the scene overnight and created new challenges for licensed title agents. Our agents received demands to perform various functions from sellers, buyers and real estate brokers.

We have received countless calls from our agents trying to better understand what is and what is not appropriate from an unlicensed practice of law perspective and our answers have been limited, in part, by the fact that there is little guidance. That should change in 2011.

On February 11, 2011, the Florida Bar Standing Committee on the Unlicensed Practice of Law will hold a public hearing on the following question:

Whether a non-lawyer who assists a property owner in a short sale transaction is engaged in the unlicensed practice of law? Would the answer be different if the non-lawyer was a real estate licensee regulated under chapter 475, Fla. Stat., a title insurance agency/agent regulated under chapter 626, Fla. Stat., or a mortgage broker or other individual regulated under chapter 494, Fla. Stat.?"

The line between a clearly appropriate act (such as requesting a pay-off estoppel letter) and presumably inappropriate act (advising a seller as to the tax implications of the proposed short sale) is not currently clear. It appears that the upcoming hearing will be the first step in better differentiating between permissible actions and the Unauthorized Practice of Law.

The hearing will be held at the Sheraton Orlando Downtown, 400 West Livingston Street, Orlando, Florida 32801 at 10:30 a.m. An interested party may either present oral testimony at that time or may submit written input prior thereto to: Jeffrey T. Picker, Assistant UPL Counsel, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300.

Old Republic Title would welcome any input you may have (please contact Jim Russick, 800-342-5957 or [jrussick@oldrepublictitle.com](mailto:jrussick@oldrepublictitle.com)) and will publish any result of this hearing.

Please **provide a copy of this Notice to your staff** so they can read it and become aware of its contents.

**REMEMBER:** All ORT Alerts, Bulletins, Notices and our Newsletter can be found on our web site, [www.ortfl.com](http://www.ortfl.com).

Our Alerts and Bulletins are issued via fax and email, but you should check our web site frequently to make sure you have copies of everything issued.

Please call your Underwriting Department if you have any questions.