

Committee Opinion
June 11, 1987

LEGAL ETHICS OPINION 911

REAL ESTATE – BUYERS ATTORNEY
CHARGING SELLER A FEE.

It is not improper for buyer's attorney in a real estate transaction to charge seller a reasonable fee for proper compliance with the requirements of new IRS Form 1099, provided seller is notified of the amount of the charge and the basis for making the charge. The notice must be given early on in the transaction so that seller may avoid such charge should he so desire. [LE Op. 878, LE Op. 647, LE Op. 425]

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Editor's Note. – L E Op. No. 911 was overruled by § 6045(e)(3) of the Internal Revenue Code, as amended by the Technical Corrections and Miscellaneous Reserve Act of 1988, passed by Congress on October 21, 1988. The section makes unlawful any separate charge made to a customer by a real estate reporting person (which definition includes any attorney or title company) for complying with the requirements to file a Form 1099 return and statement relative to a transaction. See also L E Op. No. 922, L E Op. No. 927, L E Op. No. 1148, L E Op. No. 1177, L E Op. No. 1204, L E Op. No. 1228, and L E Op. No. 1329.