

Committee Opinion
June 11, 1987

LEGAL ETHICS OPINION 922

REAL ESTATE – BUYER’S ATTORNEY
CHARGING SELLER A FEE.

It is not improper for buyer's attorney to charge the seller for the release of deeds of trust on the property to be sold, providing the attorney forewarns the seller that such a charge can be made and the amount. The forewarning must be done in a manner as to enable the seller to avoid the charge for what is basically a ministerial duty. It is not unethical for buyer's attorney to charge seller for compliance with the new IRS requirements involving Form 1099. Again the charge is for a ministerial duty, and buyer's attorney has an absolute duty to forewarn the seller or counsel for seller in such time that seller may avoid such charge. [LE Op. 878 and LE Op. 911]

Committee Opinion
June 11, 1987