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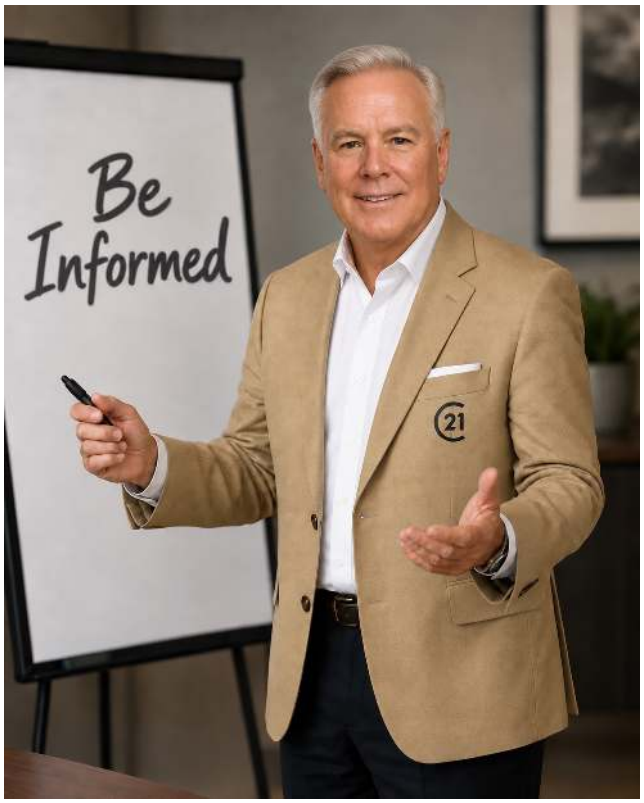
Working With A Real Estate Attorney



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NATIONAL ASSOCIATION OF REALTORS®

CONSUMER GUIDE: WORKING WITH A REAL ESTATE ATTORNEY

Buying a home is one of the most important decisions you can make. Many professionals are available to help you throughout the homebuying process, including a real estate attorney. When navigating the homebuying process, this is how a real estate attorney can help you:

What does a real estate attorney do? A real estate attorney handles the legal side of your home purchase or sale. They review contracts, clear up title issues, explain your rights and responsibilities, and ensure all legal documents are completed and filed properly. They can also help resolve unexpected issues that may arise before or at closing like title defects, missing signatures, or last-minute loan problems.

Do I need a real estate attorney? In some states, it is not legally required to hire a real estate attorney. Yet, even when not legally required, hiring a real estate attorney can offer valuable peace of mind—particularly if your transaction involves complexities, such as renovation loans, probate or trust ownership, co-buying arrangements, seller financing, or title concerns. Attorneys can also help review contract language and guide you through decisions with long-term financial consequences.

How can I find a real estate attorney? You can find a real estate attorney by asking your agent who is a REALTOR® or lender for referrals. You can also contact your local or state bar association for a directory of licensed attorneys. Look for someone who specializes in residential real estate and is familiar with local laws and procedures.

What services do real estate attorneys provide buyers? Buyers may rely on attorneys to review and explain the purchase agreement, conduct or confirm the title search, and resolve any legal issues tied to ownership. They may also coordinate with your lender to ensure all loan documentation is accurate including the deed, settlement statement, and loan paperwork. Attorneys can also assist with unique circumstances, such as navigating renovation loans or purchasing from an estate.

What services do real estate attorneys provide sellers? Sellers may work with attorneys to draft or review the sales contract, prepare required disclosures, and complete closing documents. An attorney can help address property-related issues like liens, boundary disputes, or unresolved title matters. If the home is part of an estate or held in a trust, an attorney ensures compliance and proper transfer. They also oversee closing to make sure the transaction is completed securely and correctly.

Can a real estate attorney help me negotiate the price of a home? Not directly. Negotiating the price of a home is usually the role of your real estate professional, who understands market trends and how to structure competitive offers. However, a real estate attorney can help protect your legal interests during the negotiation process by reviewing the purchase contract, flagging legal concerns, and advising on terms like contingencies, closing timelines, and seller concessions.

How can a real estate attorney protect me from disputes? A real estate attorney helps prevent disputes by ensuring all legal documents are accurate, enforceable, and aligned with state and local laws. They verify that the title is clear, ensure required disclosures are made, and review contract terms to avoid misunderstandings.

Why might a state require an attorney's involvement? Some states legally require an attorney to be involved in the closing process—typically to prepare documents, oversee fund transfers, or certify the title. In other states, attorney involvement is optional, but still common in complex or high-value transactions. Knowing your state's legal requirements can help you prepare for closing and avoid delays. As always, when buying or selling a home, it is important to check your local and state laws.

Practices may vary based on state and local law. Consult your real estate professional and/or an attorney for details about state law where you are purchasing a home. Please visit facts.realtor for more information and resources.

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