



mhdecoursey . <mhdecoursey@gmail.com>

RE: Draft Motion to Publish

1 message

McBride, Ryan P. <McBrideR@lanepowell.com>

Tue, Nov 23, 2010 at 12:16 PM

To: Mark DeCoursey <mhdecoursey@gmail.com>, "Degginger, Grant" <DeggingerG@lanepowell.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>

Sure, I'll take out those words.

From: Mark DeCoursey [mailto:mhdecoursey@gmail.com]**Sent:** Tuesday, November 23, 2010 12:16 PM**To:** McBride, Ryan P.; Degginger, Grant; Gabel, Andrew J.**Subject:** Re: Draft Motion to Publish

Ooh, Ryan, that is NICE ! Nothing like getting a professional involved.

Please reread the exception in RCW 18.86.50(1). I think you have misstated this exception with the words "**absent a signed agreement to the contrary**" at bottom of your page 3.

The exception in RCW 18.86.50(1) is very narrow, and refers only to clause (e), which states "[to make a good faith and continuous effort to find a property for the buyer](#)" -- that duty alone may be waived by the buyer. But there is NO provision for any waiver of the fiduciary duties.

I think those words (in bold) also contradict the decision itself, wherein the judges used the words, "

Specifically, pursuant to chapter 18.86 RCW, a buyer's real estate agent owes several **nonwaivable** duties to the buyer. (bottom of page 8 of decision)

Can we remove those words in bold?

Carol will be home in about 45 minutes. Please hold it until she has her look-see.

On Tue, Nov 23, 2010 at 9:35 AM, McBride, Ryan P. <McBrideR@lanepowell.com> wrote:

Here is a draft.

Ryan P. McBrideShareholder, [Bio](#) | [VCard](#)

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