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CONFIDENTIAL COMMUNICATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE AND WORK-PRODUCT DOCTRINE

RISK MANAGEMENT TIP
RECOMMENDATIONS REGARDING AGENTS SAVING TEXT MESSAGES

It has come to our attention that many agents are deleting their text messages with clients after the close of escrow. The California Department of Real Estate ("DRE") requires that all records pertinent to a transaction be saved to the transaction file and kept for three (3) years. Those records include transaction documents, disclosures, emails and texts. Therefore, it is a regulatory violation to delete texts; agents are required to save texts and place them in the transaction file.

There are apps that can be used to convert texts into emails to ease the difficulties in saving them and placing them in the file.

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