

Disclosure of Agency Relationships

The purpose of this disclosure is to enable you to make informed choices before working with a real estate licensee. It must be provided at the first substantive contact that you have with an agent to discuss a specific property. **THIS IS NOT A CONTRACT.** It is a disclosure notice for your information and protection.

CONSUMER INFORMATION - Whether you are a buyer or seller, you can choose to have the advice, assistance and representation of your own agent. Do not assume that a broker or agent is acting on your behalf unless you have contracted with them to represent you, i.e. become their *client*.

All real estate agents must, by law, present properties honestly and accurately. They must also disclose known material defects in the real estate, regardless of agency relationship. And they must treat all parties fairly and honestly.

If you are a seller, you may authorize your listing agent to cooperate with agents from other firms to help sell your property. These cooperating agents may be subagents who work for the seller, or they may be buyers' agents. By allowing sub-agency, you are making yourself liable for any information they provide to buyers.

If you are the buyer, you have the option of working with sellers' or buyers' agents. This decision will depend on the types of services you want from a real estate agent. A buyer should tell sellers' agents, including subagents, only what he/she would tell the seller directly.

CUSTOMER - A *customer* is serviced by an agent, but without contractual agreement. Customers must be treated honestly and fairly by agents and given truthful responses to their questions. Note that an agent may only give their advice and opinions to a "*client*". To receive the full benefit of a Realtor[®]'s services, you must enter into an agreement to become that Realtor[®]'s *client*.

SELLER'S AGENT - When a seller engages the services of a listing brokerage, the seller becomes that brokerage's *client*. This means the brokerage, and the agents who work for it, represent the seller. They owe the seller their undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability must put the seller's

interests first and negotiate for the best price and terms for the seller. The seller may also authorize subagents (agents who work for brokerages other than the listing brokerage) to represent him/her in marketing the property to buyers, but in doing so, is liable for any information the sub-agent provides to their customers.

BUYER'S AGENT - When a buyer engages the services of a brokerage, then that buyer becomes that brokerage's *client*. This means the brokerage represents the buyer. The brokerage owes the buyer undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability. The brokerage must put the buyer's interests first, and negotiate for the best price and terms for the buyer.

DISCLOSED DUAL AGENT - A brokerage can work for *both* the buyer and the seller on the same property, provided it obtains the informed, written consent of both parties. The brokerage is then considered a *disclosed dual agent*. The brokerage owes the seller and the buyer a duty to deal with them fairly and honestly. In this type of relationship, the brokerage does not exclusively represent either party, and neither can expect the brokerage's undivided loyalty. **Dual agency MUST BE DISCLOSED IN WRITING.**

CONSUMER RESPONSIBILITY

The duties of a real estate licensee do not relieve the consumer of the responsibility to protect his/her own interests. Consumers with questions on whether and how real estate agents share fees should pose them to the agent. If you need advice for legal, tax, insurance or other matters, it is your responsibility to consult a professional in those areas.

ACKNOWLEDGEMENT OF AGENCY TYPES AVAILABLE (THIS IS NOT A CONTRACT)

Date: _____

Brokerage: _____

Agent: _____

This form provided as a member service of the
Association.

