

## Know who the Realtor works for.

There are three types of special agent relationships in real estate.

- Seller's Agent
- Buyer's Agent
- Dual Agent

In general, a buyers agent has a duty of trust, utmost care and must protect your interests. This is known as a fiduciary duty. In this capacity the agent must act in a manner that is consistent with your best interests and may not obtain any advantage over you through duress or misrepresentation. This includes the duty to disclose all facts known to the agent that would materially affect the value of or desirability of the property in question. The job, simply put, is to work for you and your interests.

It's important for consumers to understand that the agency relationship may change during the course of the professional relationship. For example, you are working with a real estate professional as a buyers agent. Up until today you've only looked at listings that are held with other broker offices. Today though, you are going to see and make an offer on a listing that is held by the firm your real estate professional is affiliated with. Your special buyer's agent has just become a dual agent.

As a dual agent, the professional has taken on the job of protecting both the buyer and sellers best interest and may not, for example, without the express written permission disclose material facts about the buyer or seller. A good example: the agent could not disclose that the seller would accept a price less than the listing price or that the buyer would pay a price greater than that offered. As the consumer you must be informed and give consent for dual agency.

Of all the decisions you face when buying and selling a home there is none more important than the person you choose to represent you - choose carefully.



## Why choose Au Glaize?

We can't put it any clearer than this... **"WE ARE DEDICATED and AVAILABLE WHEN OUR CLIENTS NEED US!"** We try harder than anybody else to educate and help our client in the home buying process. From teaching you how to inspect a house, to learning how to stay within your budget by getting the best financing, we go that extra mile with our clients.

What do we have to offer that few other agents can match? **E-X-P-E-R-I-E-N-C-E.** Together they've sold 100's of homes. Barb started her real estate career in 1979, Jim in 1987. Prior to that, Barb had worked as a consumer representative for Midwest Electric. Jim was a social worker /counselor. Early in their careers they initially managed the Century 21-McCullough Realty office here in Wapak. until they broke off on their own in 1991 to start Au Glaize Real Estate Co. "We wanted to be different," Jim said, "from the start. Both of us had a customer-service background. We wanted to maintain that personal touch and provide customer-service like no one else offers."

In the majority of real estate transactions, buyers are better served working with an agent who represents JUST them, as is the case with an (ABR) Accredited Buyer's Representative.<sup>1</sup> That way, buyers have the peace of mind of knowing that a true client/agent relationship exists; they have the guarantee that any time they confide in their Buyer's Agent, their remarks remain confidential; and they can rest assured that someone is looking out for their interests (which has to be more comforting than knowing someone is just "being fair" to them).

If you were sued and had to go to court, would you use the attorney who is representing the person who is suing you to represent you? If your response is, 'No, I'd get my own attorney,' Then would you use a different attorney in the same law firm as the attorney who is suing you?

Not only should the agent be committed to representing the buyer, the buyer needs to be committed to the agent. It's like a lot of people who want all the benefits of a marriage without the commitment., "Loyalty is a two-way street. We give as much back as we get."



<sup>1</sup> Jim attended ABR training in 1999



RECYCLE

IF YOU HAVE ANY QUESTIONS  
CONTACT YOUR ATTORNEY

## WHO'S WATCHING OUT FOR,..



## YOUR BEST INTERESTS?



*Things You Should Know About ...*

## BUYERS AGENT

Buyer's Agent – A real estate agent who is employed by and represents only the buyer in a real estate transaction, regardless of whether the fee is paid by the buyer or by the seller or through a fee split with the listing/sellers agent.

Provided Courtesy of



EXPERIENCE – You can trust!

# YOU HAVE A RIGHT TO KNOW...

## *Who does the Realtor you are working with represent?*

This should be explained to you at the earliest convenience by the real estate agent. By not fully disclosing to the consumer who the agent represents – the buyer, the seller or both, can put an uninformed consumer at a distinct disadvantage. It's also true that too many real estate agents don't even realize when they have to disclose who they represent.

*Many consumers don't realize they have a right to know...*

Because many consumers aren't even aware they have a right to know by whom and how they are represented, they could be under represented to the tune of \$10 billion a year in higher home costs.<sup>1</sup>

## **When does this disclosure have to be made by the real estate agent?**

According to Ohio Agency Disclosure laws the real estate agent is bound by law to make this disclosure **at the earliest** of the following events;

- (a) pre-qualifying to determine ability to purchase a specific property;
- (b) requesting financial information to determine a purchaser's price range;
- (c) showing a property;

- (d) discussing making an offer;
- (e) submitting an offer.

If that event is by telephone, the disclosure may be made during the telephone conversation, followed by a written disclosure in the first meeting following the verbal disclosure.<sup>2</sup>

Please note: the definition of "showing" specifically excludes open houses.

## **What difference does it make – who they represent?**

### **YOU COULD BE AT A SIGNIFICANT DISADVANTAGE**

If you haven't ever purchased a home, or it's been years since you purchased your last home you may be at a distinct disadvantage - not being represented by an experienced real estate agent. The Seller has the advantage when there is only one real estate agent and he/she is representing the sellers "best interests." That broker/ or agent only represents the seller and owes them certain "fiduciary" responsibilities, including undivided loyalty, confidentiality and accountability. In negotiating the best price, the seller's agent must put his client's interests first.

Likewise a buyers agent works exclusively for the buyer. When it comes to negotiating price and terms, the buyers interests come first. "If you have a choice and there is an exclusive buyers agent available, that's the way to go."



[auglaizerealestate.com](http://auglaizerealestate.com)

## **Can both the Seller and Buyer be represented by the same agent?**


In many cases, a buyer and a seller negotiate over a property held by the same broker. This is relationship is called "dual agency". This scenario could include the buyer and the seller working with different agents, but the listing is held by the same broker under whom both agents work. Or you may willingly consent to the agent who has the house listed representing both you and the seller. (That's like having two masters, very difficult to do, but can be done. Your confidentiality has to be protected.)

**DUAL AGENCY is permissible** under Ohio agency law. Here are the circumstances when a dual agency may occur;

- (a) a licensee who represents both the buyer and seller as clients in the same transaction;
- (b) a brokerage that represents both the buyer and seller as clients in the same transaction;
- (c) a management-level licensee who represents a client in an in-company transaction.

When a licensee or brokerage will act as a dual agent, a disclosure must be made to the parties as soon as practicable after it is determined that a dual agency relationship exists. In virtually every state, the dual agency relationship must have the consent of both the buyer and seller and it must be disclosed in writing.<sup>3</sup>

BOCR



**Get the 'Best' Price!  
Call Jim & Barb Price**

<sup>1</sup> Washington, D.C.-based Consumer Federation of America

<sup>2</sup> Agency Law- Brokers Study Guide Hondros College

<sup>3</sup> Agency Law- Brokers Study Guide Hondros College p. 163