

Massachusetts Board of Registration of Real Estate Brokers and Salesman

MANDATORY AGENCY DISCLOSURE - AGENCY RELATIONSHIP

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 personal meeting 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. **BE SURE TO READ THE DESCRIPTIONS OF THE DIFFERENT TYPES OF AGENCY REPRESENTATION ON THE OTHER SIDE OF THIS DISCLOSURE.**

CONSUMER INFORMATION

1. Whether you are the buyer or the seller you can choose to have the advice, assistance and representation of your own agent. Do not assume that a broker is acting on your behalf unless you have contracted with that broker to represent you.
2. All real estate licensees must, by law, present properties honestly and accurately.
3. 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 buyers' agents.
4. 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.

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

I have provided this disclosure form to _____
(print name of consumer)

I have informed the above named consumer that I am a: (check one) _____ Sellers Agent. _____ Buyers Agent.

_____, 20_____
(Signature of Real Estate Agent) (License Number) (Month, Day) (Year)

I have read this agency disclosure form **IN ITS ENTIRETY ON BOTH SIDES**. I understand that this form is for agency disclosure **AND NOT A CONTRACT**. It was provided to me by the agent named above.

_____, 20_____
(Signature of Consumer) (Month, Day) (Year) Check here: _____ Buyer
_____ Seller

As a consumer I decline to sign this form.

(print name of consumer and reason, if any)

FORM# R3611

1st Copy
Prospective Customer/Client

2nd Copy
Broker/Salesperson

3rd Copy
Office File

TYPES OF AGENCY REPRESENTATION

SELLER'S AGENT

When a seller engages the services of a listing broker, that seller becomes the broker's client. This means the broker, and its subagents represent the seller. They owe the seller undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability. They must put the seller's interest first and negotiate for the best price and terms for their client, the seller. (The seller may also authorize subagents to represent him/her in marketing its property to buyers.)

BUYER'S AGENT

When a buyer engages the services of a broker, then that buyer becomes the broker's client. This means the broker represents the buyer. The broker owes the buyer undivided loyalty, utmost care, disclosure, obedience to lawful instruction, confidentiality and accountability. The broker must put the buyer's interest first and negotiate for the best price and terms for their client, the buyer. (The buyer may also authorize subagents to represent him/her in locating property.)

DISCLOSED DUAL AGENT

A broker can work for both the buyer and the seller on the same property provided such broker obtains the informed consent of both parties. The broker is then considered a disclosed dual agent. This broker owes the seller and the buyer a duty to deal with them fairly and honestly. In this type of agency relationship, the broker does not represent either the seller or buyer exclusively, and they cannot expect the broker's undivided loyalty. Also, undisclosed dual agency is illegal.