



State of Maryland Real Estate Commission Agency Relationship Disclosure
Understanding Whom Real Estate Agents Represent

There are four different types of real estate agency relationships in Maryland:

1. Seller’s Agent

A seller’s agent is a licensed real estate broker, associate broker, or salesperson who is affiliated with the listing broker for a property or who is the listing broker for the property. The seller’s agent exclusively represents the seller (or landlord) but may also assist the buyer in purchasing property. The seller pays the agent’s fee.

2. Cooperating Agent

A cooperating agent is a licensed real estate broker, associate broker, or salesperson who is not affiliated with the listing broker for a property. The cooperating agent assists the buyer in finding a property to purchase, but represents, and is paid by the seller.

3. Buyer’s Agent

A buyer’s agent is a licensed real estate broker, associate broker, or salesperson. The buyer’s agent exclusively represents the buyer (or tenant), but may also assist a seller. The agent’s fee can be paid by either the buyer or the seller as specified in a written agreement.

- A buyer’s agent evaluates the property, prepares an offer, and negotiates in the best interest of the buyer.
- Before a buyer’s agent can represent the buyer, the buyer and the buyer’s agent must sign a written agreement.

4. Dual Agent

The broker who represents both the seller and the prospective buyer of the property is the dual agent. Dual agency arises when:

- The seller’s agent and the buyer’s agent work for the same real estate firm;
- The buyer is interested in a property listed by that firm;
- Both the buyer and seller have consented to the dual agency by signing the “Consent For Dual Agency” form; and
- The Broker designates one agent to act on behalf of the seller and one agent to act on behalf of the buyer.

The seller pays both agents’ fees unless otherwise provided in a written agreement.

A dual agent does not represent the interests of either the buyer or seller exclusively. If you want an agent to represent exclusively, do not sign the “Consent for Dual Agency” form.

- Because dual agents are in the same firm, there may be a conflict of interest between the parties because the interests of the parties may be different or adverse.
- Dual agents do not owe undivided loyalty to either the buyer or seller.
- The possibility of a dual agency will not arise if a buyer’s agent works for a real estate firm that exclusively represents buyers. That type of buyer’s agent can represent the buyer for all property without any conflict of interest. Furthermore, a dual agency will not arise if a seller’s agent works for a firm that exclusively represents sellers or if either party refuses to sign the “Consent for Dual Agency” form. If all parties do not agree to the dual agency, the seller will continue to be represented by the seller’s agent under the terms of the listing agreement. The buyer may choose to be assisted by the seller’s agent, another agent from that firm who will also represent the interests of the seller, a cooperating agent or to be represented by a buyer’s agent from another brokerage.

Remember these important points when choosing a real estate agent:

- ✓ **Written Agreement and Compensation:** All agreements real estate agents should be in writing and should explain the duties and obligations of the agent. The agreement should explain how the agent will be paid and any fee-sharing agreements with other agents.
- ✓ **Duties Of An Agent:** Real estate agents must exercise reasonable care and diligence and maintain confidentiality of clients. All agents must treat all parties fairly, not discriminate in the offering of properties, promptly present each written offer or counter-offer to the other party, and answer questions truthfully.
- ✓ **Disclosure of Material Facts:** Real Estate agents must disclose all material facts that are known or should be known relating to a property. An agent’s duty to maintain confidentiality does not apply to the disclosure of material facts.
- ✓ **Legal and Tax Questions:** A real estate agent is qualified to advise only on real estate matters. If you need legal or tax advice, consult a licensed attorney or accountant.
- ✓ **Complaints About An Agent:** Any complaints about an agent may be filed with the Real Estate Commission at 501 St. Paul Place, Baltimore, Maryland 21202, telephone number (410) 333-8322.

We, the _____ Buyers _____ Sellers acknowledge receipt of a copy of this disclosure and that Richard Opfer Auctioneering, Inc., and Richard W. Opfer, Jr. are working as

- Seller’s Agent
- Cooperating Agent
- Buyer’s Agent
- Dual Agent (See “Consent for Dual Agency Form”)

Signature

Date

Signature

Date