

## CONSUMER GUIDE TO AGENCY RELATIONSHIPS

### Auction.com, Inc

We are pleased you have selected Auction.com, Inc to help you with your real estate needs. Because this may be the largest financial transaction you will enter into, it is important to understand the role of the agents and brokers with whom you are working. Below is some information that explains the various services agents can offer and their options for working with you.

For more information on agency law in Kentucky, you may also contact the Kentucky Real Estate Commission at (502) 429-7250, or on its website at [www.krec.ky.gov](http://www.krec.ky.gov).

**Representing Property Owners (Sellers):** When property owners choose to list their property for sale with a real estate brokerage, they sign a listing agreement that authorizes the brokerage and the listing agent to represent their interests. When this occurs, the brokerage and listing agent must: follow the property owner's lawful instructions, be loyal to the property owner, promote the property owner's best interests, disclose material facts to the property owner, maintain confidential information, act with reasonable skill and care, and account for any money they handle in the transaction.

**Representing Buyers:** When seeking to purchase real estate, buyers often choose to work with a real estate agent. When buyers are represented by agents, the representation is referred to as buyer's agency. A brokerage and agent that agree to represent a buyer's interests in a transaction must: follow the buyer's lawful instructions, be loyal to the buyer or, promote the buyer's best interests, disclose material facts to the buyer, maintain confidential information and account for any money they handle in the transaction.

**Dual Agency:** In some transactions, the same agent and brokerage that represent the property owner also represent the person who seeks to buy his or her property. This is referred to as dual agency. When a brokerage and its agents become "dual agents," they must remain loyal to both parties in the transaction. They may not advocate the position of one client over the best interests of the other client or disclose any confidential information to the other party without written consent.

**Designated Agency:** On occasion, the buyer and the property owner will each be represented by two different agents from the same brokerage. In this case, the agents may each represent the best interest of their respective clients. Or, depending on company policy, the agents may act as dual agents. When either of the above occurs, the principal broker will always be a dual agent. As a dual agent, the principal broker cannot advocate for the position of one client over another. The principal broker will also protect the confidential information of both parties.

**Working With Auction.com, Inc:** Auction.com, Inc represents Sellers only. Auction.com, Inc does not represent Buyers. Auction.com, Inc does not offer dual or designated agency.

**Fair Housing Statement**

It is illegal, pursuant to the Kentucky Fair Housing Law and Federal Fair Housing Law, to refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations, or otherwise deny or make unavailable housing accommodations because of race, color, religion, sex, familial status, disability, national origin, sexual orientation (in some counties) or gender identity (in some counties) or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the providing of real estate brokerage services. It is also illegal, for profit, to induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry into the neighborhood of a person or persons belonging to one of the protected classes.

We hope you find this information to be helpful to you as you begin your real estate transaction. When you are ready to enter into a transaction, you will be given an *Agency Disclosure Statement* that specifically identifies the role of the agents and brokerages. Please ask questions if there is anything you do not understand.

Because it is important that you have this information, Kentucky law requires that we ask you to sign below, acknowledging receipt of this pamphlet. Your signature will not obligate you to work with our company if you do not choose to do so.

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Buyer Printed Name

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Buyer Signature

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Date

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Buyer Printed Name

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Buyer Signature

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Date

**AGENCY CONSENT AGREEMENT -- SELLER**

The real estate agent who is providing you with this form is required to do so by Kentucky law. The purpose of this form is to confirm that you have been advised of the role of the agent(s) in the transaction proposed below. (For purposes of this form, the term "seller" includes a landlord.)

Seller(s): \_\_\_\_\_

Property Address: \_\_\_\_\_

**I. TRANSACTION INVOLVING TWO AGENTS IN TWO DIFFERENT BROKERAGES**

The Seller is represented by \_\_\_\_\_ of \_\_\_\_\_  
AGENT

NAME OF BROKERAGE AND PRINCIPAL BROKER'S NAME

**II. TRANSACTION INVOLVING TWO AGENTS IN THE SAME BROKERAGE**

(Mark the appropriate box)

If two agents in the same real estate brokerage represent both the Buyer and the Seller, check the following relationship that will apply:

**Designated Agency:**

- Agent(s) \_\_\_\_\_ of \_\_\_\_\_ represents the Seller and another Agent(s) in the same firm represents the Buyer. The principal broker and managers will be "dual agents," which is explained in the Commission's Guide to Agency Relationships. As dual agents, they will remain loyal to both parties in the transaction, and they will protect all parties' confidential information;

OR

**Dual Agency:**

- Every agent in the brokerage represents every "client" of the brokerage. Therefore, Agent(s) \_\_\_\_\_ and \_\_\_\_\_ will be working for both the Buyer and Seller as "dual agents". Dual agency is explained in the Commission's Guide to Agency Relationships. As a dual agent, they will remain loyal to both parties in the transaction, and they will protect all parties' confidential information. To the best of the Agent's knowledge, neither the agent(s) nor the principal broker acting as a dual agent in this transaction has a **PERSONAL, FAMILY, or BUSINESS** relationship with either the Buyer or Seller. *If such a relationship does exist, please explain:* \_\_\_\_\_

**III. TRANSACTION INVOLVING ONLY ONE REAL ESTATE AGENT**

(Mark the appropriate box.)

Agent Lee Leslie and the brokerage Auction.com will:

- be a "dual agent" representing both parties in this transaction. Dual agency is explained in the Commission's Guide to Agency Relationships. As a dual agent they will remain loyal to both parties, and they will protect all parties' confidential information. To the best of the agent's knowledge, neither the agent(s) nor the brokerage acting as a dual agent in this transaction has a **PERSONAL, FAMILY, or BUSINESS** relationship with either the Buyer or Seller. *If such a relationship does exist, please explain:* \_\_\_\_\_

OR

- represent only the (check one)  Seller or  Buyer  neither in this transaction as a client. The other party(ies) is not represented and agrees to represent his/her own best interest. Any information provided the agent may be disclosed to the agent's client.

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## IV. TRANSACTION INVOLVING NON-CLIENT PARTIES

**(Mark the appropriate box.)**

Transactional Brokerage: The Principal Broker of the Company assigns (Identify all Licensees acting as a Transactional Agent): \_\_\_\_\_

to provide real estate brokerage services to either, or both, Party(ies) to the transaction, owe the Party(ies) only the duties of good faith and fair dealing, and to not relay confidential information between the Parties, unless so directed by the sending Party. For the purposes of this Agreement, a party to a Transactional Brokerage is not a Client or Prospective Client.

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Unrepresented Party: The Principal Broker of the Company, and all affiliated licensees, do not act as an agent for a Party.

The  Buyer;  Seller;  Lessor;  Lessee is an Unrepresented Party. A licensee owes an Unrepresented Party the duties of good faith and fair dealing. For the purposes of this Agreement, an Unrepresented Party is not a Client or Prospective Client.

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### DISCLAIMER

**Responsibilities of the Parties:** The duties of the agent and brokerage in a real estate transaction do not relieve the Seller and Buyer from the responsibility to protect their own interests. The Seller and Buyer are advised to carefully read all agreements to assure that they adequately express their understanding of the transaction. The agent and brokerage are qualified to advise on real estate matters. **IF LEGAL OR TAX ADVICE IS DESIRED, YOU SHOULD CONSULT THE APPROPRIATE PROFESSIONAL.**

### PARTY CONSENT

I (we) consent to the above relationships as we enter into this real estate transaction. If there is a dual agency or designated agency in this transaction, I (we) acknowledge reading the information contained in the Commission's Guide to Agency Relationships.

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*SELLER/LANDLORD'S Signature*

*Printed Name*

*DATE/TIME*

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*SELLER/LANDLORD'S Signature*

*Printed Name*

*DATE/TIME*

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*SELLER/LANDLORD'S Signature*

*Printed Name*

*DATE/TIME*