

## AGENCY LAW

### “Protecting the Rights of Buyers and Sellers”

3.0 hrs. Agency Law

**Objective:** A contemporary look at agency issues impacting real estate agent's when listing and selling property.

#### I. Working with Seller's

- a. Determining a Listing Price
- b. Coming Soon
- c. Pre-inspection
- d. Disclosing Past Inspections results
- e. Commissions
- f. Selling “as-is”
- g. Selling Investment Property
- h. Transferring Personal Property

#### II. Working with Buyer's

- a. Using Nominee
- b. Contract Assignment
- c. Inspection Results
- d. Contingencies
- e. Working with F.S.B.O.
- f. Buying with no SPDS
- g. Strategic negotiations
- h. Financial Concerns

#### III. Working as a Dual Agent

- a. Disclosure Requirements
- b. Confidential Information
- c. Potential Conflicts
- d. What is Material to the Transaction?

#### **IV. Property Conditions and Concerns**

- a. Selling a fix & flip
- b. Flood Areas
- c. Homeowners Association Requirements/Violation
- d. Condominium Concerns
- e. Property Assessments
- f. Community Facility Districts
- g. Property Additions/Permits
- h. Home Inspections

#### **V. Working with other Agents**

- a. Present all Offers
- b. Change in Property Conditions
- c. Disclose Variable Commission
- d. Cooperate with Walkthroughs and Inspections

#### **VI. Agency Relationships**

- a. Using Social Media
- b. Virtual Tours
- c. Procuring Cause
- d. Using a Buyer Broker Agreement

## Breakout Session Groups

**Scenario 1:** Residential Resale Property. Buyer and Seller each have their own agent – no dual agency. The property is about 25 years old; appliances were replaced and are now about 15 years old.

Discuss for 5 minutes and list at least 3 options to report back to the group

- Best steps to protect the Seller regarding the transfer of the appliances.
- Best steps to protect the Buyer regarding the transfer of appliances.

**Scenario 2:** You are working with a buyer that would like to make an offer on a listed property. The buyer does not want to disclose his name to the seller.

Discuss for 5 minutes and offer answer the following:

- What should the agent do?
- Does the seller have the right to know who the buyer is?
- Does the seller have the right to refuse to sell his/her property to a particular person?

**Scenario 3:** An agent shows his buyer a home in a new home subdivision. Discuss for 5 minutes and answer the following:

- What protections should be in place from the builder for you the agent?
- What questions should you ask on the buyer's behalf prior to buyer signing the contract?

**Scenario 4:** As soon as the seller accepts the buyers offer the listing agent places a sold sign on the property. Discuss for 5 minutes and answer the following:

- Was placing a sold sign on the property in the best interest of the seller?
- Is it legal to advertise a property as 'sold' when it has not yet closed escrow?

**Scenario 5:** A listing agent receives an offer from an agent representing the buyer. Discuss for 5 minutes and answer the following:

- The offer is written in the name of an LLC what questions should the listing agent ask to protect the seller's interest?

**Scenario 6:** An agent is selling a home what has smart technology. Discuss for 5 minutes and answer the following:

- What should the agent do to protect the privacy and security of the buyer?