



CONSUMER GUIDE TO AGENCY RELATIONSHIPS

THE BUYER'S AGENT, BUYER BROKER REAL ESTATE

Member
Dayton/Miami Valley
Since 1996



NATIONAL
ASSOCIATION OF
EXCLUSIVE
BUYER
AGENTS **naeba**

THE BUYER'S VOICE. THE BUYER'S CHOICE.

We are pleased that you are considering our company, THE BUYER'S AGENT, Buyer Broker Real Estate, to represent and protect your best interests as a genuine Exclusive Buyer Agent. This document describes the agency policies that our company follows during real estate transactions.

According to Ohio law, all real estate agents **must** provide every buyer with their company's "Consumer Guide to Agency Relationships" **before** the earliest of the following events: a) Pre-qualifying the buyer, b) Requesting specific financial information, c) Showing a property to a buyer {except at Open Houses}, d) Discussing the making of an offer, e) Submitting an offer. For more information on agency law in Ohio, you can also contact the Ohio Division of Real Estate & Professional Licensing at (614) 466-4100, or visit their website at <http://www.com.ohio.gov/real>.

"Consumer Guides" from traditional real estate companies that take listings {and represent sellers} will allow diluted versions of agency for a buyer, including traditional "buyer agency," because these companies **cannot** provide **genuine** Exclusive Buyer Agency. Unlike traditional real estate agents, NAEBA members **never** practice dual agency, split agency, subagency or seller agency. We will **never** seek your permission for a change in agency status in order to represent the seller, or represent **both** parties in any transaction. A genuine Exclusive Buyer Agent believes that buyers and sellers should be represented by their **own** agent, and that **each** agent should be from **separate** real estate companies. We **guarantee** to never take listings and to **fully** represent our buyer **exclusively**, and we **guarantee** to keep your financial information and bargaining strategy **confidential**.

A. POLICIES ON AGENCY: EXCLUSIVE BUYER AGENCY ONLY - NO DUAL AGENCY, NO SPLIT AGENCY

(1) THE BUYER'S AGENT, Buyer Broker Real Estate practices Exclusive Buyer Agency only. Our agents will act as your Exclusive Buyer Agent when representing you as our buyer-client. As your genuine Exclusive Buyer Agent, we provide clients with full and undiluted representation.

(2) Because we represent buyers only, there is no potential for other agents within THE BUYER'S AGENT, Buyer Broker Real Estate to act as a dual agent, split agent, subagent or seller agent during your real estate purchase. THE BUYER'S AGENT, Buyer Broker Real Estate does not allow its agents to change agency status from a genuine Exclusive Buyer Agent to a diluted type of agency, because we only provide full representation.

B. POLICIES ON COOPERATION AND COMPENSATION:

(1) It is the policy of THE BUYER'S AGENT, Buyer Broker Real Estate, to cooperate with all other brokerages on an equal and consistent basis. THE BUYER'S AGENT, Buyer Broker Real Estate and its agents will provide non-confidential information to other brokerages, and will present all offers and counteroffers to other brokerages from our buyer-clients in a timely manner.

(2) When acting as a genuine Exclusive Buyer Agent, it is the policy of THE BUYER'S AGENT, Buyer Broker Real Estate to either a) accept the compensation offered in the multiple listing service to the buyer's brokerage, or b) negotiate a fee derived from the seller's proceeds of the transaction in an amount equal to 3% of the final purchase price as instructed by our buyer-clients. If the property is not listed with any broker, or is not in the MLS, but is a For Sale By Owner home, or a New Construction home, we will attempt to negotiate for a seller-paid fee of 3% of the final purchase price.

C. ACCEPTANCE OF A "BUYER'S BROKERAGE" FEE: OR A "CO-OP" FEE:

When representing buyers, we may accept the compensation offered in the multiple listing service to buyer's brokerages, or the "co-op" fee. The fact that the seller has agreed in advance to pay a portion of the commission to any brokerage who represents the buyer does not change the agency relationships. A genuine Exclusive Buyer Agent is legally and ethically obligated to represent the buyer's best interests regardless of the fee's source.

Fair Housing Statement: It is illegal, pursuant to the Ohio Fair Housing Law, division (H) of Section 4112.02 of the Revised Code and the Federal Fair Housing Law, 42 U.S.C.A. 3601, 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 as defined in Section 4112.01 of the Revised Code, ancestry, military status as defined in that section, disability as defined in that section, or national origin or to so discriminate in advertising the sale or rental of housing, in the financing of housing, or in the provision 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.

NOTE: In addition to this document, you are also receiving Ohio's Agency Disclosure Statement. During your transaction, that document will specifically identify 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, Ohio law requires that we ask you to sign below, acknowledging receipt of this Consumer Guide. Your signature does not obligate you to our company. The undersigned acknowledges receipt of this document, and acknowledges reading the information on the reverse side.

Name (Please Print)

Name (Please Print)



Signature Date

Signature Date

NOTE: The text in paragraphs 1 through 4 below is required to be included in this “Consumer Guide to Agency Relationships,” which was developed jointly by the Ohio Division of Real Estate & Professional Licensing and the Ohio Association of Realtors. In some cases, you will be represented by the real estate agent as his/her client. However, in other cases, you are not represented by the agent at all, and you are only his/her customer.

1. Representing Sellers: As the seller’s agent, the company and listing agent must: follow the seller’s lawful instructions, be loyal to the seller, promote the seller’s best interests, disclose material facts to the seller, maintain confidential information, act with reasonable skill and care and, account for any money they handle in the transaction. A listing broker may offer “subagency” to other brokerages which would also represent the seller’s interests and owe the seller these same duties.

2. Representing Buyers: A company and agent that agree to represent a buyer’s interest in a transaction must: follow the buyer’s lawful instructions, be loyal to the buyer, 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.

3. Dual Agency: The same agent and company who represents the seller can also represent the buyer. This is referred to as dual agency. When a brokerage and its agents become “dual agents,” they must maintain a neutral position between the buyer and the seller. They may not advocate the position of one client over the best interests of the other client, or disclose any personal or confidential information to the other party without written consent.

4. Representing Both the Buyer & Seller: The buyer and seller can be represented by two different agents from the same company. Those agents {also known as “Split Agents”} may each represent the best interest of their respective clients. Depending on company policy, the agents may both act as dual agents, and remain neutral in the transaction. When either of the above occurs, the brokerage will be considered a dual agent. As a dual agent, the brokerage and its managers will maintain a neutral position, and cannot advocate for the position of one client over another. The brokerage will also protect the confidential information of both parties.

The text below is for informational purposes, and is not required to be included in this “Consumer Guide to Agency Relationships.”

If you, the buyer, choose to purchase a home through the seller’s agent: That agent can declare Dual Agency, and they must remain “neutral” towards buyers during your transaction, and they **cannot** advocate or negotiate on behalf of you, the buyer.

If you, the buyer, choose to purchase a home through a traditional buyer’s agent: those agents can have conflicting interests, especially when they, and their company, have listings to sell you. Will this buyer’s agent point out problems with their own listings, or their company’s listings? Will your financial information, and bargaining strategy, remain confidential from the sellers - when the sellers originally hired your buyer’s agent - and their company - to sell their house?

If you, the buyer, choose to purchase a home through a Dual Agent: those agents **cannot** negotiate on behalf of the buyer, and they **cannot** recommend specific terms, including an offering price - or other contract terms which protect you, the buyer. Dual Agents can have a conflict of interest, especially when they were originally hired to sell the house that you intend to buy. With a Dual Agent, who must remain “neutral,” a buyer isn’t really represented at all, because you’re more or less “on your own.”

If you, the buyer, choose to purchase a home through a Split Agent: those agents can enter a transaction as your traditional buyer’s agent, or as the seller’s agent, or may be appointed by the office manager to “represent” either you, the buyer, or the seller. Can you be certain your financial information will remain confidential from the seller, and from the seller’s Split Agent, who works in the same office as your buyer’s Split Agent - during this “in-house” sale?

EXCLUSIVE BUYER AGENT: does not take any listings, does not represent any sellers, and represents buyers **only**. Can help you buy **any** home for sale. **Guarantees** confidentiality of the buyer’s bargaining strategy, and the buyer’s financial information. Represents buyers as a **client**, not as a customer, and there **is** a difference. **Guarantees** to never practice Dual Agency or Split Agency. We **never** have a conflict of interest with buyers, because we have no allegiance with sellers. **Objective** and **unbiased** opinions on **every** house for sale. Will point out the reasons for **not** buying a house. Will include **clauses** with the contract to protect the buyer’s best interests. **Guarantees** full representation during **every** real estate transaction. Exclusive Buyer Agents are **always** on the **buyer’s** side!

Which agent is the best choice for Buyers?

The seller’s agent...who represents the seller’s interests?

A “buyer’s agent” who can switch loyalty during your purchase?

A “buyer’s agent” who is trained to sell houses and has listings to sell?

An agent “representing” both the seller, and you, the buyer, as a dual agent?

An agent acting as subagent for the seller, and “representing” you as their customer?

Another agent from the same office as the seller’s agent, “representing” you as a split agent?

Or a genuine *EXCLUSIVE BUYER AGENT*, who takes no listings, and who guarantees in writing to represent only you, the buyer, from start to finish?

“We don’t sell houses; we help people buy.”

THE BUYER'S AGENT, BUYER BROKER REAL ESTATE

Unlike traditional Realtors - Always on the Buyer’s side.

100% Homebuyer Representation, 100% of the Time Serving Metro Dayton, Ohio and the Entire Miami Valley

(937) 890-1700 (937) 426-9300 (937) 439-5900 Toll Free: 1-888-279-1700 <http://www.abuyerbroker.com>

Member: Dayton/Miami Valley Better Business Bureau NAEBA: National Association of Exclusive Buyer Agents