



# NEW HAMPSHIRE REAL ESTATE COMMISSION

25 Capitol Street, Room 434, Concord, NH 03301 Tel.: (603) 271-2701

## BROKERAGE RELATIONSHIP DISCLOSURE FORM

**(This is Not a Contract)**

*This form shall be presented to the consumer at the time of first business meeting, prior to any discussion of confidential information*

### **Right Now You Are A Customer**

Do not assume that a licensee is acting on your behalf unless you sign a contract for representation. Until that time *you are a customer and not a client*. You should not expect the licensee to promote your best interest or to keep any information confidential, including your bargaining position.

*As a customer, you can expect a real estate licensee to provide the following customer-level services:*

- To disclose all material defects actually known by the licensee pertaining to the on-site physical condition of the real estate;
- To treat both the buyer/tenant and seller/landlord honestly;
- To provide reasonable care and skill;
- To account for all monies received from or on behalf of the buyer/tenant or seller/landlord relating to the transaction;
- To comply with all state and federal laws relating to real estate brokerage activity; and
- To perform ministerial acts.

### **To Become A Client**

Clients receive more services than customers. You become a client by entering into a written contract for representation as a seller/landlord or as a buyer/tenant.

*As a client, in addition to the customer-level services listed above, you can expect the following client-level services:*

- Confidentiality;
- Loyalty;
- Disclosure;
- Lawful Obedience; and
- Promotion of the client's best interest.

For seller/landlord clients this means the agent will put the seller/landlord's interests first and work on behalf of the seller/landlord.

For buyer/tenant clients this means the agent will put the buyer/tenant's interest first and work on behalf of the buyer/tenant.

Client-level services also include advice, counsel and assistance in negotiations.

For more information about your choices in real estate relationships, please see page 2 of this disclosure form.

I acknowledge receipt of this disclosure as required by the New Hampshire Real Estate Commission (Pursuant to Rea 701.01) and understand the options available to me as a Consumer. **I understand as a customer I should not disclose confidential information.**

*Licensee to check all that apply:*

\_\_\_\_ Currently the Seller/Landlord is a (check one) Customer  Client

\_\_\_\_ Currently the Buyer/Tenant is a (check one) Customer  Client

\_\_\_\_ The licensee is a Seller's Agent for all listings of the Firm.

\_\_\_\_ The licensee is a Seller's Agent for her or his listings only.

\_\_\_\_ The licensee represents neither the buyer nor the seller and is a facilitator.

\_\_\_\_\_  
Name of Consumer (Please Print)

\_\_\_\_\_  
Name of Consumer (Please Print)

\_\_\_\_\_  
Signature of Consumer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Consumer

\_\_\_\_\_  
Date

Provided by: \_\_\_\_\_

Licensee

**Lee P. Johansen**

\_\_\_\_\_  
Date

**BH&G The Masiello Group Real Estate**

\_\_\_\_\_  
Name of Real Estate Brokerage Firm

\_\_\_\_\_  
Consumer has declined to sign this form.

(Licensees Initials)

To check on the license status of a real estate firm or licensee go to [www.nh.gov/nhrec](http://www.nh.gov/nhrec). Inactive licensees may not practice real estate brokerage.

## *Types of Brokerage Relationships commonly practiced in New Hampshire*

### *SELLER AGENCY (RSA 331-A:25-b)*

A seller agent is a licensee who acts on behalf of a seller or landlord in the sale, exchange, rental, or lease of real estate. The seller is the licensee's client and the licensee has the duty to represent the seller's best interest in the real estate transaction.

### *BUYER AGENCY (RSA 331-A:25-c)*

A buyer agent is a licensee who acts on behalf of a buyer or tenant in the purchase, exchange, rental, or lease of real estate. The buyer is the licensee's client and the licensee has the duty to represent the buyer's best interests in the real estate transaction.

### *SINGLE AGENCY*

Single agency is a practice where a firm represents the buyer only, or the seller only, but never both in the same transaction. Disclosed dual agency cannot occur.

### *SUB-AGENCY*

A sub-agent is a licensee who works for one firm, but is engaged by the principal broker of another firm to perform agency functions on behalf of the principal broker's client. A sub-agent does not have an agency relationship with the customer.

### *DISCLOSED DUAL AGENCY (RSA 331-A:25-d)*

A disclosed dual agent is a licensee acting for both the seller/landlord and the buyer/tenant in the same transaction with the knowledge and written consent of all parties.

The licensee cannot advocate on behalf of one client over another. Because the full range of duties cannot be delivered to both parties, written informed consent must be given by all clients in the transaction.

A Dual Agent may not reveal confidential information without consent, such as:

1. Willingness of the seller to accept less than the asking price.
2. Willingness of the buyer to pay more than what has been offered.
3. Confidential negotiating strategy not disclosed in the sales contract as terms of the sale.
4. Motivation of the seller for selling nor the motivation of the buyer for buying.

### *DESIGNATED AGENCY (RSA 331-A:25-e)*

A Designated Agent is a licensee who represents one party of a real estate transaction and who owes that party client level duties, whether or not the other party to the same transaction is represented by another individual licensee associated with the same brokerage firm.

### *FACILITATOR (RSA 331-A:25-f)*

A Facilitator is an individual licensee who assists one or more parties during all or a portion of a real estate transaction without being an agent or advocate for the interests of any party to such transaction.

This relationship may change to an agency relationship by entering into a written contract for representation, prior to the preparation of an offer.

If another relationship between the licensee who performs the services and the seller, landlord, buyer or tenant is intended, it must be described in writing and signed by all parties to the relationship prior to services being rendered.