

AGENCY INFORMATION AND DISCLOSURE FORM
APPROVED BY
KENTUCKY REAL ESTATE COMMISSION

Parties to real estate negotiations and agreements are either "clients" or "customers" of real estate licensees.

"Clients" are persons represented by agents. Agents owe clients certain duties. These duties include negotiation for the client's best interests, informing the client of all known material facts, and to maintain confidential information. Consumers attain client status typically by written agreement. The most common such agreement is a listing agreement in which a consumer signs a contract with a real estate company to sell his or her house.

"Customers" are persons who use the services of real estate licensees but are not clients of the licensee. Real estate licensees owe lesser duties to a customer than to a client. Licensees are required to deal honestly and fairly with customers.

Paying a fee to a real estate broker does not make the person a client of the broker.

SELLER'S AGENT

If one signs a contract for a real estate company to sell real estate, the person is the client of the listing agent's company unless designated agency is established. The listing broker and all his salespeople represent and owe primary allegiance to the Seller unless designated agency or dual agency (see below) is established. Duties of loyalty and faithfulness are owed to the Seller only unless designated agency or dual agency (see below) is established. Seller's agents do not negotiate on the behalf of buyers unless they are also acting as dual agents (see below).

Some Sellers' agents will solicit the cooperation of other brokers to represent their client, the Seller, in the marketing and sale of the property. Even though these licensees are not agents of the listing company, they may become a **sub-agent** of the Sellers' agent and owe the same fiduciary duties of loyalty and faithfulness to their client, the Seller, as a Sellers' agent. In this situation the Buyer would have a customer status.

BUYER'S AGENT

A Broker can, at the Buyer's Request, agree to act as an agent for the Buyer only. In these situations, the agent is not the Seller's agent, even if by agreement the agent may receive compensation for services rendered, either in full or in part from the Seller.

If you choose to be represented by your real estate agent in this prospective real estate transaction and acknowledge that the agent you are working with is your agent and not an agent of the Seller, then you will have a client status.

DUAL-LIMITED AGENT
(Agent Representing Both Buyer and Seller)

A real estate agent can legally be the agent of both the Seller and the Buyer in a transaction, but only with the knowledge and consent of both the Seller and the Buyer. In a dual-limited agency situation, the agent has limited fiduciary duties of utmost care, integrity, honesty and loyalty in dealings with the Seller and the Buyer. The agent will also have the duty to disclose all facts known to the agent materially affecting the property that are not known within the diligent attention and observation of the parties. The duties of honest and fair dealing in good faith shall be due both parties.

An example in representing both Seller and Buyer, the agent shall not, without express permission of Seller, disclose to Buyer that the Seller is willing to sell the property at a price that is less than the listing price, and likewise, the agent shall not, without the express permission of the Buyer, disclose to the Seller that Buyer will pay a price that is greater than the price offered.

DESIGNATED AGENCY

If both buyer and seller consent, the broker responsible for a real estate office may designate agents to represent the buyer and the seller to the exclusion of all other agents associated with his office. The seller will become the client of the agent designated to represent him and the buyer will become the client of the agent designated to represent him. Designated agency allows two licensees in the same firm to represent different parties to a real estate transaction. The principal broker serves as a dual agent in a designated agency transaction. Consent of the client is always needed to create designated agency.

TRANSACTION BROKER

A transaction broker, acting through one or more sales associates, assists the parties to a potential real estate transaction as a real estate broker in communication, interposition and negotiation, to reach agreement between or among them, without acting as an agent for any party.

A transaction broker will treat both buyer and seller as customers. An example of a transaction broker is when you, the Buyer, are a customer of the real estate licensee assisting you. The licensee assisting you has no agency relationship with the Seller of the property in which you are interested. The licensee would be a transaction broker and not act as an agent for either party.

AGENCY FORM

Section A

**Acknowledgement of receipt of Information
(Note: this is not a binding contract)**

The following information is required under Kentucky law:

1. The licensee's name is _____ of _____ real estate company. The principal broker of the real estate company is _____.
2. The prospective party is _____.
3. The licensee may act as a (CHECK ALL THAT APPLY) :
 - Dual-limited agent
 - Seller's/Buyer's Agent
 - Designated agent
 - Non-agent or transaction broker

I have received and read the Agency Information and Disclosure Form consisting of this page and one other page

Prospective party signature Date

Prospective party signature Date

COMPLETE SECTION B ONLY IF DUAL AGENCY IS BEING UTILIZED IN THIS TRANSACTION

Section B

Disclosure and Consent to Dual-Limited Agency

1. The property address is _____.
2. The other party(s) represented by the licensee as a Dual-Limited agent in this transaction is/are _____ (name) and _____ (name).
3. Designated agency is utilized in this transaction. I understand the principal broker is the only real estate licensee who acts as a dual agent for me and the other party (named in paragraph # 2 above) in this transaction pursuant to Kentucky state law (KRS 324.121).
4. The licensee making this disclosure, the company principal broker, or affiliated licensees of the principal broker are acting as parties in this transaction.
 - The licensee making this disclosure, the company principal broker, or affiliated licensees have a financial interest in the property that is the subject of this transaction, or anticipate having financial interest in the property that is the subject of this transaction (other than real estate brokerage fees).
- (CHECK ALL THAT APPLY)
5. A licensee acting as a dual agent in this transaction has either a personal, family, or business relationship with the other represented party in this transaction (the other represented party is named in paragraph #2 of Section B of this document) as indicated here:
 - i. _____ (licensee's name) have a personal relationship, family relationship, business relationship with _____ (list other represented party's name). (CHECK ALL THAT APPLY)

I have delivered the completed Section B to the undersigned party to this transaction.

Signature of Licensee

Date

The undersigned has received a completed copy of Section B of the Agency Information and Disclosure Form and consents to dual-limited agency by the licensee, the principal broker, and other licensees of their real estate company. If designated agency is utilized, the undersigned consents to dual agency by the principal broker only.

Signature of party Date

Signature of party Date