

CONSUMER GUIDE TO AGENCY RELATIONSHIPS



We are pleased you have selected REM COMMERCIAL to help you with your real estate needs. Whether you are selling, buying or leasing real estate, REM COMMERCIAL can provide you with expertise and assistance. 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 Ohio you can also contact the Ohio Division of Real Estate & Professional Licensing at (614) 466-4100, or on their website www.com.state.oh.us.

Representing Sellers (Landlords)

Most sellers (landlords) of real estate choose to list their home for sale with a real estate brokerage. When they do so, they sign a listing agreement that authorizes the brokerage and the listing agent to represent their interests. As the seller's (landlord's) agent, the brokerage and listing agent must: follow the seller's (landlord's) lawful instructions, be loyal to the seller (landlord), promote the seller's (landlord's) best interests, disclose material facts to the seller (landlord), maintain confidential information, act with reasonable skill and care and, account for any money they handle in the transaction. In rare circumstances, a listing broker may offer "subagency" to other brokerages, which would also represent the seller's (landlord's) interests and owe the seller (landlord) these same duties.

Representing Buyers (Tenants)

When purchasing real estate, buyers (tenants) usually choose to work with a real estate agent as well. Often the buyers (tenants) want to be represented in the transaction. This is referred to as buyer's (tenant's) agency. A brokerage and agent that agree to represent a buyer's (tenant's) interest in a transaction must: follow the buyer's (tenant's) lawful instructions, be loyal to the buyer (tenant), promote the buyer's (tenant's) best interests, disclose material facts to the buyer (tenant), maintain confidential information and, account for any money they handle in the transaction.

Dual Agency

Occasionally the same agent and brokerage that represents the seller (landlord) also represents the buyer (tenant). 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 (tenant) and the seller (landlord). 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.

Representing Both the Buyer (Tenant) & Seller (Landlord)

On occasion, two different agents from the same brokerage will represent each the buyer (tenant) and seller (landlord). In this case the agents may each represent the best interest of their respective clients. Or, 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.

Working With REM COMMERCIAL

REM COMMERCIAL does offer representation to both buyers (tenants) and sellers (landlords). Therefore, the potential exists for one agent to represent a buyer (tenant) who wishes to purchase/lease property listed with another agent in our company. If this occurs each agent will represent their own client, but REM COMMERCIAL and its managers will act as a dual agent. This means the brokerage and its managers will maintain a neutral position and not take any actions that will favor one side over the other. However, REM COMMERCIAL will still supervise both agents to assure that their clients are being fully represented.

While it is the policy of REM COMMERCIAL to allow a buyer (tenant) and seller (landlord) in the same transaction to be represented by two agents in our brokerage, it does not permit one agent to represent both parties. Therefore, a listing agent working directly with a buyer (tenant) will represent only the seller's (landlord's) interests. In this situation the agent will still be able to provide the buyer (tenant) with non-confidential information, prepare and present offers at their direction and assist the buyer (tenant) in the financing and closing process. However, the buyer (tenant) will be a customer, representing his or her own interests. Because the listing agent has a duty of full disclosure to the seller (landlord), a buyer (tenant) in this situation should not share any information with the listing agent that they would not want the seller (landlord) to know. If a buyer (tenant) wishes to be represented, another agent in REM COMMERCIAL can be appointed to act as their agent or they can seek representation from another brokerage.

Working With Other Brokerages

REM COMMERCIAL does offer representation to both buyers (tenants) and sellers (landlords). When REM COMMERCIAL lists property for sale it also cooperates with, and offers compensation to, other brokerages that represent buyers (tenants). REM COMMERCIAL does reserve the right, in some instances, to vary the compensation it offers to other brokerages. As a seller (landlord), you should understand that just because REM COMMERCIAL shares a fee with a brokerage representing the buyer (tenant), it does not mean that you will be represented by that buyer's (tenant's) brokerage. Instead that company will be looking out for the buyer (tenant) and REM COMMERCIAL will be representing your interests.

When acting as a buyer's (tenant's) agent, REM COMMERCIAL also accepts compensation offered by the listing broker. If the property is not listed with any broker, or the listing broker does not offer compensation, we will attempt to negotiate for a seller (landlord)-paid fee.

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, 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.

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, Ohio law requires that we ask you to sign the attached, acknowledging receipt of this Consumer Guide. Doing so will not obligate you to work with our company if you do not choose to do so.





Receipt of Consumer Guide

By signing below, I hereby acknowledge that I have received the “Consumer Guide to Agency Relationships” of REM Commercial.

Name (Please Print)

Signature Date



Name (Please Print)

Signature Date