

To be completed when presenting an offer.

**AGENCY DISCLOSURE STATEMENT -- SELLER**

The real estate agent who is providing you with this form is required to do so by Kentucky law. The purpose of this form is to confirm that you have been advised of the role of the agent(s) in the transaction proposed below. (For purposes of this form, the term "seller" includes a landlord.)

Seller(s): \_\_\_\_\_

Property Address: \_\_\_\_\_

**I. TRANSACTION INVOLVING TWO AGENTS IN TWO DIFFERENT BROKERAGES**

The Seller is represented by \_\_\_\_\_  
AGENT

\_\_\_\_\_  
NAME OF BROKERAGE AND PRINCIPAL BROKER'S NAME

**II. TRANSACTION INVOLVING TWO AGENTS IN THE SAME BROKERAGE**

If two agents in the same real estate brokerage represent both the Buyer and the Seller, check the following relationship that will apply:

**Designated Agency:**

- Agent(s) \_\_\_\_\_ of \_\_\_\_\_ represents the Seller and another Agent(s) in the same firm represents the Buyer. The principal broker and managers will be "dual agents," which is explained on the back of this form. As dual agents, they will remain loyal to both parties in the transaction, and they will protect all parties' confidential information; OR

**Dual Agency:**

- Every agent in the brokerage represents every "client" of the brokerage. Therefore, Agent(s) \_\_\_\_\_ and \_\_\_\_\_ will be working for both the Buyer and Seller as "dual agents". Dual agency is explained on the back of this form. As a dual agent, they will remain loyal to both parties in the transaction, and they will protect all parties' confidential information. To the best of the Agent's knowledge, neither the agent(s) nor the principal broker acting as a dual agent in this transaction has a **PERSONAL, FAMILY, or BUSINESS** relationship with either the Buyer or Seller. *If such a relationship does exist, please explain:*  
\_\_\_\_\_  
\_\_\_\_\_

**III. TRANSACTION INVOLVING ONLY ONE REAL ESTATE AGENT**

(Mark the appropriate box.)

Agent \_\_\_\_\_ and the brokerage \_\_\_\_\_ will

- be a "dual agent" representing both parties in this transaction. Dual agency is explained on the back of this form. As dual agents will they will remain loyal to both parties, and they will protect all parties' confidential information. To the best of the agent's knowledge, neither the agent(s) nor the brokerage acting as a dual agent in this transaction has a **PERSONAL, FAMILY, or BUSINESS** relationship with either the Buyer or Seller. *If such a relationship does exist, please explain:* \_\_\_\_\_; OR
- represent only the (check one)  Seller or  Buyer  neither in this transaction as a client. The other party(ies) is not represented and agrees to represent his/her own best interest. Any information provided the agent may be disclosed to the agent's client.

**CONSENT**

I (we) consent to the above relationships as we enter into this real estate transaction. If there is a dual agency or designated agency in this transaction, I (we) acknowledge reading the information regarding dual agency or designated agency explained on the back of this form.

SELLER(S)/LANDLORD \_\_\_\_\_ DATE/TIME \_\_\_\_\_

SELLER(S)/LANDLORD \_\_\_\_\_ DATE/TIME \_\_\_\_\_

## **DUAL AGENCY**

Kentucky law permits a real estate agent and brokerage to represent both the Seller and Buyer in a real estate transaction as long as this is disclosed to both parties and they both agree. This is known as dual agency. As a dual agent, a real estate agent and brokerage represent two clients whose interests are, or at times could be, different or adverse. For this reason, the dual agent(s) may not be able to advocate on behalf of the client to the same extent the agent may have if the agent represented only one client.

### **As a dual agent, the agent(s) and brokerage shall:**

- Treat both clients honestly;
- Disclose latent (not readily observable) material defects to the purchaser, if known by the agent(s) or brokerage;
- Provide information regarding lenders, inspectors and other professionals, if requested<sup>1</sup>;
- Provide market information available from a property listing service or public records, if requested;
- Prepare and present all offers and counteroffers at the direction of the parties;
- Assist both parties in completing the steps necessary to fulfill the terms of any contract, if requested.

### **As a dual agent, the agent(s) and brokerage shall not:**

- Disclose information that is confidential, or that would have an adverse effect on one party's position in the transaction, unless such disclosure is authorized by the client or required by law;
- Advocate or negotiate on behalf of either the Buyer or Seller;
- Suggest or recommend specific terms, including price, or disclose the terms or price a Buyer is willing to offer or that a Seller is willing to accept;
- Engage in conduct that is contrary to the instructions of either party or act in a biased manner on behalf of one party.

**Responsibilities of the Parties:** The duties of the agent and brokerage in a real estate transaction do not relieve the Buyer and Seller from the responsibility to protect their own interests. The Buyer and Seller are advised to carefully read all agreements to assure that they adequately express their understanding of the transaction. The agent and brokerage are qualified to advise on real estate matters. **IF LEGAL OR TAX ADVICE IS DESIRED, YOU SHOULD CONSULT THE APPROPRIATE PROFESSIONAL.**

**Consent:** By signing on the reverse side, you acknowledge that you have read and understand this form and are giving your voluntary, informed consent to the agency relationship disclosed. If you do not agree to the agent(s) and/or brokerage acting as a dual agent, you are not required to consent to this agreement.

## **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.

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