



Who Does the Realtor Represent?

Prior to 1995, the state laws of Nebraska stated that the real estate agent always represented the sellers or landlords of buildings. In 1995, Nebraska state laws were changed, and unless the real estate agent actually has a listing with the owner on the property being shown, the real estate agent is presumed to be representing the prospective buyer or tenant.

If an agent is representing a seller or landlord, he cannot divulge how low the seller or landlord will go in price or other confidential information. If the agent is representing the tenant or buyer, he can divulge this kind of information and is not obligated to tell the seller or landlord confidential information about the prospect.

In cases where the agent has a business relationship with both the prospect and the landlord/seller, sometimes the agent is more comfortable declaring a dual agency. In this case, the agent represents the interests of both parties in trying to put together a transaction.

In spite of the various forms of representation, the commissions are virtually always paid up front by the seller/landlord. The seller/landlord obviously recoups the cost of the commission by virtue of the fact that an agreement was met.

The agent is able to provide you with a disclosure brochure explaining these relationships. You are asked to sign that the agent gave this to you, although it does not represent any kind of a contract.

The following, *in addition to the Disclosure of Brokerage Relationships brochure*, explains some of the differences in duties that an agent will perform for you, depending on whether or not you choose to sign a representation contract with that agent.

CUSTOMER SERVICES PROVIDED BY AGENT FOR PROSPECTIVE BUYERS AND TENANTS (NO CONTRACT SIGNED)

1. Agent will assist with viewing properties that are listed with real estate agents.
2. Will write letter of intent or purchase offer on desired property.
3. Will make general suggestions for items that should be included in the lease or purchase document before submission to attorney.
4. Will recommend contractors for remodeling.
5. Will provide comparable sale and lease information from Multiple Listing or in-house records.

CLIENT SERVICES PERFORMED BY AGENT FOR TENANT/BUYER REPRESENTATION (ACTUAL CONTRACT SIGNED)

1. Agent will approach property owners who do not have space listed with a real estate agent.
2. Will prepare an RFP (Request for Proposal) from multiple owners.
3. Will review contract document and suggest language changes, or provide contract documents to be used, before submitting to attorney.
4. Will assist with soliciting bids for the remodeling process.
5. Will obtain courthouse records for comparable sale information and lease information from outside sources, if necessary.

ONE-PARTY LISTING AGREEMENT WITH OWNER OF BUILDING

Agent usually still only represents the tenant/buyer, not the building owner. The one-party listing is only an agreement for professional fees, unless the Landlord is turning a prospect over to the agent and specifically requesting to be represented.

LISTING AGREEMENT WITH OWNER OF BUILDING

1. Market surveys are performed to determine the value of the property.
2. Agent provides signage, fliers, mass mailings, newsletter services, open house luncheons, Multiple Listing and other web-based advertising, print ads, and various other efforts to market the building.
3. Agent can provide contract documents to be used in the transaction and approved by Owner's attorney.
4. When an agent has a prospect, first priority is to present properties personally listed by agent. Second priority is to present properties presented by the agent's company. Third priority is properties in the Multiple Listing Service. Fourth is properties listed by other brokers in Lincoln who are not in Multiple Listing. The last priority is to present properties not listed by any agents.