State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
DIVISION OF LICENSING AND BOARD ADMINISTRATION
7 Eagle Square, Concord, NH 03301-4980
Phone: 603-271-2152

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

As a customer, the licensee with whom you are working is not obligated to keep confidential the information that you might share with him or her. As a customer, you should not reveal any confidential information that could harm 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 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, such as showing property, preparing, and conveying offers, and providing information and administrative assistance.

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, 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 important 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).
I understand as a customer I should not disclose confidential information.

Name of Consumer (Please Print)		Name of Consumer (Please Print)	
Signature of Consumer	Date	Signature of Consumer	Date
Mary Claire Quella License No. 075377		ServiceLink Auction, LLC License No.076506	
Provided by: Name & License #	Date	(Name and License # 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 use the licensee look up at oplc.nh.gov

Inactive licensees *may not practice real estate brokerage.* *8/18/17*

ServiceLink Auction, LLC March 7, 2023

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 (RSA 331-A:25-b; RSA 331-A:25-c)

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

SUB-AGENCY (RSA 331-A:2, XIII)

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 written 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 services, 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. A facilitator can perform ministerial acts, such as showing property, preparing and conveying offers, and providing information and administrative assistance, and other customer-level services listed on page 1 of this form. This relationship may change to an agency relationship by entering into a written contract for representation, prior to the preparation of an offer.

ANOTHER RELATIONSHIP (RSA 331-A:25-a)

If another relationship between the licensee who performs the service 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.

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

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

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

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.

The material presented in this brochure is intended to assist consumers in making wise decisions regarding a real estate transaction in New Hampshire. Anything in this pamphlet should not be considered legal advice. Additional information can be obtained regarding the laws, rules and regulations on Real Estate Agency Relationships at https://www.oplc.nh.gov/nh-real-estate-commission-laws-and-rules or by contacting the NH Real Estate Commission at the contact information below.

NH Real Estate Commission,
7 Eagle Square, Concord, NH 03301
Tel: (603) 271-2152 or E-mail: nhrec@nh.gov
https://www.oplc.nh.gov/nh-real-estate-commission

March 2022

ServiceLink Auction, LLC March 7, 2023

NEW HAMPSHIRE CONSUMER INFORMATION

Relationships in Real Estate

When Buying, Selling, Renting or Leasing Real Estate, Are you a Customer or Client?

Are You a Customer or Client?

When you choose to work with a real estate licensee he or she may or may not be "your" agent. An agent owes certain duties to a client, but has a different obligation to a customer. It is important to know whether you are a customer or a client in a real estate transaction.

You should discuss the following information with the real estate licensee with whom you may work in order to make informed decisions.

Who is a Customer?

A customer is one who seeks to sell, exchange, purchase, rent or lease real estate, but has not hired the real estate licensee to represent them.

As a customer, you cannot expect the licensee to act as your agent or to advocate on your behalf. A real estate licensee can, however, provide valuable market information and services to assist you as a customer. A licensee is also obligated by law to treat customers honestly, to disclose material defects actually known by the licensee pertaining to the on-site physical condition of the real estate, and to promptly present all offers and counteroffers.

A licensee working "with" a customer may perform ministerial administrative acts, which include showing property, preparing and presenting offers or agreements, and providing information and assistance concerning the transaction.

Who is a Client?

A client is a person who establishes an agency relationship with a licensee through a written contract and agrees to be represented by the agent in a real estate transaction.

This contract must clearly establish the terms and obligations of both the client and the licensee/firm who becomes the agent.

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

- Advocacy
- Care, Skill and Diligence
- Advice
- Confidentiality
- Loyalty
- Lawful Obedience
- Promotion of client's best interest

Who is an Agent?

An agent is a licensee with a fiduciary obligation to provide services through a written contract for a seller, landlord, buyer, or tenant and is bound by the duties of loyalty, lawful obedience, disclosure, confidentiality, reasonable care, diligence, and accounting.

The written agency contract is with the firm and not with the individual agent.

The seller/landlord and/or the buyer/tenant may be liable for the actions of the agent and any sub-agents when these actions occur within the scope of the agency relationship.

What Types of Agency Relationships are commonly practiced in New Hampshire?

SELLER AGENCY

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 interests in the real estate transaction.

BUYER AGENCY

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 the firm represents only one client in the transaction (the buyer or the seller).