

MASSACHUSETTS CONSENT TO DESIGNATED AGENCY

A designated agent is a real estate licensee who has been appointed by a broker or salesperson to represent a buyer as a "designated buyer's agent" or to represent a seller as a "designated seller's agent." When a buyer or seller consents to designated agency only that designated agent represents the buyer or seller. Any other agents affiliated with the broker may represent another party to the transaction and by consenting to designated agency the buyer or seller permits those agents to represent another party. Individuals who are designated agents owe fiduciary duties to their respective clients.

If you are a **seller** you are advised that:

- a) the designated seller's agent will represent the seller and will owe the seller the duties of loyalty, full disclosure, confidentiality, to account for funds, reasonable care and obedience to lawful instruction;
- b) all other licensees affiliated with the appointing broker will not represent the seller nor will they owe the other duties specified in paragraph (a) to that seller, and may potentially represent the buyer; and
- c) if designated agents affiliated with the same broker represent the seller and buyer in a transaction, the appointing broker shall be a dual agent and neutral as to any conflicting interests of the seller and buyer, but will continue to owe the seller and buyer the duties of confidentiality of material information and to account for funds.

Conversely, if you are a **buyer** you are advised that:

- a) the designated buyer's agent will represent the buyer and will owe the buyer the duties of loyalty, full disclosure, confidentiality, to account for funds, reasonable care and obedience to lawful instruction;
- b) all other licensees affiliated with the appointing broker will not represent the buyer nor will they have the other duties specified in paragraph (a) to that buyer, and potentially may represent the seller; and
- c) if designated agents affiliated with the same broker represent the seller and buyer in a transaction, the appointing broker shall be a dual agent and neutral as to any conflicting interests of the seller and buyer, but will continue to owe the seller and buyer the duties of confidentiality of material information and to account for funds.

BUYER/SELLER ACKNOWLEDGMENT

I acknowledge and agree that _____ *[insert name of licensee]* is authorized to represent me as a designated agent. I hereby consent to designated agency.

Signature of Buyer / Seller
[circle one]

Print Name

Date

Signature of Buyer / Seller
[circle one]

Print Name

Date

BROKER/SALESPERSON ACKNOWLEDGMENT

I acknowledge and agree to represent the above named consumer as a designated agent and my signature below signifies that I understand the duties and responsibilities of that relationship, and explained to the consumer that I am their agent (together with any other licensees expressly appointed as their designated agent); that the appointing broker/salesperson may become a "dual agent;" and no one else affiliated with my firm represents them.

Signature of Broker/Salesperson

License Number

Today's Date

NOTICE OF DESIGNATED AGENCY

To be given when the clients have previously given their informed consent to Designated Agency

The Broker previously explained the firm's policy regarding designated agency and was granted consent to appoint designated agents to represent the Buyer and the Seller in connection with your real estate transaction. It was explained that one agent would be designated to represent the Buyer or the Seller and that there was a potential that another agent or agents within the same brokerage firm may be designated to represent the other side in the same transaction. It was explained that in such case, both Buyer and Seller would receive notice if both were being represented by designated agents within the same firm.

Broker now gives notice that Designated Agency has occurred and affiliated licensees of the Broker represent both the Buyer and the Seller as designated agents in this transaction. Below are the names of the Seller, the Seller's Designated Agent and the Buyer and the Buyer's Designated Agent. We request that you acknowledge receipt of the foregoing notice.

Property: _____

SELLER: _____

Designated Seller's Agent: _____

Name

License Number

BUYER: _____

Designated Buyer's Agent: _____

Name

License Number

This Notice is being given in compliance with the earlier consent to designated agency.

Broker or Authorized representative

Signature

Date

Name

Firm

ACKNOWLEDGEMENT

Buyer Seller *[check one]*

Signature

Signature

Date

Date