SELLER AGENCY CHECKLIST*

Important: Subagency is not permitted. When you accept a listing, you are acting solely as the seller's representative.

FIRST INTERACTION WITH THE CONSUMER

- ☐ Confirm whether the consumer already has an agency agreement with another real estate licensee. If they do, determine the expiration date of that agreement. (If the seller is bound by an active exclusive brokerage contract, do not attempt to interfere with or encourage the termination of that agreement.)
- ☐ At the first meeting, if the consumer is interviewing potential agents, you may wish to provide written notice stating that unless they choose to engage you, you will not be considered their representative. Alternatively, use the "Disclosure of Seller's Designated Agent" form so the seller understands that any confidential details shared during the meeting will be protected, even if you are not ultimately hired to list their property.
- ☐ Clearly explain to the consumer (potential seller-client) the designated agency arrangement that will apply.
- ☐ Inform the consumer about your compensation structure and the manner in which your sponsoring broker is paid. Make sure they understand they may authorize the sponsoring broker to extend a specific offer of compensation to cooperating brokers. Agree upon the negotiated payment for the sponsoring broker and determine whether the seller will offer compensation to a buyer's broker or allow the seller's broker to provide cooperating compensation. If applicable, settle on the exact amount.
- ☐ Prepare the appropriate marketing or listing agreement, along with the property marketing checklist, and obtain the seller's signature on both.
- ☐ Discuss the concept of dual agency with the consumer and provide them with the "Disclosure and Consent to Dual Agency" form—unless that language is already included in the marketing or listing agreement. The seller must sign this form prior to participating in any dual agency arrangement.
- ☐ Provide the seller, in writing, with the name(s) of the designated agent(s), unless that information is already included in the brokerage agreement.

FOLLOWING EXECUTION OF THE MARKETING/LISTING AGREEMENT

- ☐ Review with the seller how showing appointments will be scheduled.
- ☐ Clarify that agents representing potential buyers—including those from the same brokerage—are acting on behalf of the buyer. Advise the seller to avoid sharing any confidential information with them.
- ☐ Remind the seller to keep all confidential details strictly between themselves and their designated agent(s). This includes avoiding unintentional disclosures, such as through social media posts.
- ☐ Go over open house protocols, including whether someone other than the designated agent may be responsible for hosting the event.
- ☐ If any new designated agent(s) are assigned after the original disclosure, provide the seller with updated notification using the Additional Agent Designation form(s).
- ☐ Ask the seller if the property has any audio or video surveillance devices installed. If so, verify that appropriate

Notices are posted on the premises, and they consult with their attorney for legal guidance.

SCHEDULING SHOWINGS ON BEHALF OF THE SELLER

NOTE: Under the Real Estate License Act, a licensee working with a buyer is generally considered the buyer's agent—verify this in each case.

- ◻ If a buyer contacts you directly, first ask whether they are currently represented by another agent.
- ◻ If the buyer does not have an agent, explain their options: they may proceed without representation, they may agree to a dual agency arrangement if they choose to work with you while you already represent the seller, or you can refer them to an agent of their own.
    - ◻ If the buyer requests representation, obtain a buyer representation agreement and have them sign the dual agency disclosure form (see Buyer Agency Checklist).
    - ◻ If the buyer wants representation but declines dual agency, arrange the showing for the seller and then refer the buyer to another agent within the office.
    - ◻ If the buyer is only interested in one specific property and does not want representation, determine whether you can move forward by treating the buyer as an unrepresented customer and providing them with a "Notice of No Agency Relationship" form.
- ◻ If you are not the seller's designated agent, inform the designated agent about the scheduled appointment and indicate whether the buyer has agent representation.
- ◻ Enter the correct details into the appointment log or tracking sheet.
- ◻ The person scheduling the showing should notify the seller of the appointment and verify with the seller whether the buyer is unrepresented or working with a buyer's agent.

WHEN RECEIVING A PURCHASE OFFER FROM A BUYER OR BUYER'S AGENT

- ◻ Confirm that the seller(s) have completed and signed the Residential Real Property Disclosure Report, the Radon Awareness Form with the IEMA flyer, and—if required—the Lead-Based Paint Disclosure Form along with the USEPA pamphlet. Deliver these to the buyer, and whenever possible, obtain their signature before the contract is accepted. Retain a copy for your records.
- ◻ If you are functioning as a disclosed dual agent, ensure both the buyer(s) and seller(s) receive the Confirmation of Consent to Dual Agency form, and obtain their signatures or initials no later than the time the contract is signed.
    - ◻ If either party withdraws consent to dual agency, promptly refer that party to a different licensee. You may not collect a referral fee unless this has been disclosed to both the buyer and seller.
- ◻ Present the purchase contract to the seller, review the terms, and advise them if the buyer is requesting any seller concessions or compensation for the buyer's broker.
- ◻ If the seller accepts the contract, handle any earnest money received in accordance with the provisions outlined in the contract and the Real Estate License Act, or transfer the funds to the escrow agent specified in the purchase agreement.

*** This form should only be utilized when permitted under the policies of your sponsoring broker's office.**