



## ILLINOIS ASSOCIATION OF REALTORS® SELLER AGENCY CHECKLIST\*



NOTE: No subagency is allowed; therefore, you are seller's agent only when taking a listing.

### **INITIAL CONTACT WITH CONSUMER**

- Upon initial contact, if the consumer is shopping for an agent you may want to disclose to the consumer in writing that unless the consumer chooses to work with you that you will not be considered as the consumer's agent.
- Inquire into whether consumer has any agency relationship with another licensee. If so, find out when that relationship terminates.
- Advise the consumer (prospective seller-client) of the designated agency relationship that will exist.
- Advise consumer about compensation and whether sponsoring broker will share compensation with other licensees representing buyers in a transaction.
- Complete and have seller sign Exclusive Right to Sell Contract (marketing/listing agreement) and Checklist regarding the property to be marketed.
- Advise consumer regarding dual agency and provide Disclosure and Consent to Dual Agency form unless the language is in the marketing/listing agreement. Must get seller's signature on form before entering into dual agency situation.
- Advise seller of name of designated agent(s) in writing.

### **AFTER RECEIVING SIGNED MARKETING/LISTING AGREEMENT**

- Discuss how appointments will be made.
- Discuss with seller how other agents working with prospective buyers, even agents of this company, are agents for the buyer, and seller should use caution not to disclose confidential information.
- Caution seller not to disclose confidential information to anyone other than the designated agent(s). Include in this disclosure inadvertent disclosure through social media.
- Explain open house procedures to sellers. Include explanation as to whether someone other than the designated agent may be sitting the open house.
- If additional designed agent(s) are named after initial disclosure, give notice to seller using Additional Agent Designation forms.

### **WHEN MAKING APPOINTMENTS FOR THE SELLER**

NOTE: The Real Estate License Act considers licensee working with buyer to be buyer's agent; confirm this.

- If contacted by buyer directly, ask if buyer is working with another agent.
- If buyer is not working with another agent, advise buyer of the designated agency or dual agency relationship that will exist if buyer works with you.
  - If buyer desires representation, seek a buyer representation contract. (See Buyer Agency Checklist).
  - If buyer wants representation but not dual agency then seek a buyer representation contract unless you already represent the seller of the property the buyer is interested in, in which case you should then refer the buyer to another sales associate in the office.
  - If buyer is interested in seeing only one particular listing and does not want to be represented, evaluate whether you are performing "Ministerial Acts". If so, provide agency disclosure (use Notice of No Agency Relationship form).

- If you are not seller's designated agent, notify seller's designated agent of appointment and whether buyer is represented by an agent.
- Record proper information on appointment sheet.
- Scheduler should inform seller of appointment and confirm with seller that buyer is not represented or is represented by a buyer's agent.

**WHEN ACCEPTING A CONTRACT TO PURCHASE FROM BUYER OR BUYER'S AGENT**

- Make sure that seller(s) has (have) filled out and signed the Residential Real Property Disclosure Report, Radon Awareness Form and IEMA flyer, and Lead-Based Paint Disclosure Form (if applicable). Provide it to buyer and get signature before contract is accepted. Keep a copy for our files.
- If acting as a disclosed dual agent, make sure buyer(s) and seller(s) are provided with the Confirmation of Dual Agency form and that they sign or initial it before or at time contract is executed.
  - If one party no longer consents to dual agency, immediately refer the party to a new licensee. You may not receive a referral fee unless disclosure is made to both seller and buyer.
- Present contract to seller.
- If contract is accepted, deposit any earnest moneys received as provided for in the contract to purchase and according to the Real Estate License Act.

**\*Form only to be used if appropriate under your Sponsoring Broker's Office Policy.**