

## MASSACHUSETTS CONSENT TO DESIGNATED AGENCY

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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.

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Signature of  Buyer  Seller Print Name Date  
*(check one)*

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Signature of  Buyer  Seller Print Name Date  
*(check one)*

### 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; and that the appointing broker/salesperson may become a "dual agent;" and that no one else affiliated with my firm represents them.

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Signature of Broker/Saleperson License Number Date

