



Harsch Associates Offers Agency and Transaction Brokerage Representation

Transaction Brokers are real estate licensees who assist the parties in finding the common ground of agreement based on informed decision making by reasonable adults who seek an outcome that meets their needs. Transaction Brokerage and Facilitation inherently foster goodwill and an atmosphere of collaboration in order to find the outcome that best suits all involved with no obligation or attempt, as in the Agency relationship, to seek advantage of one party over the other. The process of purchasing and selling real estate can and often is one that places considerable stress on those involved. Transaction Brokerage as compared to an Agency relationship is often better suited to the increase in information, good will, and complete disclosure while reducing posturing, advantage seeking, stress, and liability.

Transaction Brokerage invites greater trust, dialogue, reasonableness, and consensus building with the goal of a WIN/WIN outcome for both sides.

Transaction Broker Duties to consumer as defined by Massachusetts statute with *additional commitment by Harsch Associates company policy

1. Present property and buyer qualifications honestly and accurately
2. Act honestly and ethically
3. Full disclosure of known property condition and known defects
4. Full accounting of funds
5. Demonstrate skill and knowledge appropriate to the profession
6. *Offer to provide current market data to the parties to assist them in making their own informed decisions relative to a suitable listing price or offering price
7. *Maintain confidentiality for the parties to the transaction
8. *Assist the parties to reach agreement on the terms of the transaction without having the duty to pursue the interests of one party at the potential expense or detriment to the other party.

Note: There is NO vicarious liability exposure to the consumer under a Transaction Brokerage or Facilitation relationship. The client IS vicariously liable within an Agency contractual relationship for the acts of their agent.

We appreciate the opportunity and look forward to serving you.

Sincerely,

Harsch Associates

Consumer Real Estate Relationship Comparison

	Transaction Broker	Agent	Dual Agent	Designated Agency	Attorney	Facilitator
Obedience*	To the terms of the listing contract	Must obey all of client's lawful instructions	No	Designated agent, yes; designating agent, no	Yes	No
Loyalty*	Yes, to the transaction	Yes – only to the client	No – conflicts of interest	Designated agent, yes; designating agent, no	Yes	No
Disclosure*	Yes	Yes	Yes & No	Designated agent, yes; designating agent, no	Yes	Yes
Confidentiality*	Yes	Yes	No	Designated agent, yes; designating agent, no	Yes	No
Accounting*	Yes	Yes	Yes	Yes	Yes	Yes
Reasonable Care*	Yes	Yes	No	Designated agent, yes; designating agent, no	Yes	No
Client Vicariously liable	No	Yes – clients are fully exposed	Yes	Yes – clients fully legally exposed	N/A	No
Trust**	Yes, builds trust	Limited to client only	No	Limited to client only	yes	No
Objectivity**	Yes	No, biased for client	Maybe	No, biased for client	No, biased for client	Yes
Good Will**	Yes	Not based on good will	Maybe	Limited to client only	Moderate	No
Opportunism	No	Yes	?	Yes	Yes	No
Fair Market Value**	Yes	Not the goal	Yes	Not the goal	Not the goal	Possible
WIN/WIN**	Yes	No – Win/Lose	Yes	No – Win/Lose	No – Win/Lose	Possible
Happiness Index** (1-10)	9 – 10	6 – 9	4-9	5 – 8	3 – 8	4 - 8
Honesty Index** (1-10)	9 – 10	3 – 6	3 – 2	5 – 3	0 – 5	8 -10
The Golden Rule***	Yes	No	No	No	No	Yes

Single Star items * Indicates those duties associated with someone serving in the capacity of a fiduciary such as an attorney, trustee, or by definition, a real estate agent

Double Star items ** Indicates additional qualities commonly sought and expected by consumers

Triple Star item *** Although the National Association of Realtors® emphasizes this as the standard for behavior and ethical practice expected of all Realtors®, this standard is directly at odds for an agent, who like and attorney, cannot legally provide this commitment to the non-represented party without violating their legal obligation to their client.