

What if there is a listing in the MLS that directs the buyers agent to call the Seller directly?

PLEASE NOTE THIS NEW CHANGE TO THE ILLINOIS LICENSE LAW

This answer has been provided by the Illinois Association of REALTORS® Legal Counsel

If your local MLS accepts only those listings based on exclusive agreements, (which DAAR & SVAR DO), you should assume that an exclusive brokerage agreement is involved.

If the buyer agent is directed to contact the seller directly, the buyer agent might try to reach the exclusive seller's agent or broker in an effort to educate her about the new minimum service requirements. Perhaps the transaction can proceed from there with the two agents involved. If the seller's agent insists that you contact and work with the seller directly, you must try to pursue the deal for the buyer client. As a result, you might call the seller to schedule a showing. At that time, you would probably want to give the seller a Notice of No Agency Relationship that would inform the seller that you represent the buyer. This should indicate to the seller that he should not divulge his confidential information to you because you might use it in your buyer client's favor.

When you give a Notice of No Agency, remember not to act as the seller's agent. For example, if the seller asks you a question like, "What price should I accept?" or "At what price should I counter this offer?" send him to his own exclusive agent for advice and do not act as his agent.

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