

# Real Estate Agent - Dual Agency - Duties to Buyer and Seller

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This is a quick summary of the California statutory duties a real estate broker or agent owes to each principle when the broker or agent represents both the buyer and seller in a residential real estate transaction involving 1-4 units.

“Dual Agency” – when a real estate broker or agent represents both the buyer and seller in a real estate transaction. The broker or agent is called a “Dual Agent”

### **Fiduciary Duty Owed to Both Buyer and Seller**

In a Dual Agency relationship the Dual Agent owes both the buyer and seller each a fiduciary duty of utmost care, integrity, honesty and loyalty in dealings with either the buyer or seller.

### **Duty of Skill, Honesty, Disclosure Owed to Both Buyer and Seller**

A Dual Agent owes both the buyer and seller an obligation of:

- 1) Diligent exercise of reasonable skill in performance of their duties,
- 2) Honesty, fair dealing, and good faith, and
- 3) To disclose all facts known to the Dual Agent that materially affects the value or desirability of the property.

### **What a Dual Agent Cannot Disclose**

A Dual Agent cannot disclose to the other party without consent is what the seller is willing to sell the property for below the list price, what the buyer is willing to pay above the price offered, and any confidential information obtained by the other party that does not violate their duties.