

Who "Sold" That Listing? Real Estate Terminology Clouds the Answer

Do you know the difference between a seller's agent and a selling agent? The selling agent is the agent who represents the buyer in a transaction. The listing agent represents the seller.

Confused? I don't blame you. It is true, however, that it is typically the buyer's agent who actually sells a home which some other agent has listed.

About 5% of the time a listing agent sells his own listing — that is, he or she finds an unrepresented buyer and "double ends" the transaction.

So, we are left with this confusing terminology that the selling agent is the buyer's agent.

Having explained that, let's talk about the word "agent." On the one hand we often refer to real estate licensees as being agents, but "agent" has a more specific legal meaning. A real estate licensee can be an "agent" or a "trans-

action broker" — or something else for which there is no word when the buyer is a "customer."

Legally, an "agent" is an advocate for his "client," serving him/her with "utmost good faith, loyalty and fidelity." In other words, an agent is looking out for the best interests of his client, whether he is a seller or a buyer.

In any transaction, therefore, a licensee can't be an agent to both parties, because he/she can't be working to get the best deal for both sides. He can only be a "transaction broker" who is merely a facilitator of the paperwork and doesn't assist either party in getting the best possible deal.

Alternatively, the licensee who is the listing agent can remain as the agent (advocate) for his seller, and inform the buyer in writing that he (buyer) is merely a "customer" and that the licensee is NOT working in

the buyer's best interest or even being a neutral transaction broker. This is my company's preferred relationship when double-ending a transaction unless there was a bona fide pre-existing agency relationship with the buyer.

With this distinction in mind, let's return to the explanation about the buyer's agent being the selling agent in any transaction, I was using the term "agent" loosely, because maybe he or she wasn't an agent at all in the legal sense of the word.

Just to confuse matters even more, the Realtor Code of Ethics allows both the listing agent and the buyer's agent to claim for statistical purposes that they "sold" a particular house, even though, as I just explained, the buyer's agent is the agent who actually sold the listing. Myself, I never claim that I sold my listing if I didn't sell it. It just doesn't seem right to do so. I simply call it a "sold listing."

This Week's Featured New Listing:

1-Acre Property Near Lakewood Country Club

Located at 1235 Pierce Street, this amazing property consists of a 2,630-sq.-ft. 2-story home, 4-car garage, and 1,054-sq.-ft. studio (beyond the garage, not visible in this picture). The studio is heated, air conditioned and even has a bathroom. There is plenty of off-street parking too. Built in 1928 and updated in 2002, this fine home has that special combination of old-world charm and modern convenience. Its main-floor master suite will impress, as will the fully updated kitchen with soapstone counters, built-in Sub-Zero refrigerator and other modern conveniences. You'll like the hardwood floors, charming tile fireplace, wood stove, steam shower, high ceilings and central air conditioning too!



Tour this Home online at:
www.LakewoodEstate.info

REAL ESTATE TODAY



By **JIM SMITH,**
Realtor®

**GOLDEN
REAL ESTATE**

Serving the West Metro Area

Jim Smith

Broker/Owner

Golden Real Estate, Inc.

DIRECT: 303-525-1851

EMAIL: Jim@GoldenRealEstate.com

17695 South Golden Road, Golden 80401

WEBSITE: www.GoldenRealEstate.com



Visit www.GreatGoldenHomes.com to browse all Golden Real Estate listings.
Find 100 or more other columns archived online at www.JimSmithColumns.com.