



WASHINGTON REALTORS®

Legal Hotline Q&A of the Week

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Question:

Buyer has entered into a non-exclusive agency agreement via Form 41 with Agent A in order to see a home they are interested in. Later that day, buyer wants to work with Agent B to write the offer on said home and/or continue searching for homes. Is Agent B able to establish an exclusive agency agreement via Form 41 with the knowledge that Buyer has already entered into a non-exclusive agency agreement with Agent A? Does the exclusive agency agreement supersede and cancel out the non-exclusive agency agreement Buyer entered into previously with Agent A?

Answer:

Buyer and broker B are free to enter an exclusive BBSA even though buyer is already in a non-exclusive BBSA with broker A. The exclusive BBSA does not "cancel" the first BBSA. Instead, the non-exclusive Form 41 BBSA says that BB earns compensation only if BB writes the offer for buyer. If Broker B writes buyer's offer, then Broker A will not earn compensation based on the non-exclusive BBSA and buyer will owe compensation only to Broker B.

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