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Continue to research houses to find the best real estate agent

By Ilyce Glink and Samuel J. Tamkin, Tribune Content Agency, Real Estate Matters

Q: My wife and I have recently started looking for a home, but we do not have a real estate agent yet. We are currently looking into buyer's agents based on Ilyce's first-time buyer book's recommendation. But we would like to get our feet wet first and attend a few open houses before we hire someone.

We also read in your book it is not a good idea to sign in at an open house if we do not have an agent because if we end up loving the house we will not be able to be represented by a buyer's agent for that location because we have already signed in as "Kate & Rob" to the open house.

Having already gone to one or two open houses, the agent is always pressuring you to sign in on the sheet once you walk in (sometimes mentioning it's for security reasons). How should my wife and I handle this? We don't want the conversation to be awkward or contentious right from the start.

Are we over thinking this? Are we really legally tied to anything if we sign into an open house? Looking on Trulia and Zillow message boards, most people say it's nothing to worry about. But then again, it's clear a lot of the responders are real estate agents themselves. Please help clarify the situation for us. Thanks.

A: If you don't have a real estate agent and want to see open houses, you may have no choice but to sign in and note that you have no agent representing you. And doing that carries consequences: In most states, if you sign in without an agent and later decide to make an offer on the home, the listing agent may claim that you are his or her customer and you don't have the right to bring in your own real estate agent.

While that may be the situation you may face, we have found that many listing agents are willing to allow a buyer to use their own real estate agent when they later decide to buy the home they saw during an open house. While that acceptance may not be universal, if a buyer finds a real estate agent and then approaches the listing, the listing agent may have the legal right to say that they will not honor a commission payment to the new agent.

But now that you have found an agent to represent you, the listing agent runs the risk that the deal could fall through over the commission issue. So, frequently, the listing agent would rather keep a potential buyer happy (and certainly keep his seller happy) and make a deal rather than tussle over a commission dollars.

As you search through advertised open houses, you may not find the right home for you and your family, but instead may find a real estate agent who has the kind of smarts and temperament that work for you.

About the buyer's agent issue: We understand that your preference is to work with an agent who only works with buyers -- known as an exclusive buyer's agent -- but while that may be optimal, we'd rather you find an agent with solid skills, credentials and a network who will work hard to find the right home rather than getting hung up on whether the agent is an exclusive buyer's agent or one that works with buyers and sellers in different transactions, but who will work as a buyer's agent for you and owe you his or her fiduciary duty.

Exclusive buyer's agents can be great to work with, but there aren't that many who truly only represent buyers and never work with sellers. If you find one in your larger metropolitan area, that person may not have the deepest knowledge of your particular neighborhood's housing stock, or a longtime network of agents in the local community who can share all sorts of information.

It's worth interviewing both exclusive buyer's agents and others as you do your search around town and see who the best fit is.

In the meantime, as you go to open houses, you'll discover new homes, find out what interests, attracts and repels you about these different properties, and learn a lot about various neighborhoods and how the housing market behaves in each. Good luck.

(Ilyce Glink is the creator of an 18-part webinar+ebook series called "The Intentional Investor: How to be wildly successful in real estate," as well as the author of many books on real estate. She also hosts the "Real Estate Minute," on her YouTube channel. Samuel J. Tamkin is a Chicago-based real estate attorney. Contact Ilyce and Sam through her website, ThinkGlink.com. Image: studiostock/iStock/Thinkstock)

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