

## **Licensees Roles in the Home Inspection Process**

### **Buyers' Agents SHOULD:**

- Encourage every buyer client to obtain a home inspection for their protection performed by a MS licensed home inspector. If the purchase agreement is contingent upon a satisfactory home inspection, it cannot be performed by one that is not licensed.
- Provide the buyer a list of qualified MS licensed home inspectors who other buyer clients have hired successfully.
- Remind buyer clients that you are NOT a home inspector nor is the appraiser.
- Coordinate the inspection so that the buyer and inspector can meet upon the completion to discuss his findings.
- Require the inspection be delivered directly to the buyer, not to the agent

### **Buyers' Agents SHOULD NOT:**

- Attend the inspection as a participant. If present to provide the buyer access to the property, the agent should avoid any contact with the Inspector and ONLY enter into general conversations---nothing about the property.
- Interpret the home inspection report for the buyer
- Obtain a copy of the written report or, if seen, keep a copy in any file. However, the agent should remember that once they have knowledge of any particular information, they will be obligated to either disclose it or keep it confidential based on their agency relationship.
- Provide a buyer's home inspection report to any subsequent individual other than the buyer who hired the inspector

### **Seller's Agent's Role in the Home Inspection Process**

- Encourage seller to amend the Property Condition Disclosure Statement when the information is MATERIAL to the transaction OR when the information would lead to a CHANGE in one of the items listed on the Property Condition Disclosure Statement.

### **FOR THE JURY TO CONSIDER:**

The Buyer's Agent is the "All Powerful Expert" in the eyes of the buyer. He/she is an expert on all matters and, in fact, doesn't think there really need to be other inspectors. When you are a buyer's agent, or assisting a buyer in any form, you must emphatically and repeatedly stress that you are not an expert beyond the scope of your real estate duties. Remember, the buyer is usually the one who will bring a suit and you are the number one person auditioning for the position of defendant.

Think of how you'd answer these questions on cross examination:

Clerk of the Court: Do you swear to tell the truth, the whole truth and nothing but the truth?

REALTOR: *Yes, I do.*

Attorney: *Do you care about your buyer?*

REALTOR: *Yes, I do.*

Attorney: *If you saw something during the inspection that the buyer missed, would you*

*point it out to them or keep quiet?*

REALTOR: *I would point it out, of course.*

Attorney: *I admire you for that. I knew you would. Now, what if you saw something that the inspector missed. Would you point that out to your buyer, or keep it to yourself?*

REALTOR: *I would point it out, of course.*

Attorney: *So, Ladies and Gentlemen of the jury. I think that you can see that the buyers, my clients, were justified in relying on the REALTOR. Not only was he inspecting the property, but he was supervising the buyer and the inspector.'*

*Oliver Frasca, The Digital Paper Trail, 2007.*