



Estate Agent - Advice 6

Designed for information

The following details is to be viewed as a help assistant to all readers, lots of items are widely known and some may help you in making the correct and wise movements. House moving / selling / buying can be viewed as being a very stressful experience.

Please view the following details as help and not us trying to sell you anything i.e. free advice

Feedback: Please email us if you find the below information of great benefit + if you have used the idea, also tell us the results as feedback is paramount to all businesses - [Best of Luck](#)

Problem Estate Agents

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Listed are some of the common problems when dealing with estate agents, and offers suggestions of possible solutions:

No matter how careful you are to protect yourself and to keep a relationship going with your estate agent, sometimes communications can collapse, the following details will help you tackle some of the scenarios when buying or selling your home - However before blaming some body else ask yourself this simple question - Is it you creating the problems?

Withdrawing Instructions:

Maybe you have decided not to sell after all and want to take your property off the market or you may not be happy with your current agent and want to move to another?

- **Stop:** Before you do this, consider the contract you have with your agent, this simple observation will reveal the rules and remember you signed them so you agreed with them at the point of signing.
- **Notice of termination:** Check for how long the agency period runs.
- **Withdrawal notice:** What notice period do you have to give?
- **Withdrawing:** Is it by telephone or letter?

If you have two weeks notice:

You will be still liable to pay the agent commission if you instruct another agent within this given time - What does this mean? - You give two weeks notice and then instruct a new agent to sell - they sell in 48hrs however as you are still in an agreement with the prior agent then you are answerable to a possible two commission charges. We would advise to avoid instructing another agent until the end of your two week notice period.

Make contact with the selling agent:

Take their name and take a note of the time and date you called when giving notice that you are withdrawing your property, make sure you tell them you have made a note of this telephone call and you will confirm this in writing. Better still do not make a telephone call and take your letter by hand (do not rely on the post). Remember you are the seller and they are the agent thus you are not obliged to give them an explanation as to why you are withdrawing your property.

After the withdrawal time:

If you go onto sell a property to a viewer recommended by your previous agent, you maybe liable to pay the agent's fees - IF your estate agent is a member of OEA or NAEA their code of conduct states that the estate agent waives his right to commission after six months, if they are not members of OEA or NAEA they can make a claim for up to six years for commission

Ready and willing and able:

This is a unpleasant clause found on some agreements, it states that if the agent finds a ready, willing and able purchaser, you must pay them commission regardless of whether you sell the property to that purchaser or not. We recommend that you do not sign such an agreement as their could be many reasons in the future why you have to withdraw your property and entering this type of agreement will only be opening penalties that can not be avoided.

No sale / no commission agreement:

Some agents will enter an agreement of a no sale no fee, but will still attempt to claim commission on the basis of a 'ready, willing and able purchaser' clause, once again we recommend that ready and willing and able is to be avoided.

Cash buyer:

If the agent mentions that the customer is a cash buyer and then later you discover that the purchaser has not arranged a mortgage, this causes you delays, you should not have to pay a commission - However; if the customer is paying cash and not in any chain system then this is a different matter.

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