

Seller's Rights and Responsibilities

Right To Accept Terms Of Listing

The seller has the absolute right to set the listing price. The real estate agent may prepare an "opinion of value" to assist the seller in setting the price. An agent may refuse to accept a listing for any lawful reason.

Right To Have All Offers Presented

By law, real estate agents are required to present all offers to a seller. The Massachusetts Board of Registration of Real Estate Brokers And Salespersons interprets this obligation as continuing until an agreement has been signed. Normally real estate agents will not solicit buyers or continue to show property after acceptance of an offer, unless otherwise agreed. Even if a buyer makes an offer for the full listing price, the buyer cannot usually require the seller to accept, since listing prices are considered invitations to bid.

Nature of Seller's Duties to Condition of the Property

Every seller has the duty to respond fully and accurately to any request for information about a property. This is true whether the information is requested directly by a prospective buyer or by a real estate agent who, in turn, may pass along the information to a prospective buyer. Answers that are misleading or are half-truths are improper. If a seller is unsure of information, the seller should not guess, but should qualify his answer. Otherwise, the buyer may be misled. Sellers may be required to provide information about the presence of lead paint or urea formaldehyde foam insulation, where applicable.

Septic Systems And Cesspools

Massachusetts environmental regulations require that a property which is serviced by a septic system, cesspool or other private waste disposal system be inspected within two (2) years before sale (three (3) years if pumped at least once each year) or within six (6) months after sale (if weather conditions prevent a pre-sale inspection). Only licensed inspectors and soil evaluators may conduct such inspections. Should a system fail an inspection, the buyer and seller may negotiate who will pay to repair or replace the system or, if the agreement for sale contains a contingency, the buyer may decide

to withdraw. The fact that a system passes a Title 5 inspection is not a guarantee that the system will continue to function properly. Even a properly maintained system may only last an average of 15 to 20 years.

Smoke Detector Certificates

Massachusetts law requires that all residential structures be equipped with approved smoke detectors upon sale. The local fire department will issue a certificate to prove compliance.