

Important Watchpoints for Buyers and Sellers

For Buyers – Don't Let Your Broker Expose You to Liability

As the real estate market shifts, some brokers return to their full-time jobs, treating real estate as a side hustle. While they may be well-intentioned, they may not be fully engaged or focused on protecting your interests—and that could leave you exposed.

One common issue: When you, the buyer, request a home inspection, ask your broker if they will attend the inspection on your behalf. Some brokers simply unlock the door for the inspector and leave. If any damage occurs during that unsupervised inspection, **you—not the broker—are liable.**

Refer to your purchase contract, **Section 22C**, which states:

"Buyer shall be liable to Seller for any damages that occur to the property as a result of any inspection conducted by Buyer, inspectors, their agents, contractors, and/or employees."

We believe that attending inspections should fall under a broker's **duty of reasonable care** to their client. Some brokers disagree and claim they're not required to be present—they "have to get back to work." Be sure to **ask your broker directly if they'll attend the inspection** to safeguard your interests.

For Sellers – Don't Let Buyer Brokers Waste Your Time

We often recommend sellers get a **pre-inspection**. This helps both parties understand the home's condition up front, leading to smoother negotiations. Most inspectors, regardless of who hires them, find the same issues. So, repeated inspections rarely bring new insights but can become a strategy for manipulation.

Here's a common tactic:

A buyer's broker might schedule additional inspections, then return with demands for **tens of thousands of dollars in concessions**, based on issues already identified. They assume you've already moved and are desperate to sell, hoping you'll cave to their demands rather than risk putting your home back on the market.

Watch out for these red flags:

1. Requests for multiple inspections
2. Low earnest money
3. Long closing timelines

If we receive an offer that raises any of these concerns, we'll let you know. We aim to protect your interests and steer you away from questionable deals—even in a flattening market, it's often better to walk away from a bad offer than accept one that's likely to lead to regret.

About David Houck

David Houck is the Qualifying Broker of Atomic Realty. With over 40 years in real estate and a background in mathematics, physics, and law, David brings deep expertise and integrity to every transaction. He also serves on the **New Mexico Association of Realtors Forms Committee**, contributing to clear and consumer-friendly real estate contracts.