

RAICH MONTANA
PROPERTIES LLC



SHIELDS RIVER RESERVE

83 Chapel Road, Clyde Park, Montana 59018

TRACY RAICH, Broker | Owner 406.223.8418

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PROPERTY OVERVIEW

The Shields River Reserve is a premiere Montana lifestyle property with its harmonious blend of nature, pristine river frontage and exquisite amenities located in one of the most authentic rural and ranching valleys in south central Montana. The distance to the Reserve from Bozeman Montana is about the same distance to the Big Sky resort area, without the traffic, tour buses and strip malls. The route to the Shields River Reserve will take you back in time as you wind through the authentic Shields Valley where farms, ranches and rural towns that date back to the late 1800s are scattered amongst the expansive landscape. These wonderful towns still represent the lives of cowboys, cowgirls, cattle brandings, rodeos, western days and parades.

This world-class property is suited for qualified buyers seeking a Montana retreat with easy year around access, a wonderful outdoor setting with plentiful wildlife, beauty, tranquility, fly fishing, hiking, equestrian activities, and expansive mountain views. The exquisite yet unpretentious improvements at the Shields River Reserve have been carefully blended into the natural landscape.

Graced with approximately a mile of the pristine trout waters of the Shields River you will also enjoy a varied topography with a park-like setting that supports an abundance of wildlife, lush pasture, native grassland, a beautiful bluff with rock outcroppings, and vistas of the Absaroka, Bridger, Bangtail and Crazy Mountain ranges.

The reserve includes 245 +/- acres where adjoining parcels have been stitched together to prevent development along this valuable recreational corridor. Consistent with the architectural history of the Shields Valley the main home and spacious guesthouse were each designed by celebrated architect Larry Pearson, and built with meticulous craftsmanship with recycled aged timbers and indigenous rock by the revered builder Yellowstone Traditions. The owners have held true to their vision of living within their limits on the land by creating a "true sense of place" without asserting a massive presence over it.

The Shields River Reserve is located just one mile north of Clyde Park and eight miles south of Wilsall, Montana. The storied western town of Livingston is about twenty miles, and vibrant Bozeman is approximately forty-seven miles away.

Convenient commercial and private air travel is available via the Bozeman Yellowstone International Airport & The Jet Center (<https://www.signatureflight.com/location?iata=BZN>) or nearby Mission Field a municipal airport for private pilots and smaller planes. The Wilsall airport is primarily used for farm/ranching industries.

Additional adjoining acreage of 73.97 +/- acres may be purchased separately.

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SHIELDS RIVER FRONTAGE

The Shields River Reserve is an extremely valuable recreation resource for fly-fishing and wild life viewing with approximately a mile of pristine Shields River frontage that winds through the property. Because the Shields River flows through private property for most of its length with few public access points, this river is not as heavily fished as the nearby Boulder and Yellowstone rivers.

The Shields River begins in the Gallatin National Forest in the Crazy Mountains, and flows for over 50 miles through the very broad and scenic Shields Valley to the Yellowstone River just east of Livingston.

BORDERS STATE LAND

The north boundary of the reserve is bordered by 320 acres of Montana State Land. This State Land is completely surrounded by privately held land providing limited public access adding the element of additional beautiful open space for the new owner to enjoy.

CONSERVATION EASEMENT

The Shields River Reserve has significant wild life habitats, recreational resources, scenic open space, and agricultural values. To ensure that these values and the rural aesthetics of the property are protected, the owners have placed 245 +/- acres in conservation with The Montana Land Reliance. Three of the 4 parcels placed in conservation have the Shields River flowing through with significant riparian habitat. Three of the 4 parcels are also part of a rural subdivision for which the owners wanted to ensure that the development footprint would never grow. The fourth parcel is comprised of 168 +/- acres situated to the east of the privately maintained road with stunning elevation, rock outcroppings, forestation, grazing land, wildlife, and striking views from the top. *The conservation allows for a new residence, garage and storage shed to be built on this parcel. Available for review, the easement is mindfully written, and not overly burdensome as it also includes a provision for a one-time division.

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DOMESTIC & IRRIGATION WATER RESOURCES

Well Servicing the Main Residence and Guest Residence
 135’ Deep, Air Tested @ 20 GPM

Irrigation Well located on Oxbow Meadows Tract 8
 104’ Deep, Air Tested @ 80 GPM

Irrigation Well (owned by the seller; located on Arthun Property Across River)
 123’ Deep, Air Tested @ 45 GPM

USE	H2O RIGHT	PRIORITY DATE	SOURCE
Stock	43A117062	Nov 1, 1907	Unnamed Tributary of Shields River – Surface Water
Stock	43A117069	May 25, 1904	Spring, Unnamed Tributary of Shields River – Ground Water
Stock	43A 23703	May 15, 1900	Spring, Unnamed Tributary of O’Leary Creek – Ground Water
Irrigation/Flood	43A115667	Nov 1, 1907	Unnamed Tributary of Shields River – Surface Water
Irrigation/Flood	43A117113	May 24, 1904	O’Leary Creek – Surface Water

All appurtenant water rights owned by the seller will transfer to the buyer. A water right is the right to use both surface and subsurface water. In Montana, water rights are the rights to use the water and not ownership of the water itself. Water rights may not automatically transfer with the land. All water in Montana is the property of the State of Montana for the use of the people of Montana. The transfer of water rights is recorded with the State’s Department of Natural Resources and Conservation.

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THE BRIDGE

The nostalgic steel truss bridge believed to date back to the 1930's is located on the southerly portion of the reserve providing vehicle and foot passage across the Shields River. The bridge has been extremely well maintained.



TERRAIN

A multitude of recreational activities are available on site with the varied terrain of lush river bottom, mature stands of cottonwoods, aspen, juniper, fir and limber pines, sub irrigated pasture, wetlands, a bluff to the east with a canyon and dramatic rock outcroppings, native grassland, natural springs, and rolling hills.



WILDLIFE SEEN AT SHIELDS RIVER RESERVE

Trout (browns, rainbows) moose, black bear (only seasonally), elk, red fox, antelope, mink, beaver, weasels, white-tail and mule deer, bobcat, coyotes, lots of migratory birds including, ducks, geese, harrier hawks, kingfishers, grosbeaks, American gold finches, lazuli buntings, eastern & western king birds, wrens, sparrows, swallows, meadowlarks, red-wing blackbirds, and many more, plus our yearly residents of golden eagles, bald eagles, pheasant, huns, chickadees, magpies, ravens and more.

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EXQUISITE UNPRETENTIOUS MAIN RESIDENCE

The owners (both accomplished artists) had a deep vision for their home. They supported the efforts of the designer and builder in their quest for originality, comfort, functionality, uniqueness and handcrafted quality from start to finish.

Recycled timber from the 1800's barn located at the Salisbury Hotel at Gaffney Station in Twin Bridges, MT was disassembled and moved to the site where it was incorporated into the exterior design of the home along with beautiful dry stacked regional moss rock, blending the new home with the historical architectural history of the area. Rusted corrugated metal was used on the roof with its low overhangs that lend historical character to the structure. Bold hand forged metal straps created in Red Lodge MT were used on doors, and beams, and original metal accents were crafted for the interior and exterior. All of the custom doors, beams, posts, trim, and railings were milled on site to perfection. As a tribute to one of the owner's ancestry, the home also has some Scandinavian influence thoughtfully integrated with original cutout designs in the handcrafted interior and exterior staircases, hand-painted custom crafted cabinetry, wall shelves, and trim.

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MAIN RESIDENCE DETAIL

Architect:	Larry Pearson
Builder:	Yellowstone Traditions
Year Built:	2001
Exterior:	1800's barn wood from the Salisbury Hotel at Gaffney Station in Twin Bridges, MT), regional stone, boulders & slab, sturdy antique posts, some new posts milled onsite.
Roof:	Rusted corrugated metal, copper rain gutters, custom made metal accents.
Covered Porch:	150 sf
Balcony:	242 sf
Stone Walkway:	92 sf
Total SF Living Area:	2226
Main Floor:	1536 sf
Second Floor:	690 sf
Attached Garage (second floor):	1011 (all of this area other than the car port) is sheet rocked & painted, w/stained concrete radiant heated floors, windows, 2 custom doors for private access, could be converted to additional living space by the new owner.
Flooring:	Brick pavers, reclaimed fir plank
Metal Work:	Heavy hand forged metal strap hinges & accent pieces throughout.
Walls:	Hand pigmented and applied "old world style" venetian plaster; abundant wall area to showcase artwork throughout the home.
Heat:	Radiant in-floor throughout; solar panels heat domestic water.
Wood Stove:	The Jotul cast iron "clean burn" stove situated in the living room corner and set upon a massive stone slab provides an additional heat source.
Staircase:	Scandinavian methods & motifs were employed in the stair railing; the wood was left unstained to harmonize with the plaster walls.
Doors & Cabinetry:	Handmade/custom milled by Yellowstone Traditions, all cabinetry made from antique wood.
Windows:	Custom casement, double hung, thermo pane; incorporated into the main floor windows are genuine Rondels that showcase the cobalt blue accents made of stained glass.
Kitchen:	Antique wood custom cabinetry, hand painted in a traditional Norwegian blue color, furniture grade hand made pantry & upper cabinets, double soapstone sink, soapstone counter tops & back splash, copper faucet and stove hood.
Window Treatments:	Hunter Douglas, Honeycomb thermal shades, custom drapes in master bedroom.
Appliances:	Sub Zero refrigerator & Bosch dishwasher clad with hand painted wood, Heartland 4-burner plus grill range, Thermador vent hood, Maytag Neptune washer/dryer, water softener, each room has speakers wired into ceiling.
Lighting:	Antique chandelier, alabaster sconces, recessed, (many hand-made, and track lighting for artwork.

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- Baths:** 1.5 total; the master/main bath has a large walk-in tiled shower (travertine & tumbled marble), crushed limestone soaking tub, antique cabinetry hand painted in the traditional Norwegian pale green, copper counter top with double hammered copper sinks, copper faucets, windows allowing privacy and beautiful natural light. The half bath on the upper level is spacious and may be converted to a full bath if the new owner desires.
- Master Bedroom:** Gorgeous Main Floor Master Suite w/walk-in closet including laundry, French doors that open to the stone patio and landscaped yard.
- Upper Bonus Room:** 690 sf beautiful, light infused room with reclaimed fir plank flooring and ceiling, large north facing window & French doors that open to the balcony overlooking the Shields River, offers a multitude of uses such as second bedroom, family room, office or studio for the new owner.
- Built-Ins/Storage:** Many closets with motion sensor lighting have been integrated into the home. The coat closet is tucked under the staircase, and extra closets are located in the master bath entry, abundant storage upstairs.
- Landscaping:** Mature trees and native grass beds, picnic area overlooking the Shields River, manageable lawn that transitions into the natural flora to the river, underground sprinklers fed by one of the natural springs.



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STUDIO/GUESTHOUSE

Resembling a beautiful old barn with its sloping lines and significant overhangs that meld the structure into the immediate landscape with its own river and mountain views, this building doubles as an artist's studio and spacious guesthouse.

Architect:	Larry Pearson
Builder:	Yellowstone Traditions
Year Built:	1999
Living Area:	2905 sf
Screened Porch:	388 sf with concrete floor.
Stone Patio:	Includes fire pit and rectangular boulder benches.
Exterior:	Reclaimed materials from 19th & 20th century regional buildings.
Roof:	Reclaimed corrugated steel.
Flooring:	Concrete stained with acid.
Heat:	Radiant in-floor throughout.
Windows:	Pella, casement, double hung, skylight, thermo pane.
Great Room:	Grand in size, comfortable, infused with natural light via large strategically placed windows & skylight, custom lighting, cathedral timber & beam clad ceiling, powder room, private entry, offers a multitude of uses for the new owner.
Extra Room:	Located between the great room and bedroom is an area with a built-in sink, wood counter top & custom cabinetry, a closet and area for an extra bed and office.
Bedroom:	Accessed from the beautiful hallway gallery with private access to the screened porch & ¾ bath; reclaimed wood ceiling, recessed lighting.
Baths:	A powder room with pedestal sink off the great room, the ¾ bath has custom cabinetry, copper counter top & sink, copper faucets, tiled shower.
Hallway:	The hallway has a sitting area, art lighting, and strategically placed windows.
Kitchen:	Functional farm-style galley kitchen with custom cabinetry, a wood & steel clad dishwasher, butcher block & steel counter tops, gas range, refrigerator and room for a cabinet.
Living/Dining Area:	The living and dining area is off the kitchen, ample in size, access to the screened porch & stone patio with a fire pit.
Garage:	A one-car garage is attached and is accessed from the exterior and interior. Sheet rocked and heated with concrete floor and storage closet, can easily be converted into living space by the new owner.

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DETACHED GARAGE/SHOP

To complete the Montana compound, the attractive and appropriately scaled detached garage was added. This functional and aesthetically pleasing outbuilding looks as if it has been in place for 100's of years.

Year Built:	2004
Area:	1496 sf
Style:	Sloped "turn-out shed" style with oversize three-car garage, a storage room, wine storage & potting shed.
Exterior:	Reclaimed timbers, dry stacked regional stone.
Heat:	In floor radiant heat, many wood clad windows.
Doors:	Three manual sliding doors clad in old timber. Custom door into the garage.
Interior:	Finished in plywood, concrete floor, separate from the main garage area is a storage room and wine cellar.

(Source: all of the square footages herein were provided by the seller/buyer to verify)



ACCESS

An important feature of the Shields River Reserve is the convenient “year around” access. Chapel Road accessed off of US Highway 89 N is a privately maintained road. A second access off of US Highway 89 N will lead you into the Shields River Reserve across the beautiful old bridge.

UTILITIES

Power is underground. Telephone, satellite TV, and Internet service are currently in place. Electric service provided by Park Electric Cooperative, Internet service by Wispwest, Dish Satellite TV and Telephone service by Comcast.

SANITATION

A septic permit for 3 bedrooms is on file for the system that services the main residence and guesthouse.

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COVENANTS

The CCR's for Oxbow Meadows are on file and available for review. The HOA was never formed, as is common with rural MT subdivisions.

PROPERTY TAXES

Property taxes for 2014 for the 245 +/- acres were \$6,445.00

MINERAL RIGHTS

All mineral rights appurtenant to the property and owned by the Seller will convey to the Buyer at closing. Mineral rights are not guaranteed. It is recommended that the Buyer conduct a mineral search.



OVERVIEW OF THE SHIELDS VALLEY

The Shields Valley is the largest valley in Park County and expands north towards Ringling MT along US Highway 89 with the Shields River flowing through. Total area is approximately 690 square miles, ranging in altitude from 4,550 feet to 10,578 feet (Crazy Peak).

Some of the highlights of the wildlife in the Shields Valley include:

- Discover the old Montana that still exists today.
 - Supports an unusually high concentration of golden eagles.
 - Boasts one of the best-preserved native Yellowstone Trout populations in the state.
 - One of the largest mountain goat populations (Crazy Mountains) in the lower 48 United States.
 - The largest antelope population in the county ranging from 1,500 – 2,000 head.
 - Elk populations of over 5,000 with the majority occurring on the west side of the valley.
 - Wetlands provide an important staging, resting, and viewing area for migratory waterfowl and shorebirds.
 - Excellent moose habitat along the Shields River and its tributaries.
 - Home to a small remnant of sage grouse population, a species of concern throughout the western United States.
- (Source: parkcounty.org)



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CLYDE PARK & WILLSALL

Clyde Park is a small agriculturally based community with a population of approximately 300. Clyde Park has a small grocery store, a post office, gas station, a restaurant, antique store, and a bank. The residents have a keen focus on the public schools and support numerous school related activities. Located 80 miles north of Yellowstone National Park, Clyde Park is considered a part of the Greater Yellowstone Ecosystem. The community is sustained by agriculture and recreation

Willsall located approximately eight miles north of Clyde Park has a population of approximately 250. It is also a peaceful, quaint farm and ranching community as well as a lovely western town offering dining & shopping.

The majority of men and women of the Shields Valley make a living off the land, skilled as stewards of the land, and respectful of nature and its components. There is a special bond between the land and the people.

Montana and Rodeo are two words that are synonymous. Small town rodeos, parades and Settler's Day celebrations take place in the Shields Valley during the summer and fall months.



LIVINGSTON

Livingston Montana is the original gateway to Yellowstone National Park and was founded in 1882 by the Northern Pacific railroad. The town lies on the banks of the Yellowstone River. The spacious valleys and rugged mountains give residents and visitors access to a beautiful and pristine environment for recreation. In town, they enjoy fine dining, shops, nightlife, a museum, and art galleries in a down to earth cultural atmosphere missing in so many places.



Compliments of Livingston Chamber of Commerce

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BOZEMAN

Bozeman located less than an hour from the Reserve is the county seat of Gallatin County. Bozeman's population was approximately 39,800 in 2012 making it the fourth largest city in the state.

Bozeman is very fortunate to have a thriving arts and culture community. Highlights include the new "green" public library, the world-renowned Museum of the Rockies, and the annual favorite Sweet Pea Festival. Bozeman is home to Montana State University. The local newspaper is the Bozeman Daily Chronicle.



AREA RECREATION & WILDERNESS

Montana is known for its great outdoors; and nowhere else in the state is the scenery more spectacular, the fishing more fabulous or the mountains more magnificent than in Park County. There is much to do on this property, nearby and throughout the region.

With over nine hundred thousand acres of wilderness, nearly two hundred thousand acres of National Forest Land, and approximately three million acres of Yellowstone National Park, the Absaroka-Beartooth wilderness is home to Montana's tallest peak, the steep rocky mass known as Granite Peak. At 12,799 feet, Granite Peak towers above the Beartooth Plateau. It anchors the Beartooth Range, which stands higher and more rugged than the Absarokas, with many peaks exceeding 12,000 feet (one of them resembles a bear's tooth).

The Beartooth portion of the range is dominated by vast, treeless plateaus, which fall off sharply into surrounding canyons and small lakes tucked high into glacial cirques. The Absarokas have ample vegetative cover, including dense forests and broad mountain meadows crossed by meandering streams. Mt. Cowan is the tallest peak in the Absaroka Range, topping out at 11,206 feet. Big horn sheep and mountain goats roam about the mostly rugged country, along with elk, deer, moose, coyotes, bears, and wolves. Trout reside in many of the lakes and streams in both ranges.



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AIR TRAVEL

Seventeen miles from the property is Mission Field Municipal Airport with an FBO and 5,700± ft. paved runway suitable for private jet travel. <http://www.fltplan.com/AirportInformation/LVM.htm>

Approximately 44 miles/50 minutes from the property is the Bozeman Yellowstone International Airport (BZN) for commercial flights. The Yellowstone Jet Center of Bozeman which accommodates private jet travel and provides excellent concierge services is on site. <http://www.ysjet.com>

CROSS COUNTRY SKIING www.bohartranchxcski.com/

DOWNHILL SKIING

Bridger Bowl

Bridger Bowl offers skiing and snowboarding in winter.

Big Sky Resort

Big Sky's long list of mountain fun includes scenic lift rides, a zip line, disc golf, and all the snow sports.

Moonlight Basin

A few miles west of Big Sky Resort, Moonlight Basin on-mountain fun includes mountain biking, horseback riding, and yoga in summer. Winter brings skiing, snowmobiling, snowshoeing, sledding, and more.

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SUMMARY

- Discover the old Montana that still exists today
- Extraordinary Lifestyle Property with 245 +/- acres
- 7000 +/- linear feet of pristine Shields River Frontage
- Protected park-like setting with 320 +/- acres of State Land adjoining
- Larry Pearson designed home & Guest House featured in Western Interiors Magazine, and Ralph Kylloe's "The Rustic Cabin"
- Home, Guest House/Studio and detached garage custom built by Yellowstone Traditions
- Both homes have square footage that can easily be converted into additional bedroom(s) or living areas
- Varied Terrain - wetlands, private canyon, bluff, pasture & dry grassland
- Historic water rights, natural springs, sub-irrigated pasture
- 360 degree mountain views from all parts of the Reserve
- Privacy without isolation with downtown Livingston & Bozeman a short distance
- Fly fishing, hiking, mountain biking, horseback riding
- The low population and lack of night lights make this a remarkable place for star gazing
- An additional 74 +/- acres may also be purchased

LIST PRICE

\$2,600,000

TERMS

Cash or New Financing

BROKER

Tracy Raich Broker/Owner is the Exclusive Agent for the seller and must be present for all showings.
Please contact Tracy at 406-223-8418 or tracyraich@wispwest.net

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RELATIONSHIPS/CONSENTS IN REAL ESTATE TRANSACTIONS

(Combined Explanation and Disclosure/Definition of Terms and Description of Duties)

As required by Montana law, a broker or salesperson shall disclose the existence and nature of relevant agency or other relationships to the parties to a real estate transaction.

1. SELLER AGENT

A “**Seller Agent**” is obligated to the **Seller** to:

- Act solely in the best interests of the seller;
- Obey promptly and efficiently all lawful instructions of the seller;
- Disclose all relevant and material information that concerns the real estate transaction and that is known to the seller agent and not known or discoverable by the seller unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the seller agent;
- Safeguard the seller’s confidences;
- Exercise reasonable care, skill, and diligence in pursuing the seller’s objectives and in complying with the terms established in the listing agreement;
- Fully account to the seller for any funds or property of the seller that comes into the seller agent’s possession; and
- Comply with all applicable federal and state laws, rules, and regulations.

Montana law permits a real estate agent, after providing written disclosure to a seller and obtaining a seller’s written consent, to represent multiple sellers of property and to list properties for sale that may compete with the seller’s property, without breaching any obligation to the seller.

A “**Seller Agent**” is obligated to the **Buyer** to:

- Disclose to a buyer or the buyer agent any adverse material facts that concern the property and that are known to the seller agent, except that the seller agent is not required to inspect the property or verify any statements made by the seller;
- Disclose to a buyer or the buyer agent when the seller agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;
- Act in good faith with a buyer and a buyer agent; and
- Comply with all applicable federal and state laws, rules, and regulations.

2. BUYER AGENT

A “**Buyer Agent**” is obligated to the **Buyer** to:

- Act solely in the best interests of the buyer;
- Obey promptly and efficiently all lawful instructions of the buyer;
- Disclose all relevant and material information that concerns the real estate transaction and that is known to the buyer agent and not known or discoverable by the buyer, unless the information is subject to confidentiality arising from a prior or existing agency relationship on the part of the buyer agent;
- Safeguard the buyer’s confidences;
- Exercise reasonable care, skill, and diligence in pursuing the buyer’s objectives and in complying with the terms established in the listing agreement;
- Fully account to the buyer for any funds or property of the buyer that comes into the buyer agent’s possession; and
- Comply with all applicable federal and state laws, rules and regulations.

Montana law permits a real estate agent, after providing written disclosure to a buyer and obtaining a buyer’s written consent, to represent multiple buyers interested in buying the same property or similar properties to properties in which a buyer is interested and to show properties in which a buyer is interested to other prospective buyers, without breaching any obligation to the buyer.

“Dedicated to the Conservation of the West’s River Corridors and Agricultural Landscapes”

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NOTICE: The real estate offerings contained herein are subject to errors, omissions, prior sale, change or withdrawal without notice, and approval of purchase by owner. Information regarding land classifications, acreages, carrying capacities, potential profits, etc., are intended only as general guidelines and have been provided by sources deemed reliable, but whose accuracy we cannot guarantee. Prospective buyers should verify all information to their satisfaction.

A **“Buyer Agent”** is obligated to the **Seller** to:

- Disclose any adverse material facts that are known to the buyer agent and that concern the ability of the buyer to perform on any purchase offer;
- Disclose to the seller or the seller agent when the buyer agent has no personal knowledge of the veracity of information regarding adverse material facts that concern the property;
- Act in good faith with a seller and a seller agent; and
- Comply with all applicable federal and state laws, rules and regulations.

3. DUAL AGENCY

If a seller agent is also representing a buyer, or a buyer agent is also representing a seller with regard to a property, then a dual agency relationship may be established. In a dual agency relationship, the dual agent is equally obligated to both the seller and the buyer. These obligations may prohibit the dual agent from advocating exclusively on behalf of the seller or buyer and may limit the depth and degree of representation that you receive. A broker or a salesperson may not act as a dual agent without the signed, written consent of both the seller and the buyer.

A **“Dual Agent”** is obligated to a **Seller** in the same manner as a seller agent and is obligated to a Buyer in the same manner as a buyer agent, except a dual agent:

- Has a duty to disclose to a buyer or seller any adverse material facts that are known to the dual agent regardless of any confidentiality considerations; and
- May not disclose the following information without the written consent of the person to whom the information is confidential;
- The fact that the buyer is willing to pay more than the offered purchase price;
- The fact that the seller is willing to accept less than the purchase price that the seller is asking for the property;
- Factors motivating either party to buy or sell; and
- Any information that a party indicates in writing to the dual agent is to be kept confidential.

4. STATUTORY BROKER

A **“Statutory Broker”** is not the agent of the Buyer or Seller but nevertheless is obligated to them to:

- Disclose to: i. a buyer or buyer agent any adverse material facts that concern the property and that are known to the statutory broker, except that the statutory broker is not required to inspect the property or verify any statements made by the seller; and
- ii. a seller or a seller agent any adverse material facts that are known to the statutory broker and that concern the ability of the buyer to perform on any purchase offer;
- Exercise reasonable care, skill, and diligence in putting together a real estate transaction, and
- Comply with all applicable federal and state laws, rules and regulations.

5. “ADVERSE MATERIAL FACT”

“An Adverse Material Fact” means a fact that should be recognized by a broker or a salesperson as being of enough significance as to affect a person’s decision to enter into a contract to buy or sell real property and may be a fact that:

- (i) materially affects the value, affects structural integrity, or presents a documented health risk to occupants of the property; and
 - (ii) materially affects the buyer’s ability or intent to perform the buyer’s obligations under a proposed or existing contract.
- “Adverse Material Fact” does not include the fact that an occupant of the property has or has had a communicable disease or that the property was the site of a suicide or felony.



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