



**SWALLEY
HOBBY
HORSE
ESTATE**

Tumalo (Bend),
Oregon
\$2,250,000
18.78± ACRES





FARMS ■ TIMBER ■ RANCHES ■ SPORTING PURSUITS ■ VINEYARDS

INTRODUCTION

The Swalley Hobby Horse Estate is an exceptionally located horse property with two legal dwellings and a park-like setting. The 18-plus acres is fenced and cross-fenced for horses, with 15.86± acres of water rights delivered by Swalley Irrigation District, the basin's oldest irrigation district. Surrounded by green pastures and lawn is a 4,601± square foot custom-built home remodeled in 2019, and has not been lived in since the remodel. This home features many luxury touches and impactful views of the Cascade Mountains. Additionally, the property features a second 1,026± square foot home remodeled in 2025. Each residence has its own access for privacy and is separated by pasture and lawn.

If your passion is horses, you have come to the right place. Swalley Hobby Horse Ranch features a 6-stall barn (3 with outdoor runs), an additional barn for hay/equipment storage, a beach sand outdoor arena, four fenced pastures, and three loafing sheds that provide shade and shelter for your animals. The pastures are watered via automatic underground sprinklers, allowing you to enjoy the property, animals, and family.

From the southwest corner of the primary residence, a large lawn opens up to the large irrigation pond, surrounded by mature trees, and you will feel like you are in a private park. Watch kids, pets, and wildlife scamper around the pond's grass. Listen to frogs croak at dusk as the sun sets behind the Three Sisters mountains as your favorite pony grazes on fresh grass in the foreground.

The location of Swalley Hobby Horse Estate provides the owner with convenient access to shopping (Costco is 8± minutes away), dining (The Bite food truck court or Tumalo Feed Co. is less than 5 minutes away), and an endless supply of recreation (Mount Bachelor Ski Resort is less than 45 minutes away). The time saved from commuting allows an owner to spend more time enjoying their property and hobbies.

QUICK FACTS

- Custom-built 4,601± square foot home with five bedrooms and three bathrooms remodeled in 2019
- 1,026± square foot legal dwelling with a brand new remodel
- 6-stall horse barn
- Additional large feeder/storage/hay barn
- Outdoor arena with coastal sand footing
- 15.86± acres of TID water rights
- Automatic pop-up sprinklers
- Impactful Cascade Mountain views
- Large pond and landscaped
- Less than 10 minutes from Bend and shopping







ACREAGE

- 18.78± deeded acres

Swalley Hobby Horse Estate is comprised of 2 tax lots/parcels. Both are legal lots of record with the county and are zoned Exclusive Farm Use (EFU).

- APN: 133309 Map and Tax Lot:
1612290000300 Acres: 9.54±
- APN: 133306 Map and Tax Lot:
1612290000303 Acres: 9.24±

The property sits at 3,290± feet above sea level and is relatively level.





Swalley Hobby Horse Estate | Tumalo (Bend), Oregon



SCENIC VISTAS

From the back porch of the primary residence, you have views of the Three Sisters: Faith, Hope, and Charity, as well as Broken Top with the pastures in the foreground. Mount Bachelor can be viewed from certain locations on the property.



PRIMARY RESIDENCE

The primary residence of Swalley Hobby Horse Estate is a 4,601± square foot custom-built home originally built in 1975, remodeled in 1992, and again in 2019. Since the 2019 remodel, the five-bedroom, 3.5-bath home has been vacant. The house has many west-facing windows and French doors that take in the views of the mountains, as well as featuring these amenities:

- Large kitchen with mountain views, a gas range, double ovens, a large refrigerator, and a dishwasher
- A full bathroom with a sauna on the ground floor to serve two bedrooms
- Very open primary bedroom with French doors that open out to the mountain views, a propane fireplace, a spacious walk-in closet, and a bathroom with both a shower and a jetted soaking tub
- Upstairs, away from the primary bedroom, are two bedrooms connected by a Jack and Jill bathroom and a large walk-in closet/storage room, making a great space for children/guests, or relatives
- A woodstove, a custom wood mantle, and hardwood floors anchor the great room with a formal dining area
- The only room not remodeled is the billiard room at the far end of the house. This room replicates an Old West saloon, with cherry wood trim and built-ins, a wet bar, and a beautiful pool table as a centerpiece





GARAGE & WORKOUT ROOM

The primary residence features a detached 882± square foot two-car garage, which includes a fully finished workout room/dance studio equipped with rubber mats and mirrors on the walls.

THE COTTAGE ON THE CORNER

The second residence was built in 1930 and has been updated through the years, including new cabinets, countertops, drywall, flooring, fixtures, and lighting this year. The three-bedroom home features a single bathroom and an open layout from the living room to the kitchen. This home would make an excellent residence for a renter, caretaker, or relative.



SHOP & EQUIPMENT STORAGE

Directly behind the detached garage is a 3-bay storage/shop building with roll-up garage doors that open into a large gravel barn yard. The building is isolated and has a workbench, a door, and a concrete floor. Wings built off the end and backside of the building serve as covers for five horse paddocks with Neilson automatic waterers.



HORSE BARN

The horse barn is a convenient 6-stall barn with a heated tack room and feed rooms. Each stall is 12' x 12', with three stalls opening onto runs. Every stall has Neilson heated automatic waters, sliding doors, and feeding doors.



OUTDOOR ARENA

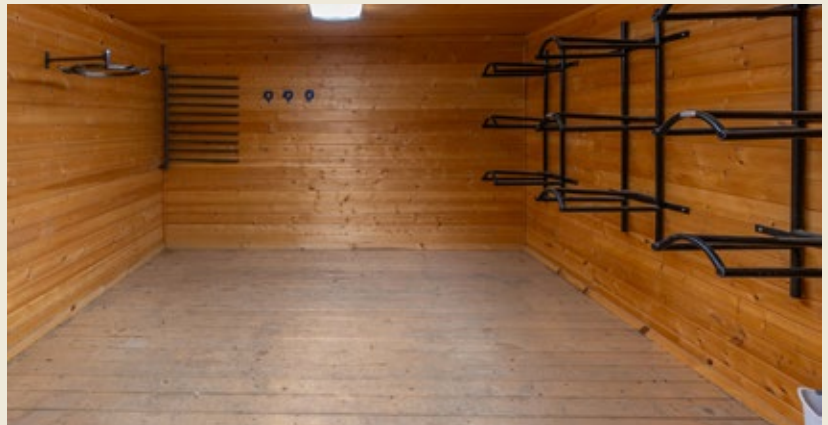
The property has a custom pipe outdoor arena with Oregon beach sand and felt footing. The arena is about 125' x 205' and features a large, wide gate at the south end for accommodating a large tractor. *The arena encroaches on the neighbor's property by 30± feet of the width of the arena.* The arena has been shared amicably in years past.

HAY | STORAGE BARN

This barn offers storage for hay and indoor feeding for livestock, complete with a concrete pad and feeding trough, as well as storage for tools and equipment. The barn features tall sliding doors for accommodating large equipment or loads and a separate wing for storage. The feeding trough is accessible from a pasture through two doors, allowing livestock to cycle through.

LEAN-TO SHELTERS

The north three pastures each have lean-to pole structure shelters that offer shade and wind breaks for livestock. The northern two pasture shelters are about 12' x 24', and the next pasture to the south has an L-shaped (approximately) 36± foot x 36' x 12' shelter. The southernmost pasture, adjacent to the second residence, is well-treed and naturally offers shade and wind breaks.



NOTE

The seller has entered into a contract to paint the exterior of buildings on the property in the fall of 2025.

RECREATION

The vast majority of Central Oregon's appeal is its extensive recreational opportunities. People of all interests can find a passion that lets them enjoy life to the fullest in Central Oregon. Many will tell you it all started with access to amazing opportunities like Smith Rocks for rock climbing, the Deschutes and Crooked Rivers for lazy floats and white-water rafting, and Mount Bachelor ski resort. This world-renowned resort has held many prestigious skiing and snowboarding events. If you want to have some fun and can't in Central Oregon, chances are you will not find it anywhere else.



Smith Rock State Park

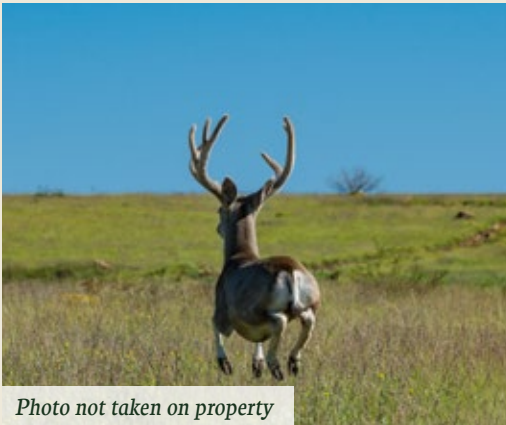


Photo not taken on property

HUNTING | WILDLIFE

Central Oregon is home to a large array of wildlife, big and small. The area has the big game hunters seek, including mule deer, elk, and black bear. Bird hunters will find ducks and geese plentiful and, in some areas, quail as well. Central Oregon is also a stopping ground for many migratory birds, such as the yellow warbler, sagebrush sparrow, white-faced ibis, black-beaked sky prowler, and the western snowy plover. These, plus many other birds that frequent the area, make Central Oregon a birder's dream. The neighboring BLM parcel is under Upper Deschutes game management.

FISHING

The fishing in Central Oregon is a fisherman's buffet of places to drop a line. From the property, you are a few miles away from the Deschutes River, an excellent river for trout fishing. The closest access to the Deschutes River is 3.4± miles at Tumalo State Park. In the greater Central Oregon area, there are too many lakes and rivers to list. From the mountain-fed rivers of the Crooked and Metolius, the Cascade Mountain lakes, and the man-made reservoirs, each fishing hole provides a unique experience. You can fish for trout, bass, kokanee, white fish, and more.



The Deschutes River



Photo not taken on property

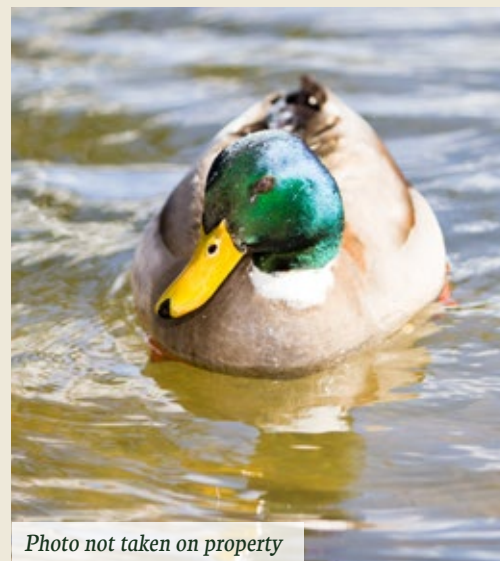


Photo not taken on property

HORSE LOVERS' PARADISE

Central Oregon offers many attractions for horse lovers. One such attraction is the prestigious Oregon High Desert Classics (OHDC), approved by the US Hunter Jumper Association. This show attracts world-class riders from all over the US and Canada and is held the last two weeks of July every year.

The area is home to multiple Professional Rodeo Association events. From “The Biggest Little Show in the World” at Sisters, Oregon, a 23± mile drive from the ranch, to the “Crooked River Roundup Rodeo” in Prineville, Oregon, a quick 21± mile drive. The Deschutes County Fair and Rodeo is held every August at the Deschutes County Fair and Expo Center, just 24± miles from the ranch.

Join the Central Oregon Cutting Horse Association club and enjoy family-style ranch cuttings, complete with potlucks and fresh cattle. Practices and shows are held on multiple dates in many different locations.

Other Central Oregon Horse Associations:

- Arabian Horse Club Of Central Oregon
- Cascade Cattle Club
- Central Oregon Barrel Racing Association
- Central Oregon Cutting Horse Association
- Central Oregon Dressage Society Associations
- Central Oregon Paint Horse Club
- Deschutes County Sheriff's Posse
- Driving Enthusiast of Central Oregon
- Equine Community Services
- High Desert Hunter Jumper Association
- Making Strides 4H Club
- Oregon Equestrian Trails
- Sisters Trail Alliance



AREA HISTORY

Tumalo was originally called Laidlaw in its earliest days, which date back to the 1880s. The town was platted in 1904, and the Tumalo Irrigation District was formed that same year. The community was originally envisioned as a future hub, situated at the crossing of the Deschutes River and a railroad junction connecting rail lines from the coast and the Columbia River. Tumalo never incorporated and remained a rural service area, which kept the community small and rural in favor.



Tumalo, Oregon

NEARBY ATTRACTIONS & ACTIVITIES

Nothing can be said about Bend, Oregon, and the greater Central Oregon area that hasn't already been said. Often, the topic of many travel magazine articles and lists of "must-go places," Central Oregon's attractions are almost endless. As one of the pioneer communities of microbrewing, the ski resort of Mount Bachelor and its proximity to many natural wonders in Central Oregon will keep you busy with fun. Central Oregon's largest music venue, Hayden Homes Amphitheater, previously named Les Schwab Amphitheater, hosts many big-name artists, including Bob Dylan, Dave Matthews Band, and Willie Nelson, just to name a few. In 2025, the amphitheater has 38 shows scheduled with artists such as Neil Young, Chicago, Old Dominion, The Black Keys, and Jerry Seinfeld, to name a few.

Central Oregon's event list is extensive and includes:

- Oregon Winterfest (February)
- Bend Marathon and a Half (April)
- Mount Bachelor Big Wave Challenge (April)
- The Pole, Peddle, Paddle (May)
- Sisters' Rodeo and Crooked River Round-up (June)
- Cascade Cycling Classic (June)
- Sisters' Quilt Show (July)
- Culver Crawdad Festival (July)
- High Desert Classics Horse Show (July)
- The Airshow of the Cascades (August)
- Deschutes and Jefferson County Fairs (August)
- Bend Brewfest (August)
- The Great Drake Duck Race (September)
- Sisters Folk Festival (September)
- and many more events



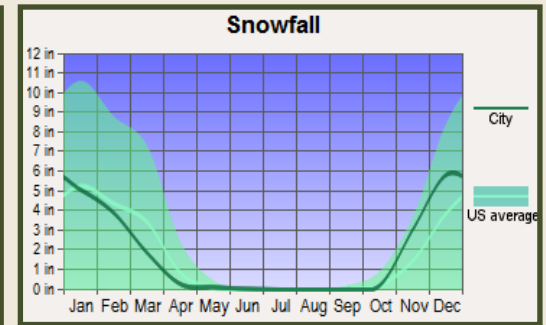
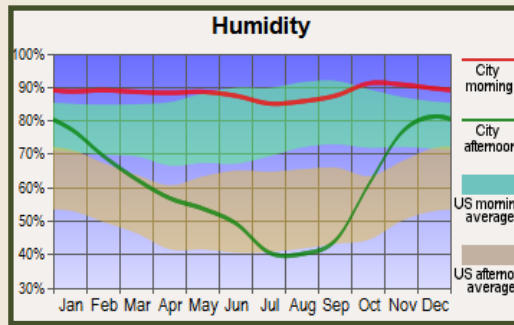
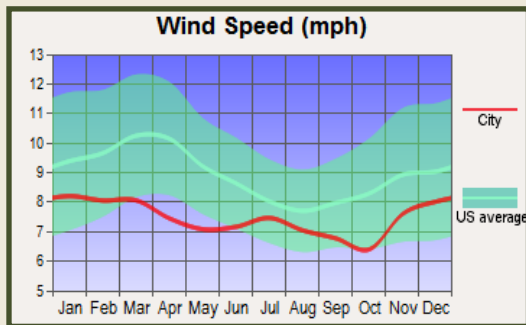
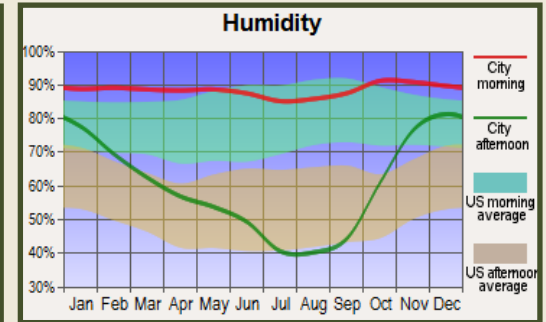
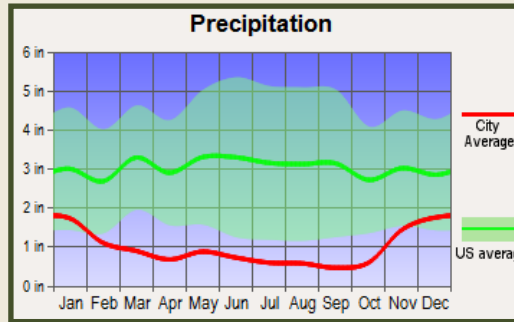
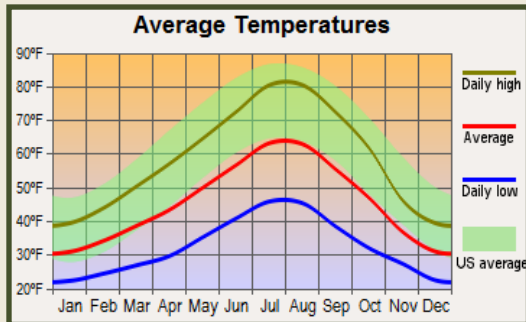
Photo not taken on property

During the summer months, Bend hosts a college baseball developmental league team known as the Bend Elks, bringing live baseball to the area. The culture of Central Oregon has a strong tie to agriculture, with over seven seasonal area farmer markets that give citizens a chance to buy fresh and local agricultural products straight from farmers and ranchers. Many of the fine dining establishments in Central Oregon use locally sourced foods.

CLIMATE

Central Oregon is located on the leeward side of the Cascade Mountains, resulting in a relatively arid and sunny climate for most of the year. This allows for sunshine most days and cooler nights throughout the year. Central Oregon experiences many sunny days, regardless of the season. Most of the area's precipitation comes in the form of snow in the winter.

Climate charts courtesy of <https://www.city-data.com/city/Bend-Oregon.html>





LOCATION

The small, unincorporated community of Tumalo, with its 100± year-old schoolhouse, locally famous gas station/convenience store, and popular food truck court, “The Bite,” is just 5± minutes from the exciting City of Bend, Oregon. The area is known for small farms, ranches, and horse properties, making it one of Oregon’s most desirable places to live. During hot summer days, locals and visitors enjoy lazy floats along the nearby Deschutes River, which meanders through the Tumalo area. The beautiful scenery, afforded by the many well-maintained farm properties, allows cyclists to enjoy the meandering Deschutes River and the magnificent Cascade Mountains as they frequent the area’s many popular routes. The Tumalo area, with its numerous horse training/boarding facilities and breeding operations, is well-represented in the horse industry. Tumalo is popular amongst affluent and often high-earning professionals who want to enjoy country living but need to live close to the Bend economic center and air connections.



The Bite



AIRPORT SERVICES

Closest Major Airport: Bend-Redmond (RDM)

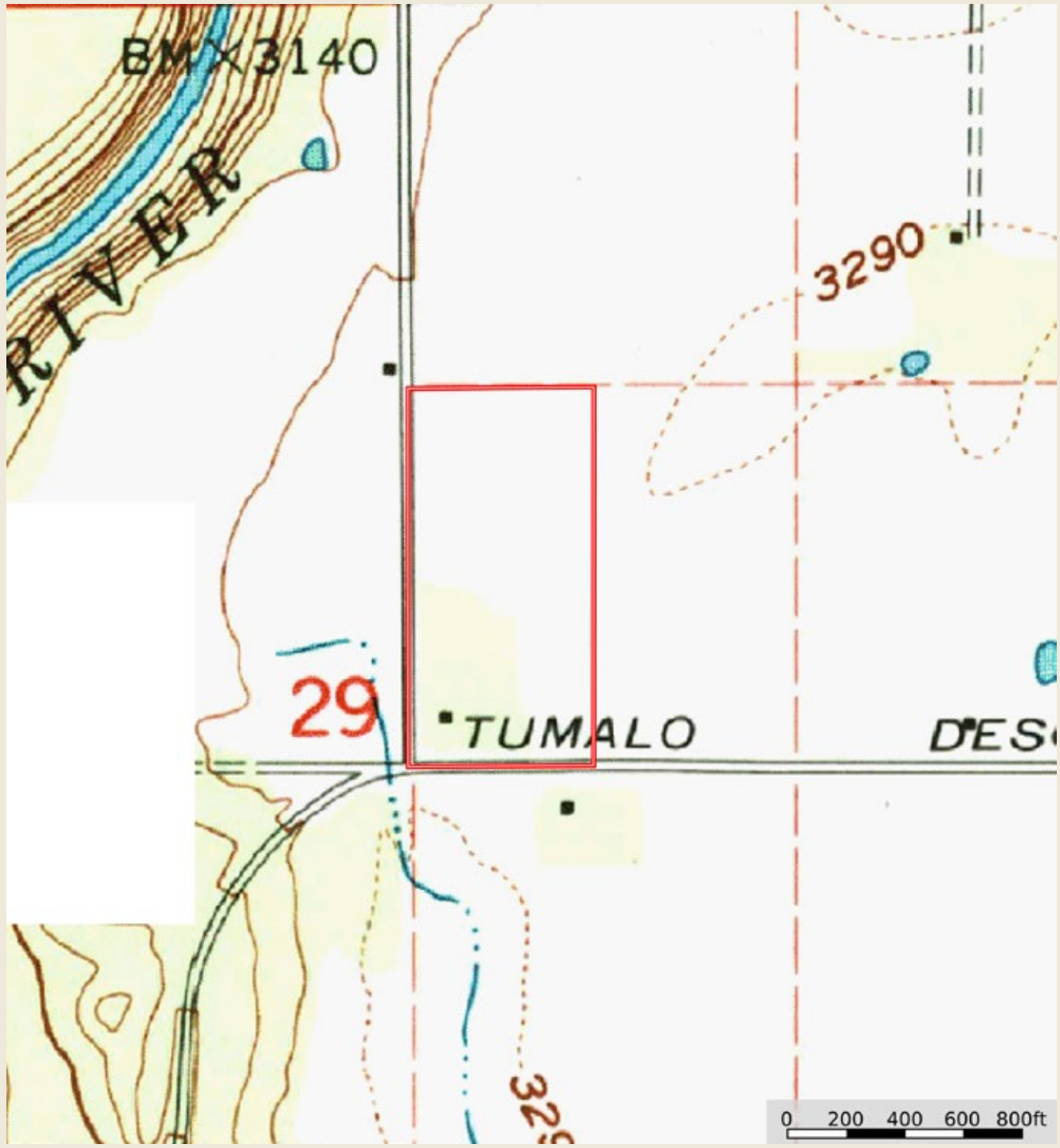
Just 15± minutes away, the Roberts Field Airport in Redmond, Oregon (RDM) is the fourth largest commercial airport in Oregon. And it's only 20± minutes away from the energy and excitement of downtown Bend.

- Direct flights are available to and from Denver, Los Angeles, Portland, Salt Lake City, San Francisco, Las Vegas, Phoenix, and Seattle
- Served by Alaska, United, Delta, and American Airlines

Closest International Airport: Portland International (PDX)

Portland International Airport is only 3± hours driving from the Swalley Hobby Horse Estate

- Served by Air Canada, Alaska, American Airlines, Boutique Air, Condor, Delta, Frontier, Hawaiian Airlines, Icelandair, JetBlue, PenAir, Southwest, Spirit, Sun Country Airlines, United, Virgin America, Volaris, and WestJet



WATER RIGHTS

The domestic water for the Swalley Hobby Horse Estate is serviced by a private well, including both residences and livestock water. The well fills cisterns located at both residences and is pressurized from there.

Swalley Hobby Horse Estate has 15.6± acres of water rights delivered by Swalley Irrigation District. The district fees for water rights were \$1,500.37 for 2025, which covers the costs of the district maintaining canals, ditches, and further piping projects. Swalley Irrigation District is the oldest irrigation district in the Deschutes River Basin, and its water rights, diverting water from the Deschutes River, date back to the 1890s. The irrigation season starts in early April and ends in late October. The irrigation water is spread completely by in-ground pop-up sprinklers for convenience.

Under Oregon law, all water is publicly owned. With some exceptions, cities, farmers, factory owners, and other users must obtain a permit or water right from the Water Resources Department to use water from any source, whether it

is underground or from lakes or streams.

Landowners with water flowing past, through, or under their property do not automatically have the right to use that water without a permit from the Department. The waters of Oregon are administered by the State of Oregon under a “prior-appropriation” doctrine; first in time, first in right.

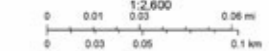


65020 & 65070 Swalley Rd - Swalley Irrigation Reference Map



1/15/2025, 10:03:40 AM

- Easements
- Override 1
- Canals
- Place of Use
- Irrigation
- Taxlots (Updated 12.23.2024)
- QQ Sections (Labels Only)
- Q Sections (Labels Only)
- Sections (Labels Only)



Map: Microsoft

Swalley Irrigation District

This map is intended for reference only and should not be used for navigation or legal determinations.

STATE OF OREGON
WATER WELL REPORT
(as required by ORS 517.265)

DESC 4464
JUG 29 1988
WATER RESOURCES DEPARTMENT
(START CARD) # 3835

(1) OWNER: Bruce Brothers
Address 65070 Swalley Road
City Bend State Oregon Zip 97701

(2) TYPE OF WORK:
☒ New Well ☐ Deepen ☐ Recondition ☐ Abandon

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable
☐ Other

(4) PROPOSED USE:
☒ Domestic ☐ Community ☐ Industrial ☐ Irrigation
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION:
Special Construction approval Yes No Depth of Completed Well 380' 1/2"
Explosives used ☐ Yes ☒ No Type Amount

BOREhole To Material From To Amount
12" 0 30 Bentonite 0 30 15 sacks
8" 30 380' 1/2"

How was seal placed Method ☐ A ☐ B ☐ C ☐ D ☐ E
☒ Other poured down
Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:
Diameter From To Gauge Steel Plastic Welded Threaded
Casing 6 5/8" +2 380' 1/2" 250
Liner

Final location of shafts none

(7) PERFORATIONS/SCREENS:
☒ Perforations Method Factory
☐ Screens Type Material

From To Shot Number Diameter Teletype Casing Liner
380' 1/2" 320' 684 9"x1/8" 1/2" 1/2"

(8) WELL TESTS: Minimum testing time is 1 hour
☒ Pump ☐ Bailer ☐ Air ☐ Flowing Artesian
Yield gal/min Drawdown Drill stem at Time
1.5 0 1 hr.

Temperature of water 54° Depth Artesian Flow Found
Was a water analysis done? ☐ Yes By whom no
Did any strata contain water not suitable for intended use? ☐ Too little
☐ Salty ☐ Muddy ☐ Other Colored ☐ Other no
Depth of strata

ORIGINAL & FIRST COPY - WATER RESOURCES DEPARTMENT
SECOND COPY - CONSTRUCTOR
THIRD COPY - CUSTOMER

RECEIVED
DESC 4464
JUG 29 1988
WATER RESOURCES DEPARTMENT
(START CARD) # 3835

(9) LOCATION OF WELL by legal description:
County Deschutes Latitude 16S Longitude 12E
Township 29 N or S Range 14 E or W, WM.
Section 303 SW 1/4, S1/4, NE 1/4
Tax Lot 303 Lot Block Subdivision
Street Address of Well for nearest address 65070 Swalley Rd.
Bend, Oregon, 97701

(10) STATIC WATER LEVEL:
330' ft. below land surface. Date 6-30-88
Artesian pressure ft. per square inch. Date

(11) WATER BEARING ZONES:
Depth at which water was first found 330'
From To Estimated Flow Rate SWL
330' 355' unknown 330'
355' 380' 330'

(12) WELL LOG: Ground elevation unknown

Material	From	To	SWL
Top Soil	0	5	
Sand & Gravel	5	20	
Basalt	20	60	
Orange Conglomerate	60	75	
Brown Sandstone	75	265	
Mild Brown Lava	265	306	
Broken Lava (lost circul.)	306	325	
Broken Lava & Cinders, H/Bear	325	355	
H/Bear Sandstone, Gravels	355	381	

Date started June 27-88 Completed July 5-88

(unbonded) Water Well Constructor Certification:
I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
Signed [Signature] WWC Number 1276
Date 7-12-88

(bonded) Water Well Constructor Certification:
I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. all work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
Signed [Signature] WWC Number 608
Date 7-12-88

SUMMARY

The Swalley Hobby Horse Estate is a rare opportunity to have a small horse property with two legal dwellings, horse infrastructure, and a park-like setting. In the growing months of the year, plan on seeing lots of green, between the pastures and expansive lawn around the primary dwelling. You will never tire of the beautiful views of the mountains highlighted in the sunrise or the majestic colors of the sky as the sun sets behind those same mountains. All of this is a short drive to thriving Bend, Oregon, with fine dining, shopping, recreation, and any services that could be needed. Is this the rare property you've been looking for?





Swalley Hobby Horse Estate | Tumalo (Bend), Oregon



PRICE

\$2,250,000

TAXES

\$10,346.24

TERMS

Cash

Conventional Financing

1031 Exchange

CONTACT

Please contact **Alex Robertson** at (541) 420-2394 | arobertson@fayranches.com or **Scott Hawes** at (541) 419-0770 | email@fayranches.com to schedule a showing. This is an exclusive listing. An agent from Fay must be present at all showings, unless otherwise noted or other arrangements are made. To view other properties we have listed, please visit our web page at www.fayranches.com.

NOTICE

Offer is subject to errors, omissions, prior sale, change or withdrawal without notice, and approval of purchase by owner. Information regarding land classification, carrying capacities, maps, etc., is intended only as a general guideline and has been provided by the owners and other sources deemed reliable, but the accuracy cannot be guaranteed. Prospective purchasers are encouraged to research the information to their own satisfaction.



FARMS ■ TIMBER ■ RANCHES ■ SPORTING PURSUITS ■ VINEYARDS





**OREGON REAL ESTATE AGENCY
INITIAL AGENCY DISCLOSURE PAMPHLET
OAR 863-015-0215 (5)**

- 1 *This pamphlet describes the legal obligations of real estate agents in Oregon. Real estate agents and Principal Brokers are*
2 *required to provide this information to you when they first meet you.*
- 3 *This pamphlet is informational only. Neither the pamphlet nor its delivery to you may be interpreted as evidence of intent to*
4 *create an agency relationship between you and an agent or a Principal Broker.*

Real Estate Agency Relationships

- 5
- 6 An "agency" relationship is a voluntary legal relationship in which a licensed real estate agent or Principal Broker, agrees to act on
7 behalf of a buyer or a seller (the "client") in a real estate transaction.
- 8 Oregon law provides for three types of agency relationships between real estate agents and their clients:
- 9 **Seller's Agent** - Represents the seller only;
10 **Buyer's Agent** - Represents the buyer only;
11 **Disclosed Limited Agent** - Represents both the buyer and seller, or multiple buyers who want to purchase the same
12 property. This can be done only with the written permission of all clients.
- 13 *The actual agency relationships between the seller, buyer and their agents in a real estate transaction must be acknowledged at*
14 *the time an offer to purchase is made. Please read this pamphlet carefully before entering into an agency relationship with a real*
15 *estate agent.*

Definition of "Confidential Information"

- 16
- 17 Generally, agents must maintain confidential information about their clients. "Confidential information" is information communicated
18 to the agent or the agent's Principal Broker by the buyer or seller of one to four residential units regarding the real property
19 transaction, including but not limited to price, terms, financial qualifications or motivation to buy or sell. "Confidential information"
20 does not mean information that:
- 21 a. The buyer instructs the agent or the agent's Principal Broker to disclose about the buyer to the seller, or the seller
22 instructs the agent or the agent's Principal Broker to disclose about the seller to the buyer; and
23 b. The agent or the agent's Principal Broker knows or should know failure to disclose would constitute fraudulent
24 representation.

Duties and Responsibilities of Seller's Agent

- 25
- 26 Under a written listing agreement to sell property, an agent represents only the seller unless the seller agrees in writing to allow the
27 agent to also represent the buyer. An agent who represents only the seller owes the following affirmative duties to the seller, the
28 other parties and the other parties' agents involved in a real estate transaction:
- 29 1. To deal honestly and in good faith;
30 2. To present all written offers, notices and other communications to and from the parties in a timely manner without regard
31 to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase; and
32 3. To disclose material facts known by the agent and not apparent or readily ascertainable to a party;

LINES WITH THIS SYMBOL, ← REQUIRE A SIGNATURE AND DATE

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<https://ocelonline.com/oref-forms-license-terms-and-conditions>

33 A Seller's Agent owes the seller the following affirmative duties;

- 34 1. To exercise reasonable care and diligence;
- 35 2. To account in a timely manner for money and property received from or on behalf of the seller;
- 36 3. To be loyal to the seller by not taking action that is adverse or detrimental to the seller's interest in a transaction;
- 37 4. To disclose in a timely manner to the seller any conflict of interest, existing or contemplated;
- 38 5. To advise the seller to seek expert advice on matters related to the transactions that are beyond the agent's expertise;
- 39 6. To maintain confidential information from or about the seller except under subpoena or court order, even after termination
- 40 of the agency relationship; and
- 41 7. Unless agreed otherwise in writing, to make a continuous, good faith effort to find a buyer for the property, except that a
- 42 Seller's Agent is not required to seek additional offers to purchase the property while the property is subject to a contract
- 43 for sale.

44 None of the above affirmative duties of an agent may be waived, except #7. The affirmative duty listed in #7 can only be waived by

45 written agreement between seller and agent.

46 Under Oregon law, a Seller's Agent may show properties owned by another seller to a prospective buyer and may list competing

47 properties for sale without breaching any affirmative duty to the seller.

48 Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent's expertise, including

49 but not limited to investigation of the condition of property, the legal status of the title or the seller's past conformance with law.

50 Duties and Responsibilities of Buyer's Agent

51 An agent, other than the Seller's Agent, may agree to act as the Buyer's Agent only. The Buyer's Agent is not representing the

52 seller, even if the Buyer's Agent is receiving compensation for services rendered, either in full or in part, from the seller or through

53 the Seller's Agent.

54 An agent who represents only the buyer owes the following affirmative duties to the buyer, the other parties and the other parties'

55 agents involved in a real estate transaction.

- 56 1. To deal honestly and in good faith;
- 57 2. To present all written offers, notices and other communications to and from the parties in a timely manner without regard
- 58 to whether the property is subject to a contract for sale or the buyer is already a party to a contract to purchase; and
- 59 3. To disclose material facts known by the agent and not apparent or readily ascertainable to a party.

60 A Buyer's Agent owes the buyer the following affirmative duties:

- 61 1. To exercise reasonable care and diligence;
- 62 2. To account in a timely manner for money and property received from or on behalf of the buyer;
- 63 3. To be loyal to the buyer by not taking action that is adverse or detrimental to the buyer's interest in a transaction;
- 64 4. To disclose in a timely manner to the buyer any conflict of interest, existing or contemplated;
- 65 5. To advise the buyer to seek expert advice on matters related to the transaction that are beyond the agent's expertise;
- 66 6. To maintain confidential information from or about the buyer except under subpoena or court order, even after termination
- 67 of the agency relationship; and
- 68 7. Unless agreed otherwise in writing, to make a continuous, good faith effort to find property for the buyer, except that a
- 69 buyer's agent is not required to seek additional properties for the buyer while the buyer is subject to a contract for
- 70 purchase.

71 None of these affirmative duties of an agent may be waived, except #7. The affirmative duty listed in #7 can only be waived by

72 written agreement between buyer and agent.

73 Under Oregon law, a Buyer's Agent may show properties in which the buyer is interested to other prospective buyers without

74 breaching an affirmative duty to the buyer.

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75 Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent's expertise, including
76 but not limited to investigation of the condition of property, the legal status of the title or the seller's past conformance with law.

77 **Duties and Responsibilities of an Agent**
78 **Who Represents More than One Client in a Transaction**

79 One agent may represent both the seller and the buyer in the same transaction, or multiple buyers who want to purchase the same
80 property, only under a written "Disclosed Limited Agency Agreement" signed by the seller and buyer(s).

81 Disclosed Limited Agents have the following duties to their clients:

- 82 1. To the seller, the duties listed above for a seller's agent; and
83 2. To the buyer, the duties listed above for a buyer's agent;
84 3. To both buyer and seller, except with express written permission of the respective person, the duty not to disclose to the
85 other person:
86 a. That the seller will accept a price lower or terms less favorable than the listing price or terms;
87 b. That the buyer will pay a price greater or terms more favorable than the offering price or terms; or
88 c. Confidential information as defined above.

89 Unless agreed to in writing, an agent has no duty to investigate matters that are outside the scope of the agent's expertise.

90 When different agents associated with the same Principal Broker (a real estate agent who supervises other agents) establish
91 agency relationships with different parties to the same transaction, only the Principal Broker will act as a Disclosed Limited Agent
92 for both buyer and seller. The other agents continue to represent only the party with whom the agents have already established an
93 agency relationship unless all parties agree otherwise in writing. The Principal Broker and the real estate agents representing either
94 seller or buyer shall owe the following duties to the seller and buyer:

- 95 1. To disclose a conflict of interest in writing to all parties;
96 2. To take no action that is adverse or detrimental to either party's interest in the transaction; and
97 3. To obey the lawful instruction of both parties.

98 No matter whom they represent, an agent must disclose information the agent knows or should know that failure to disclose would
99 constitute fraudulent misrepresentation.

100 *You are encouraged to discuss the above information with the agent delivering this pamphlet to you. If you intend for that*
101 *agent, or any other Oregon real estate agent, to represent you as a Seller's Agent, Buyer's Agent, or Disclosed Limited*
102 *Agent, you should have a specific discussion with the agent about the nature and scope of the agency relationship.*
103 *Whether you are a buyer or seller, you cannot make an agent your agent without the agent's knowledge and consent, and*
104 *an agent cannot make you their client without your knowledge and consent.*

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