



**COMMERCIAL REALTY RESOURCES COMPANY**  
MULTIFAMILY INVESTMENT SERVICES



Arkansas

Oklahoma

Kansas



*Exclusively Presents:*

## **Summit Ridge Apartments**

6921 West Gore Boulevard  
Lawton, Oklahoma

**168-Units**  
**New Construction**

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*The information included herein is from reliable sources, but is not guaranteed and is offered subject to errors and omissions.*

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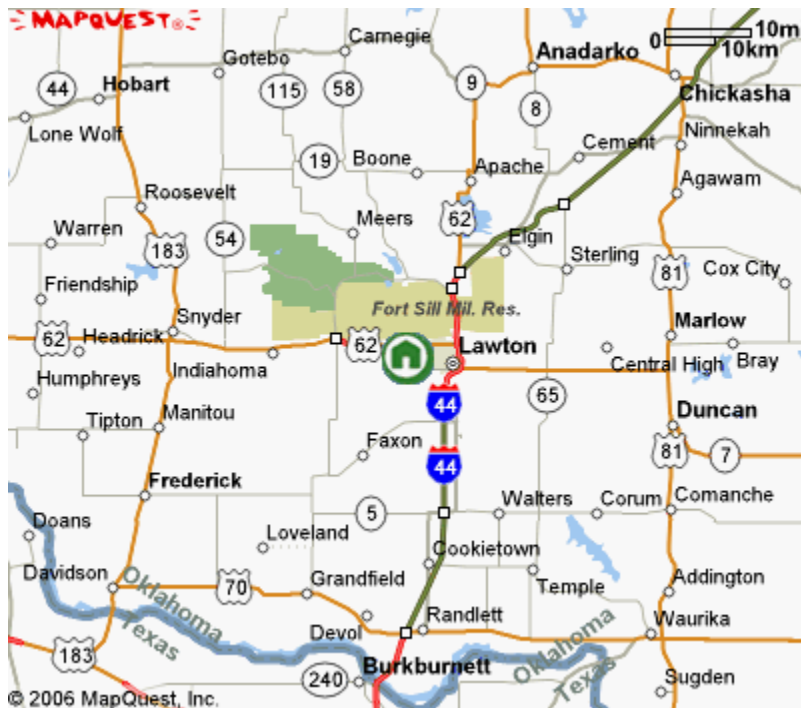
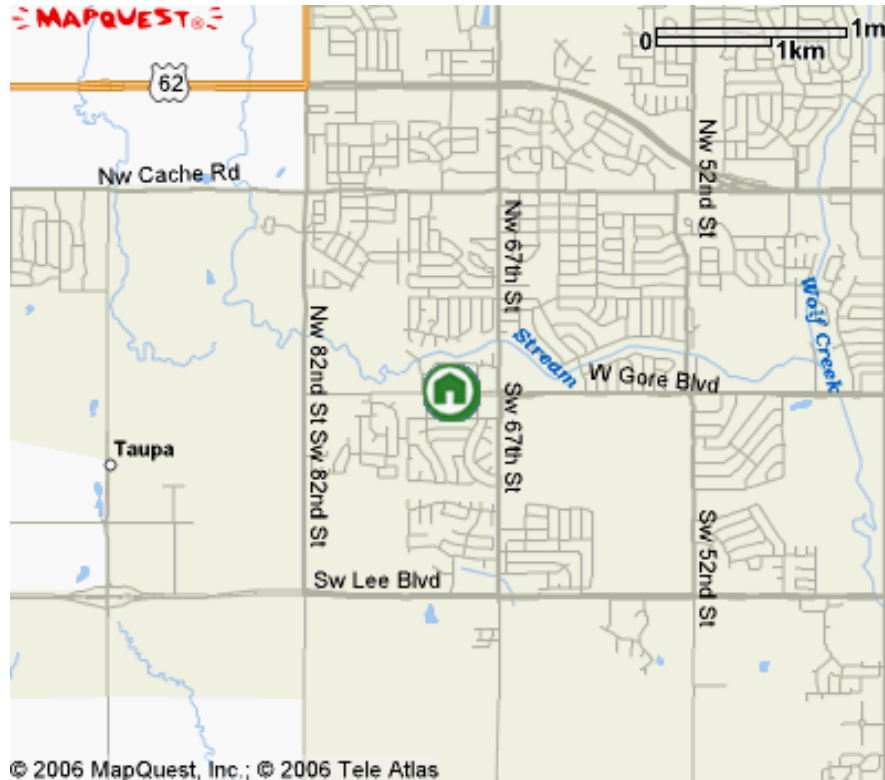


# Summit Ridge

6921 West Gore Boulevard  
Lawton, Oklahoma



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**Address:**

6921 West Gore Boulevard  
Lawton, Oklahoma 73505

**Number of Units:**

168-units

**Year Built:**

2005

**Apartment Features:**

Apartments feature wall-to-wall carpeting and vinyl tile in the kitchen and baths, oversized closets, alarm system, mini-blinds, ceiling fans, frost-free refrigerator/freezer, dishwasher, range/oven with vent-hood, and garbage disposal. **Washer and dryer connections in all units.**

**Property Amenities:**

Swimming pool, clubhouse, on-site laundry facility and high speed Internet access.

**Property Description:**

A garden style apartment community on approximately 5 acres (*more or less*). The property consists of two and three-story apartment buildings and 1 rental office/clubroom building.

**Location:**

Summit Ridge is located in the northwest part of Lawton, just south of Fort Sill. Fort Sill is the headquarters for the U.S. Army Field Artillery Center and School. **It is projected that approximately 11,000 people will relocate to the Lawton-Fort Sill community by the end of 2011 as a result of BRAC efforts to transform the Department of Defense.** The numbers include soldiers, military students, Department of the Army civilians and the family members they will bring with them. Lawton is also home to Cameron University and the Great Plains Technology Center. Lawton also benefits from the natural beauty of the Wichita Mountains. **Lawton is Oklahoma's third largest MSA and has a more stable apartment market than that of Oklahoma City or Tulsa.**

**Construction Features:**

Summit Ridge is wood frame construction on concrete slab with Hardi Board siding on exterior. The roofs are pitched with composition shingles. The parking areas are asphalt with concrete curbs and walkways.

**Summit Ridge**  
6921 West Gore Boulevard  
Lawton, Oklahoma



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**HVAC:**

Total electric with individual HVAC.

**Utilities:**

Tenant pays their own separately metered electric. Owner pays for the common area electric, water and sewer and trash removal. Each apartment has its own electric hot water heater. The property is currently operating a RUBS program for utility reimbursement.

**Current Occupancy:**

95% (As of 2/11/2008)

**Account Numbers:**

45580

**Real Estate Taxes:**

\$43,536.61/ 2008  
2008 Assessed Value: 461,731  
Tax Rate: \$94.29 per 1,000  
Ratio: 11.25%



**Summit Ridge**  
 6921 West Gore Boulevard  
 Lawton, Oklahoma

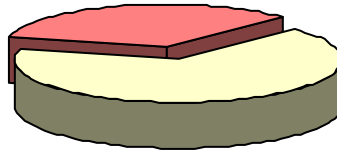


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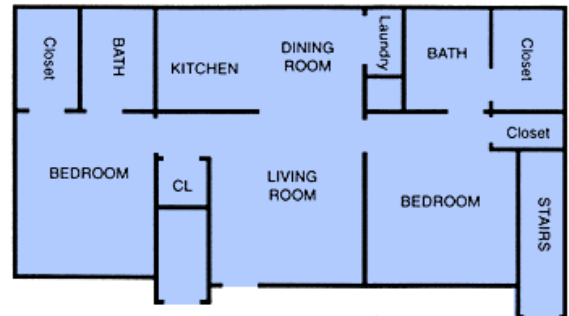
**Unit Mix:**

No. Units	Type	#Bdrm/Bth	Sq. Ft.	Total Sq. Ft.	Rent	Rent/Sq.Ft.	Monthly Gross	Annual Gross
56	TH	2 Bed/1 Bath	900	50,400	\$700.00	\$0.78	\$39,200	\$470,400
56	TH	2 Bed/2 Bath	950	53,200	\$725.00	\$0.76	\$40,600	\$487,200
56	Flat	2 Bed/2 Bath	975	54,600	\$750.00	\$0.77	\$42,000	\$504,000
168			942	158,200	\$725.00	\$.77	\$121,800	\$1,461,600

2 Bedroom  
 33%



2 Bedroom TH  
 67%





**Summit Ridge**  
6921 West Gore Boulevard  
Lawton, Oklahoma



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## Purchase Price & Terms

<b><u>Purchase Price:</u></b>	\$11,900,000
<b><u>Terms of Sale:</u></b>	Cash, buyer to obtain new financing
<b><u>Price Per Apartment Unit:</u></b>	\$70,833
<b><u>Price Per Net Rentable Sq. Ft.</u></b>	\$75.22
<b><u>Cap Rate:</u></b> <i>(Based on Proforma)</i>	7.21%
<b><u>Cash-On-Cash:</u></b> <i>(Based on Proforma)</i>	11.06%
<b><u>GRM:</u></b>	8.14%



**PROPERTY SPREAD SHEET**

Project:	<b>Summit Ridge Apartments</b>	Price:	\$ 11,900,000	Run Date:	13-Jun-08
Location:	6921 W. Gore - Lawton	Per Unit:	\$ 70,833	<b>Cap Rate On Proforma:</b>	<b>7.21%</b>
Number of Units:	168	Per Foot:	\$ 75.22	<b>Cash-On-Cash Return:</b>	<b>11.06%</b>
Net Rentable S.F.:	158,200	Mortgage Balances:	\$ 9,520,000	<b>CC with Principle Reduction:</b>	
Avg. Unit Size:	942	Equity Requirement:	\$ 2,380,000 20%	<b>GRM:</b>	<b>8.14</b>

No.	Type	#Bdrm/Bth	Sq.Ft.	Total Sq.Ft.	Avg Rent	Rent/Sq.Ft.	Gross/Mo.	Gross/Yr.
56		2Bed/1 Bath TH	900	50,400	700.00	0.78	39,200	470,400
56		2 Bed/2 Bath TH	950	53,200	725.00	0.76	40,600	487,200
56		2 Bed/2 Bath Flat	975	54,600	750.00	0.77	42,000	504,000
							-	-
							-	-

<b>168</b>		<b>942</b>	<b>158,200</b>	<b>725.00</b>	<b>0.77</b>	<b>121,800</b>	<b>1,461,600</b>
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INCOME	2007		Jan-Apr 08 Annualized		Proforma		New Financing	
						Per Unit		
Gross Potential	-	-			1,461,600	8,700	Current Bal.	Aug-08 \$ 9,520,000
(Vacancy and Credit Loss)	-	-			8.0% 116,928	696	Original Bal.	Aug-08 \$ 9,520,000
(Concessions)	-	-			1.0% 14,616	87	Maturity	10
Effective Rental Income	-	1,288,307	1,243,988		1,330,056	7,917	Amortization	30
Other Income	-	38,943	28,024		40,000	238	Interest Rate	6.25%
RUBS Income	-	58,204	37,074		60,000		Constant	7.389%
Gross Operating Income	-	1,385,454	1,309,086		1,430,056	8,512	Debt Service	\$ 703,395
							Debt Coverage Ratio	1.22
R E Taxes	-	44,664	44,994		120,000	714	Interest Only Rate 5 Yrs	\$ 595,000
Insurance	-	37,890	40,768		37,800	225		
Gas	-	-	-		-	-	<b>Existing Financing</b>	
Electricity	-	18,765	18,878		19,000	113	Current Bal.	Sep-08 \$ 6,785,900
Water / Sewer / Trash	-	99,730	105,000		100,000	595	Original Bal.	Sep-05 \$ 7,100,000
Trash or Total Utilities	-	4,486	4,486		4,500	27	Maturity	Sep-15 10
Pest Control	-	1,495			1,500	9	Amortization	30
Security	-	7,300			7,300	43	Interest Rate	5.30%
Maintenance/Repairs	-	64,450	49,385		65,000	387	Constant	6.664%
Landscaping	-	18,100			18,000	107	Debt Service	\$ 473,120
Wages & Payrol Taxes	-	112,752	102,542		110,000	655	Debt Coverage Ratio	-
Management Fee	-	60,824	51,935		4% 57,202	340	Principle Reduction Yr 4	\$ 116,262
Advertising	-	5,795	12,275		6,500	39		
Administration	-	24,945	31,144		25,000	149		
	-	-	-		-	-		
Total Operating Expenses	-	501,196	461,407		571,802			
Per Unit	-	2,983	2,746			3,404		
Per Sq Ft	-	3.17	2.92			3.61		
<b>Net Operating Income</b>	-	<b>884,258</b>	<b>847,679</b>		<b>858,254</b>	<b>5,109</b>		
Debt Service	-	-	-		595,000	3,542		
<b>Cash Flow</b>	-	<b>884,258</b>	<b>847,679</b>		<b>263,254</b>	<b>1,567</b>		

<b>Real Estate Tax Information:</b>	2008	<b>Assessed Value:</b>	461,731	<b>Rate/\$1000:</b>	94.29	<b>Value:</b>	\$ 4,104,275.56
<b>Account:</b>	45580	<b>Ratio:</b>	11.25%	<b>Tax Amount:</b>	\$ 43,536.62	<b>Tax Dist:</b>	L08
						<b>Per Unit:</b>	\$ 24,430.21










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6921 West Gore Boulevard  
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## 2005-2007 Sale Comp Information

	APARTMENT NAME/ADDRESS	PRICE/ UNIT	OVERALL PRICE	NO. UNIT	YEAR BUILT	DATE SOLD
1	 <p><b>Stoneleigh on May</b> 14300 N. May Oklahoma City</p>	68,032.79	16,600,000	244	2001	Jan-07
2	 <p><b>Garden Gate</b> 4023 Fontana Drive Oklahoma City</p>	103,982.30	11,750,000	113	1995	Feb-07
3	 <p><b>Highland Pointe</b> 500 Pointe Parkway Yukon</p>	70,043.10	16,250,000	232	2004	Mar-07
4	 <p><b>Stone Creek</b> 3501 N. Commerce Ardmore</p>	94,557.82	13,900,000	147	2005	Sep-07
5	 <p><b>Renaissance</b> 1600 Ann Branden Norman</p>	81,000.00	18,468,000	228	1998	May-05

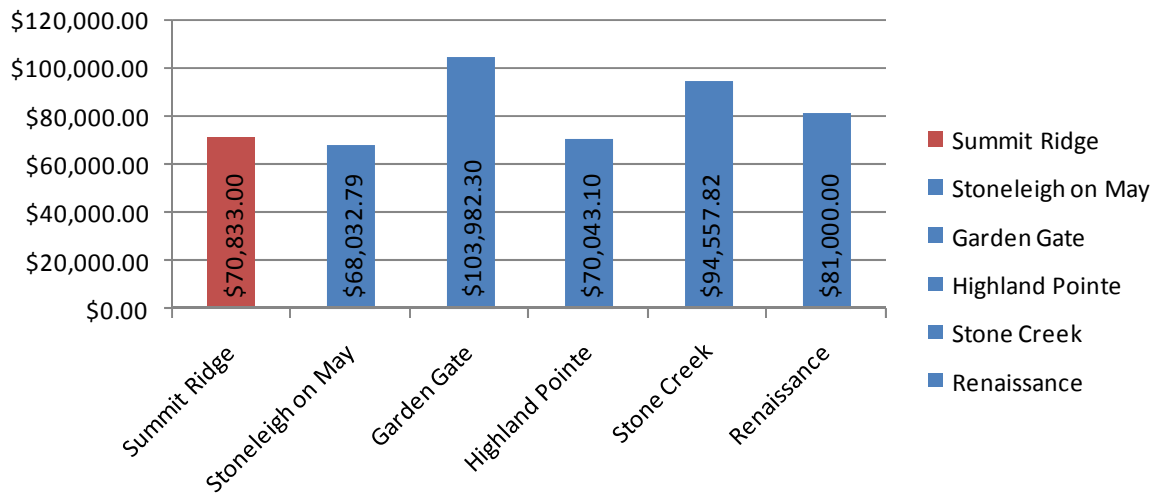
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Property	Year Built	#Units	Net Rentable Sq. Ft.	Price	Price Per Unit	Price Per Sq. Ft.
Stoneleigh on May	2001	244	226961	\$16,600,000	\$68,032.79	\$73.14
Garden Gate	1995	113	180021	\$11,750,000	\$103,982.30	\$65.27
Highland Pointe	2004	232	213394	\$16,250,000	\$70,043.10	\$76.15
Stone Creek	2005	147	145427	\$13,900,000	\$94,557.82	\$95.58
Renaissance	1998	228	244156	\$18,468,000	\$81,000.00	\$75.64

**Price Per Square Foot**



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**Rent Comps**

In order to estimate market rents for Summit Ridge, three apartment communities were selected as most competitive. Each property has been chosen due to its similarity with regard to quality, location, age, or amenities. While each property may not be directly comparable in all aspects, collectively they represent the rental market for Summit Ridge.

**Summit Village**  
610 SW 52nd  
Lawton, OK



No. Units	Apt. Type	Sq. Ft.	Total Sq. Ft	Rent	Rent/ Sq. Ft	Monthly Gross	Annual Gross
41	2 Bed/1Bth TH	900	36,900	\$729	\$0.81	\$29,889	\$358,668
24	2 Bed/2Bth TH	950	22,800	\$749	\$0.79	\$17,976	\$215,712
64	2 Bed/2Bth	975	62,400	\$774	\$0.79	\$49,536	\$594,432
32	3 Bed/1.5BthTH	1000	32,000	\$819	\$0.82	\$26,208	\$314,496
32	3 Bed/2Bth	1050	33,600	\$835	\$0.80	\$26,720	\$320,640
32	3 Bed/2Bth TH	1200	38,400	\$865	\$0.72	\$27,680	\$332,160
225		1005	226,100	\$791	\$0.79	\$178,009	\$2,136,108

**Summit Springs**  
2202 SW B. Ave  
Lawton, OK



No. Units	Apt. Type	Sq. Ft.	Total Sq. Ft	Rent	Rent/Sq. Ft	Monthly Gross	Annual Gross
24	1 Bed/1Bth	636	15,264	\$587	\$0.92	\$14,088	\$169,056
48	2 Bed/2Bth TH	899	43,152	\$729	\$0.81	\$34,992	\$419,904
48	2 Bed/2Bth TH	936	44,928	\$749	\$0.80	\$35,952	\$431,424
48	2 Bed/1Bth	972	46,656	\$786	\$0.81	\$37,728	\$452,736
26	3 Bed/2Bth	953	24,778	\$819	\$0.86	\$21,294	\$255,528
26	3 Bed/2Bth TH	1026	26,676	\$835	\$0.81	\$21,710	\$260,520
26	3 Bed/2Bth TH	1178	30,268	\$865	\$0.73	\$22,490	\$269,880
246		943	232,082	\$765	\$0.81	\$188,254	\$2,259,048

**St. James**  
8802 NW Cache Road  
Lawton, OK



No. Units	Apt. Type	Sq. Ft.	Total Sq. Ft	Rent	Rent/Sq. Ft	Monthly Gross	Annual Gross
32	1 Bed/1Bth	865	27,680	\$760	\$0.88	\$24,320	\$291,840
24	2 Bed/2Bth	1,187	28,488	\$999	\$0.84	\$23,976	\$287,712
48	2 Bed/2Bth	1,227	58,896	\$999	\$0.81	\$47,952	\$575,424
104		1,106	115,064	\$925	\$0.84	\$96,248	\$1,154,976

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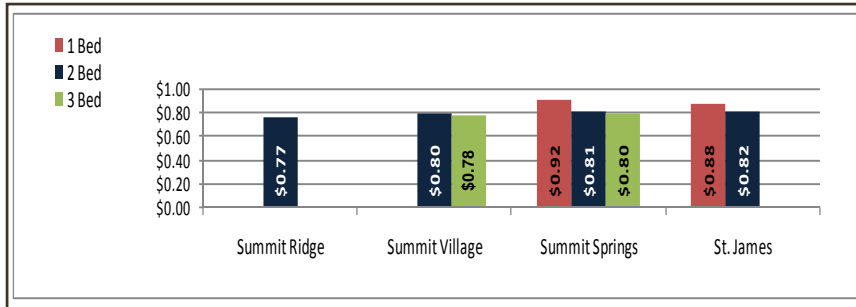
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**Rent Comp Summary**

Property Name and Address	Year Built	No. Units	Average Unit Size One Bedroom	Average Unit Size Two Bedroom	Average Unit Size Three Bedroom	Overall Effective Rent per Sq. Ft.	Market Rent (1 Beds)	Market Rent (2 Beds)	Market Rent (3 Beds)
1 Summit Village 610 SW 52nd	2007	225	-	947	1,083	\$0.79	-	\$755	\$840
2 Summit Springs 2202 SW B Avenue	2007	227	636	936	1,052	\$0.81	\$587	\$755	\$840
3 St. James 8802 NW Cache Road	2007	104	760	1,213	-	\$0.84	\$760	\$999	-
Average		556	767	998	1,069	\$0.81	\$686	\$806	\$840
4 Summit Ridge 6921 West Gore Blvd	2005	168	-	942	-	\$0.77	-	\$725	-



**Independence Place**  
**Military, Student, Corporate & Short Term Leases**  
3502 E. Gore Blvd  
Lawton, OK



Apt. Type	Sq. Ft.	Rent/Bedroom
1 Bed/1Bath	620	\$899
2 Bed/1Bath	920	\$650
3 Bed/1Bath	1130	\$524
4 Bed/1Bath	1400	\$445
<b>Rents Per Bedroom</b>		<b>720 Beds/288 Units</b>

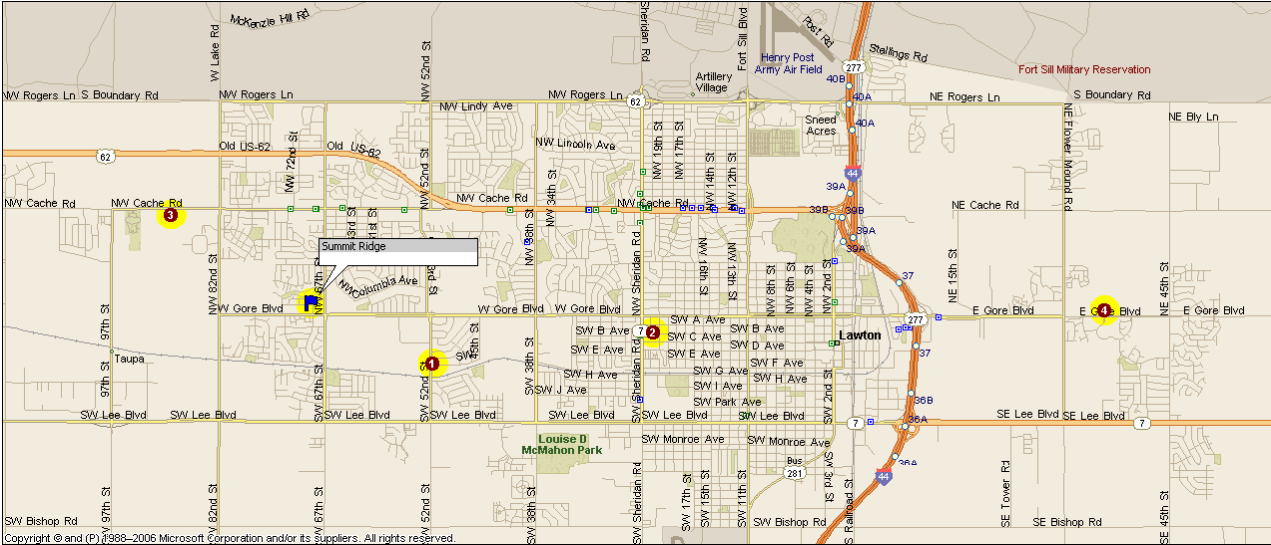
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# Rent Comp Map



- 1 Summit Village
- 2 Summit Springs
- 3 St. James
- 4 Independence Place (*Per Bedroom Rental*)

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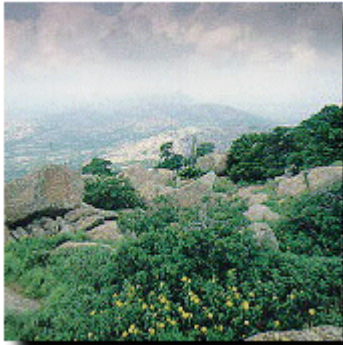








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## Lawton, Oklahoma

Created at statehood from a portion of Comanche County, Oklahoma Territory, the word, Comanche, is believed to be derived from the Spanish "Camino Ancho", meaning broad trail. Originally a part of the Kiowa, Comanche, and Apache reservation, Comanche County was opened for homesteading by lottery on August 6, 1901.



Fort Sill, established by General Philip H. Sheridan as a cavalry fort in 1869, is now headquarters for the U.S. Army Field Artillery Center and School. The military reservation, which covers 95,000 acres, contains some fifty historic sites, including the Geronimo Guardhouse and the grave of Quanah Parker.

Lawton, the county seat, is home to Cameron University and the Great Plains Technology Center. The Lawton Community Theater and the annual Arts for All Festival are leading cultural activities of the area. The Museum of the Great Plains is both educational and entertaining with its outdoor prairie dog village, depot and trading post.

Nestled in the northwest corner of Comanche County, The Wichita Mountains Wildlife Refuge attracts over a million visitors annually. It is the site of the Holy City of the Wichita's where the annual Wichita Mountains Easter Sunrise Service is presented. Featuring several stocked lakes, numerous picnic and camping areas, a person can hike miles of simple or rugged terrain, observe various wild species in their natural habitat, such as wild buffalo, elk, and eagles. This natural preserve allows visitors to see and enjoy Oklahoma as it once was, a wild, yet peaceful land that rises from a flat prairie to high, overlooking mountain peaks.



Lawton Fort Sill is located at the base of the historic Wichita Mountains in Southwest Oklahoma. Lawton has become the home of world-class manufacturing, and software development companies that serve both domestic and international markets.

Since its days as a frontier Army outpost established in 1869 to guard the western edge of the Great Plains, progress has come quickly to Lawton. From Buffalo Soldiers to the world's largest tire plant; from Indian Chief Geronimo to cutting edge, software development, Lawton Fort Sill has become the economic hub of Southwest Oklahoma and beyond.

A vibrant city of almost 100,000, Lawton offers virtually every business and cultural amenity of a major market without big-city problems. Lawton is Oklahoma's third largest MSA with a workforce of over 110,000 from seven contiguous counties.

Lawton's public education system can take a student from pre-Kindergarten at Lawton Public Schools through postgraduate work at Cameron University. Add to this the Great Plains Technology Center, part of an Oklahoma system that is considered by many educators to be the premier workforce training program in the nation.



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Our success has not gone unnoticed. Expansion Management Magazine has named Lawton one of America's "Hottest 50 Cities" for business development and expansion in 2002. This recognition was fueled by the recent private investment of over \$600 million dollars in new construction and expansion.

#### **Total Population**

Comanche County has 114,437 residents. The Lawton Metropolitan Area labor market has total population of 290,347.

#### **Labor**

The total employable population for the Lawton Metropolitan Area is 110,680.

#### **Unemployment Rate**

Lawton's unemployment rate has ranged between 3.4 and 3.2 over the last year. The current unemployment rate 3.2%

#### **Educational Attainment**

U.S. Census<sup>1</sup> data indicates 81% of Lawton's workforce have completed high school compared to the national average of 75%. In addition, 23% of the workforce has a bachelors degree compared to the national average of 13%.

#### **Lawton Public Schools**

Lawton Public Schools consists of 3 High Schools, 4 Jr. High Schools and 33 Elementary Schools. The current student enrollment is approximately 17,700 with 250 certified teachers. This represents a student-to-teacher ratio of 16.5 to 1. Graduation rate for Lawton is 76%.

#### **Cameron University**

Cameron University in Lawton is the only university in the state accredited to offer Associate, Bachelors and Masters degree programs on the same campus. There are 6,000 students currently enrolled. A superior distance learning capability has been developed including online degrees in many disciplines. The Cameron University Colleges includes: Liberal Arts, Education, Science & Technology, Business and the Graduate School. Cameron seeks to develop partnerships with area industry, providing curriculum development and internships to meet business needs.

#### **Great Plains Technology Center**

Oklahoma has long been recognized as having a premier career and technology education system. Many educators and site locators consider the system to be the best in the nation. Great Plains Technology Center and the Economic Development Center have campuses located in Lawton and Fredrick, Oklahoma, to support the needs of employers in Southwest Oklahoma. GP Tech and the EDC can provide specialized training that will be custom designed and delivered to the specifications of your company by certified trainers who will study your company's processes, teach it to your new employees, and certify their training competency. These services are provided at NO COST to qualifying companies. Optionally, the company may choose to use it's own employees to train new hires and receive reimbursement for their cost.



# Oklahoma Broker Relationship Act



COMMERCIAL REALTY RESOURCES CO.  
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**858-351. Definitions.** Unless the context clearly indicates otherwise, as used in Section 858-351 through 858-363 of this act:

1. "Broker" means a real estate broker as defined in Section 858-102 of Title 59 of the Oklahoma Statutes, and means, further, except where the context refers only to a real estate broker, an associated broker associate, sales associate, or provisional sales associate authorized by a real estate broker to provide brokerage services;
2. "Party" means a person who is a seller, buyer, landlord, or tenant or a person who is involved in an option or exchange;
3. "Single-party broker" means a broker who has entered into a written brokerage agreement with a party in a transaction to provide services for the benefit of that party;
4. "Transaction" means those real estate activities enumerated in Section 858-102 of Title 59 of the Oklahoma Statutes which are performed by a broker; and
5. "Transaction broker," means a broker who provides services by assisting a party in a transaction without being an advocate for the benefit of that party.

**858-352. Written brokerage agreement.** A broker may enter into a written brokerage agreement to provide services as either a single-party broker or a transaction broker. If a broker does not enter into a written brokerage agreement with a party, the broker shall perform services only as a transaction broker.

**858-353. Transaction broker--Duties and responsibilities.** A transaction broker shall have the following duties and responsibilities:

1. To perform the terms of the written brokerage agreement, if applicable;
2. To treat all parties with honesty;
3. To comply with all requirements of the Oklahoma Real Estate License Code and all applicable statutes and rules; and
4. To exercise reasonable skill and care including:
  - a. timely presentation of all written offers and counteroffers,
  - b. keeping the party for whom the transaction broker is providing services fully informed regarding the transaction,
  - c. timely accounting for all money and property received by the broker,
  - d. keeping confidential information received from a party confidential as required by 858-357 of this act, and
  - e. disclosing information pertaining to the property as required by the Residential Property Condition Disclosure Act.

**858-354. Single-party broker--Duties and responsibilities.**

- A. A broker shall enter into a written brokerage agreement prior to providing services as a single-party broker.
- B. The single-party broker shall have the following duties and responsibilities:
  1. To perform the terms of the brokerage agreement;
  2. To treat all parties with honesty;
  3. To comply with all requirements of the Oklahoma Real Estate License Code and all applicable statutes and rules; and
  4. To exercise reasonable skill and care including:
    - timely presentation of all written offers and counteroffers,
    - keeping the party for whom the single-party broker is performing services fully informed regarding the transaction,
    - c. timely accounting for all money and property received by the broker,
    - d. keeping confidential information received from a party confidential as required by 858-357 of this act,
    - e. performing all brokerage activities for the benefit of the party for whom the single-party broker is performing services unless prohibited by law,
    - f. disclosing information pertaining to the property as required by the Residential Property Condition Disclosure Act, and
    - g. obeying the specific directions of the party for whom the single-party broker is performing services that are not contrary to applicable statutes and rules or contrary to the terms of a contract between the parties to the transaction.
- C. In the event a broker who is a single-party broker for a buyer or a tenant receives a fee or compensation based on a selling price or lease cost, such receipt does not constitute a breach of duty or obligation to the buyer or tenant if fully disclosed to the buyer or tenant in the written brokerage agreement.

**858-355. Alternative relationships entered into where broker assists one or both parties--Written disclosure--Written consent--Contents of brokerage agreement--Withdrawal by broker--Referral fees--Cooperation with other brokers.**

- A. When assisting one party to a transaction, a broker shall enter into one of the following relationships:
  1. As a transaction broker without a written brokerage agreement;
  2. As a transaction broker through a written brokerage agreement; or
  3. As a single-party broker through a written brokerage agreement.
- B. When assisting both parties to a transaction, a broker may enter into the following relationships:
  1. As a transaction broker for both parties;
  2. As a single-party broker for one party and as a transaction broker for the other party. In this event, a broker shall disclose in writing to the party for whom the broker is providing services as a transaction broker, the difference between a transaction broker and a single-party broker, and that the broker is a single-party broker for the other party and performs services for the benefit of the other party in the transaction; or

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3. As a transaction broker where the broker has previously entered into a written brokerage agreement to provide services as a single-party broker for both parties. In this event, the broker shall obtain the written consent of each party before the broker begins to perform services as a transaction broker. The written consent may be included in the written brokerage agreement or in a separate document and shall contain the following information:

- a. a description of the transaction or type of transactions that might occur in which the single-party broker seeks to obtain consent to become a transaction broker,
- b. a statement that in such transactions the single-party broker would perform services for more than one party whose interest could be different or even adverse and that such transactions require the broker to seek the consent of each party to such transactions to permit a change in the brokerage relationship,
- c. a statement that by giving consent in such transactions:
  - 1) the party will allow the broker to change the broker's relationship from performing services as a single-party broker to performing services as a transaction broker,
  - 2) the broker will no longer provide services for the benefit of the party, but may only assist in such transactions,
  - 3) the broker will not be obligated to obey the specific directions of the party but will assist all parties to such transactions,
  - 4) the party will not be vicariously liable for the acts of the broker and associated associates, and
  - 5) the broker's obligation to keep confidential information received from the party confidential is not affected,
- d. a statement that the party is not required to consent to the change in the brokerage relationships in such transactions and may seek independent advice,
- e. a statement that the consent of the party to change the brokerage relationship in such transactions has been given voluntarily and that the written consent has been read and understood by the party, and
- f. a statement that the party authorizes the broker to change the brokerage relationship in such transactions and to assist all parties to such transaction as a transaction broker.

C. 1. If neither party gives consent as described in paragraph 3 of subsection B of this section, the broker shall withdraw from providing services to all but one party to a transaction. If the broker refers the party for whom the broker is no longer providing services to another broker, the broker shall not receive a fee for referring the party unless written disclosure is made to all parties.

2. If only one party gives consent as described in paragraph 3 of subsection B of this section, the broker may act as a transaction broker for the consenting party and continue to act as a single-party broker for the nonconsenting party. In this event, the broker shall disclose in writing to the consenting party that the broker remains a single-party broker for the nonconsenting party and performs services for the benefit of the nonconsenting party.

D. A broker may cooperate with other brokers in a transaction. Under Sections 858-351 through 858-363 of this act, a broker shall not be an agent, subagent, or dual agent and an offer of subagency shall not be made to other brokers.

## 858-356. Disclosures--Confirmation in writing.

- A. Prior to the signing by a party of a contract to purchase, lease, option or exchange real estate, a broker who is performing services as a transaction broker without a written brokerage agreement shall describe and disclose in writing the broker's role to the party.
- B. Prior to entering into a written brokerage agreement as either a transaction broker or single-party broker, the broker shall describe and disclose in writing the broker's relationship to the party.
- C. A transaction broker shall disclose to the party for whom the transaction broker is providing services that the party is not vicariously liable for the acts or omissions of the transaction broker.
- D. A single-party broker shall disclose to the party for whom the single-party broker is providing services that the party may be vicariously liable for the acts or omissions of a single-party broker.
- E. The disclosure required by this section and the consent required by Section 858-355 of this act must be confirmed by each party in writing in a separate provision, incorporated in or attached to the contract to purchase, lease, option, or exchange real estate. In those cases where a broker is involved in a transaction but does not prepare the contract to purchase, lease, option, or exchange real estate, compliance with the disclosure requirements must be documented by the broker.

**858-357. Confidential information.** The following information shall be considered confidential and shall not be disclosed by a broker without the consent of the party disclosing the information unless consent to disclosure is granted by the party disclosing the information, the disclosure is required by law, or the information is made public or becomes public as the result of actions from a source other than the broker:

1. That a party is willing to pay more or accept less than what is being offered;
2. That a party is willing to agree to financing terms that are different from those offered; and
3. The motivating factors of the party purchasing, selling, leasing, optioning, or exchanging the property.

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**858-358. Duties of broker following termination, expiration, or completion of performance.** Except as may be provided in a written brokerage agreement between the broker and a party to a transaction, the broker owes no further duties or responsibilities to the party after termination, expiration, or completion of performance of the transaction, except:

1. To account for all monies and property relating to the transaction; and
2. To keep confidential all confidential information received by the broker during the broker's relationship with a party.

**858-359. Payment to broker not determinative of relationship.** The payment or promise of payment or compensation by a party to a broker does not determine what relationship, if any, has been established between the broker and a party to a transaction.

**858-360. Abrogation of common law principles of agency—Remedies cumulative.** The duties and responsibilities of a broker specified in Sections 858-351 through 858-363 of this act shall replace and abrogate the fiduciary or other duties of a broker to a party based on common law principles of agency. The remedies at law and equity supplement the provisions of Sections 858-351 through 858-363 of this act.

**858-361. Use of Word "agent" in trade name.** A real estate broker is permitted under the provisions of Sections 858-351 through 858-363 of this act to use the word "agent" in a trade name.

**858-362. Vicarious liability for acts or omissions of real estate licensee.** A party to a real estate transaction shall not be vicariously liable for the acts or omissions of a real estate licensee who is providing services as a transaction broker under Section 858-351 through 858-363 of this act.

**858-363. Associates of real estate broker—Authority.** Each broker associate, sales associate, and provisional sales associate shall be associated with a real estate broker. A real estate broker may authorize associates to enter into written agreements to provide brokerage services in the name of the real estate broker.