



EXCLUSIVE AGENCY ADDENDUM TO LISTING

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ADDENDUM TO LISTING AGREEMENT BETWEEN THE UNDERSIGNED PARTIES CONCERNING THE PROPERTY AT _____

A. Definitions:

- (1) "Owner" means the seller or landlord of the above-referenced Property.
- (2) "Excluded Prospect" means a prospective buyer or tenant who:
- (a) has direct communication or negotiations with Owner about the purchase or lease of the Property;
 - (b) is procured through Owner's sole efforts; and
 - (c) Owner identifies to be an Excluded Prospect as required by Paragraph D.

B. Exclusive Agency: Notwithstanding provisions in the above-referenced listing agreement (the Listing) to the contrary, Owner may sell or lease the Property to an Excluded Prospect if Owner does not use any other real estate broker to market or assist Owner to sell or lease the Property.

C. Broker's Fees: If Owner sells or leases the Property to an Excluded Prospect, Owner will not be obligated to pay the fees due to Broker under Paragraph 5A or 5B of the Listing, but Owner will pay Broker, at the time the sale closes or the lease begins, a fee equal to *(check all that apply)*:

- ☐ (1) _____ % of the sales price if Owner sells the Property.
- ☐ (2) _____ % of the gross rent over the term of the lease if Owner leases the Property.
- ☐ (3) _____

D. Naming of Excluded Prospects: In order for a person to qualify to be an Excluded Prospect under this Addendum, Owner must send Broker written notice identifying the Excluded Prospect by name, address, and phone. If Broker or any other broker shows the Property to a prospective buyer or tenant before Owner provides written notice to Broker that the prospective buyer or tenant is an Excluded Prospect, then the prospective buyer or tenant is not an Excluded Prospect.

E. Offers from Excluded Prospects: Owner will immediately notify Broker of: (1) Owner's receipt of an offer from an Excluded Prospect; (2) Owner's acceptance of an offer from an Excluded Prospect by providing Broker a copy of the contract or lease; (3) the closing of a contract or lease with an Excluded Prospect; and (4) any termination of such a contract that does not close or a lease that does not commence.

F. Effect on Listing upon Sale or Lease to a Named Exclusion: If Owner enters into a contract to sell or lease the Property to an Excluded Prospect, Broker will have no obligation to provide further services to Owner related to the sale or lease of the Property to an Excluded Prospect and Broker may: (1) terminate the Listing by providing written notice to Owner; or (2) continue to list and market the Property through the date the Listing ends for back-up offers.

G. Public Marketing: Owner may publicly market the Property **only** by: ☐ signs, ☐ newspaper, ☐ Internet, ☐ _____ (NOTE: If Owner has listed the Property for sale with Broker with box 6A(2) of the Listing checked, and Owner publicly markets the Property for sale, Broker must file the Listing with the Multiple Listing Services (MLS) within one (1) business day.)

Broker's Printed Name _____ License No. _____

Owner's Printed Name _____

Broker's (☐ or Broker's Associate's) Signature _____ Date _____

Owner's Signature _____ Date _____

Broker's Associate's Printed Name, if applicable _____ License No. _____

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Table of Contents Texas Real Estate Forms Manual Purchase

1. Understanding the eBook Texas Real Estate Forms Manual Purchase
 - The Rise of Digital Reading Texas Real Estate Forms Manual Purchase
 - Advantages of eBooks Over Traditional Books
2. Identifying Texas Real Estate Forms Manual Purchase
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Texas Real Estate Forms Manual Purchase
 - User-Friendly Interface
4. Exploring eBook Recommendations from Texas Real Estate Forms Manual Purchase
 - Personalized Recommendations
 - Texas Real Estate Forms Manual Purchase User Reviews and Ratings
 - Texas Real Estate Forms Manual Purchase and Bestseller Lists
5. Accessing Texas Real Estate Forms Manual Purchase Free and Paid eBooks
 - Texas Real Estate Forms Manual Purchase Public Domain eBooks
 - Texas Real Estate Forms Manual Purchase eBook Subscription Services
 - Texas Real Estate Forms Manual Purchase Budget-Friendly Options
6. Navigating Texas Real Estate Forms Manual Purchase eBook Formats
 - ePub, PDF, MOBI, and More
 - Texas Real Estate Forms Manual Purchase Compatibility with Devices
 - Texas Real Estate Forms Manual Purchase Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Texas Real Estate Forms Manual Purchase
 - Highlighting and Note-Taking Texas Real Estate Forms Manual Purchase
 - Interactive Elements Texas Real Estate Forms Manual Purchase
8. Staying Engaged with Texas Real Estate Forms Manual Purchase

- Joining Online Reading Communities
- Participating in Virtual Book Clubs
- Following Authors and Publishers Texas Real Estate Forms Manual Purchase
- 9. Balancing eBooks and Physical Books Texas Real Estate Forms Manual Purchase
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Texas Real Estate Forms Manual Purchase
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Texas Real Estate Forms Manual Purchase
 - Setting Reading Goals Texas Real Estate Forms Manual Purchase
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Texas Real Estate Forms Manual Purchase
 - Fact-Checking eBook Content of Texas Real Estate Forms Manual Purchase
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
- 14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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