

**By Phil Hunt**

*Special to the Times*

***Q: I made a full-price offer to buy the house of my dreams through my agent. The listing agent told my agent that there would be other offers presented at the same time. The listing agent sent back a counteroffer after presenting my offer for \$20,000 over the asking price. They offered no proof of the other offers and now I must agree to pay the increased price or they will sell it to another buyer. If I say yes, I may be paying too much. If I say no, they will sell it to another buyer. There is no proof offered to confirm that there is other offers. Isn't there something I can do to get the facts before I make the decision? Even though this market is going up, it is very upsetting to me to be in this bidding war.***

**A:** Sorry to say but there is not much you can do. You could try having your agent ask the listing agent for a copy of the other offers. However, the answer will likely be, "No way." The listing agent is representing the seller; it would not be to the seller's best interest to disclose those offers.

As of today, there are no rules that mandate the seller disclose other offers to potential buyers.

It is, figuratively speaking, a “poker game” being played with your money. They could be bluffing or it could be for real. However, in this current “seller’s market,” I would believe it was for real.

The seller would be ill advised to play this game if they really want to sell the property.

It has been my experience that sellers have not lied about multiple offers. It is against the rules to claim multiple offers when none exist. It probably has happened but it is few and far between.

Unless the seller agrees to the disclosure of the other offers, it would be a violation of the listing agent’s fiduciary duties to the seller to disclose that information without the specific approval of the seller.

When a buyer receives a counteroffer from a seller, the buyer has four options: accept it, reject it, counter back with new terms or do nothing (which is another way of rejecting it).

Unless or until the legislature passes new laws, you are stuck with the “poker game.”

Nothing here should be construed as legal advice. Good luck.

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