

ADVISORY TO BUYER REGARDING RECORDING DEVICES

Recording devices are common, including inside and outside peoples' homes. When buyers view a home for sale, the seller may be monitoring what they say and do. Most sellers use recording devices for security purposes, but the devices can also gather information about a buyer. If buyers are not careful, they can disclose confidential information, from how much they might be willing to pay to how important it is to purchase the home.

Buyers should be careful about what they say while touring a home. Because devices can be hidden, it is best to assume they are present and not say anything that might weaken the buyer's bargaining position. If possible, buyers should wait until they are outside the home and outside the range of monitoring devices before saying anything about the price, bidding strategy, or other important information.

Under Oregon law, it is illegal for anyone to "obtain" a conversation that they are not part of without the consent of at least one of the participants to the discussion. Although the law includes an exception for those who obtain conversations in their homes, that exception probably does not apply to a conversation between a buyer and their real estate agent. Sellers may try to make the monitoring legal by posting a sign stating that recording devices are being used. The law does not state whether a warning sign makes the monitoring legal.

Buyers who have questions about what kind of monitoring is legal should seek legal counsel. Real estate agents are able to talk with buyers about how to talk securely about their experience during a home tour.

ACKNOWLEDGMENT: The undersigned Buyer(s) acknowledge they (a) have read and understand this advisory; and (b) have been provided with a copy for their own files.

Buyer _____ Date _____ a.m. p.m. ←
Print _____

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Print _____