



Scooter's Coffee

\$1,154,000 | 6.50% CAP

2116 9th Ave N, Texas City, TX 77590 (Houston)

- ✓ **15-Year Absolute NNN Ground Lease** – 15-Year Initial Term with 10% Rental Increases Every 5 Years
- ✓ **High-Traffic Retail Corridor** - Positioned Along Highly Traveled Dense Retail Corridor with Host of National Retailers
- ✓ **New Construction** - The Property's Construction Was Completed in 2024
- ✓ **Bite-Sized Opportunity with Nationally Recognized Tenant** - Scooters Coffee Operates Over 930 Locations Across 32 U.S. States
- ✓ **Texas City Financial & Industrial Growth** - Spearmin Energy Announced a Massive \$450M Battery Energy Storage System Project in Texas City, Boosting Local Energy Infrastructure & Industrial Growth.

Scooter's Coffee is a **rapidly expanding specialty coffee** drive-thru brand with **900+ locations across 32 states**, approximately \$859 million in **2025** U.S. systemwide sales, and a continued path toward **1,000 locations nationwide**.



INVESTMENT OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)



Subject Property

CONTACT FOR DETAILS

Sam House

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Greyson Hickey

Broker Associate
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Joe Caputo

Managing Partner
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\$1,154,000

6.50% CAP

NOI

\$75,000

Building Area

±950 SF

Land Area

±0.69 AC

Year Built

2024

Lease Type

Net Lease

Occupancy

100%

- ✓ **15-Year Absolute NNN Ground Lease** - 15-yr initial term with 10% Rental Increases Every 5 Years
- ✓ **Adjacency to National Retailers** - The Property benefits from it's proximity to a host of National Retailers, such as H-E-B, Kroger, Dollar Tree, Ross, Planet Fitness, ALDI, Great Clips, Chick-Fil-A, McDonald's, EZ Pawn, Advance Auto Parts, Sonic, Popeyes, Discount Tire, Domino's, Walgreen's, and many more.
- ✓ **High-Traffic, Dense Retail Corridor** - The Property is positioned off of 9th Ave., Texas City's most heavily trafficked and densest retail corridor.
- ✓ **New Construction** - The property's construction was completed in 2024
- ✓ **Bite Sized Opportunity with Nationally Recognized Tenant** - Scooters Coffee operates over 930 locations across 32 U.S. States
- ✓ **Proximity to Local School and Municipalities** - Adjacency to Texas City High School, Blocker Middle School, Kohlfeldt Elementary School, and Texas City Municipalities
- ✓ **Texas City Financial and Industrial Growth** - Spearmint Energy announced a massive \$450M battery energy storage system project in Texas City, boosting local energy infrastructure and industrial growth.

This information has been secured from sources we believe to be reliable but we make no representations or warranties, expressed or implied, as to the accuracy of the information. Buyer must verify the information and bears all risk for any inaccuracies.

SECURE
NET LEASE

TENANT OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

Scooter's Coffee

Lessee: KBR Franchises, LLC

Guarantor: KBR Franchises, LLC

REVENUE
\$859M+LOCATIONS
900+scooterscoffee.com

Scooter's Coffee is a rapidly expanding specialty coffee drive-thru franchise with a national footprint of more than 900 locations across 32 states.

The brand operated **906 U.S. locations** at year-end 2025 and added **83** locations during the year, representing approximately **10 percent** year-over-year unit growth. The predominantly franchisee-operated system combines a **highly recognizable** national coffee brand with locally owned and managed stores.

Demonstrating meaningful customer acceptance and systemwide scale, Scooter's Coffee generated approximately **\$859 million** in 2025 U.S. system wide sales and reported average sales of approximately **\$999,000** per unit. The company continues to pursue disciplined expansion, including a **31-unit development** agreement with Boddie-Noell Enterprises announced in 2026 and continued investment in its supply-chain platform. In support of future growth, Scooter's Coffee is developing a **\$40 million, 154,400-square-foot** cold-storage distribution facility in Papillion, Nebraska, designed to serve more than **330 coffeehouse** locations. This infrastructure investment supports the brand's continued growth trajectory as it advances toward its **1,000-store milestone**.

Subject Property



IN THE NEWS

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

Scooter's Coffee® Expands to 900 Stores Across 32 States Amid Continued Long-Term Growth

FEBRUARY 26, 2026 (SCOOTERS COFFEE)

Scooter's Coffee, one of the nation's largest and fastest-growing specialty coffee drive-thru companies, is celebrating an important milestone: 900 stores nationwide.

This milestone wouldn't be possible without our customers who make us part of their every day, our franchisees, and so many amazing baristas who serve up smiles with every order," said Joe Thornton, Scooter's Coffee CEO. "Through delivering an **exceptional customer experience**, menu innovation to deliver new exciting tastes, and connecting with the local communities we serve, we're eager to continue our **growth** as our **franchisees** lead the way by opening additional locations."

To reach the milestone, Scooter's Coffee added 83 stores to its network in 2025, a 10 percent increase in stores nationwide following a 16 percent increase in 2024. Nearly all Scooter's Coffee locations are owned and operated by local franchisees.

The Scooter's Coffee franchise location in Paris, TN, kicked off its grand opening week with a celebration of the brand's **900-store milestone**. In a town that features its own replica Eiffel Tower, one lucky customer was selected to receive a trip for two to Paris, France.

Franchisees Charlton and Keri Story and their Paris, TN team served up excitement, free drinks and swag to customers all week long, leading to long lines that stretched down the street. The **900-stores** celebration energy couldn't be contained to one store. Earlier this week, customers could Scoot On Around® to any Scooter's Coffee location for a free reusable cup celebrating the milestone.

EXPLORE ARTICLE



How Scooter's Coffee expanding supply chain to support 1,000 stores

AMY SORTER, JULY 22, 2026 (FASTCASUAL.COM)

Scooter's Coffee invests in its supply chain as the company's number of stores approaches 1,000.

Scooter's Coffee is investing in its supply chain infrastructure as it charges toward its 1,000-unit milestone. The Omaha, Nebraska-based brand, which operates more than **900 locations** nationwide, recently broke ground on a **154,400-square-foot** distribution center in Papillion, Nebraska. The cold-storage facility will replace an existing warehouse the company has already outgrown and support more than **300 stores**, with the goal to serve over twice that number.

More importantly, the additional space enables us to meet increasing demand for product due to menu growth, such as new flavor options, food items and more," Nick Jarecke, Scooter's Coffee's chief supply chain officer, told Fast Casual.

Growth requires more than opening restaurants. It also means continually evaluating the company's distribution network.

Scooter's has **opened 26 stores** so far in **2026** and expects to add approximately **70 more** by year's end. Earlier this year, the company announced its largest multi-unit development agreement to date, with Boddie-Noell Enterprises, to develop **31 locations** across the Southeast.

"As our footprint changes, we continually evaluate our network to optimize each route our drivers travel to reduce mileage and reduce any unnecessary touches between DC and final delivery at each store," Jarecke said.

The Papillion facility will serve Midwest locations and replace Scooter's Valley Ridge distribution center in nearby La Vista, Nebraska, which **opened in 2022**.

EXPLORE ARTICLE



LEASE OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

Initial Lease Term	15- Years + (3), 5-Year Options to Renew
Rent Commencement	Jul-24
Lease Expiration	Jul-39
Lease Type	Absolute NNN Ground Lease
Rent Increases	10% every 5 Years in Primary Term + Options
Annual Rent YRS 1-5	\$75,000
Annual Rent YRS 6-10	\$82,500
Annual Rent YRS 11-15	\$90,750
Option 1	\$99,825
Option 2	\$109,808
Option 3	\$120,788

This information has been secured from sources we believe to be reliable but we make no representations or warranties, expressed or implied, as to the accuracy of the information. Buyer must verify the information and bears all risk for any inaccuracies.



Subject Property

LOOP 197

25TH STREET AVENUE NORTH
±19,674 VPD

DEL SOL APARTMENTS (152 UNITS)
THE CAMBRIA (200 UNITS)
MANSIONS AT MOSES LAKE (240 UNITS)

CANDLEWOOD SUITES

LOWE'S

H-E-B
ROSS DRESS FOR LESS
ACE The helpful place.
SALLY DUNKIN'
DOLLAR TREE
DOLLAR GENERAL
AutoZone
SHERWIN-WILLIAMS
Advance Auto Parts
MOD PIZZA
ALDI
Starbucks

CVS pharmacy
boost mobile
cricket
Domino's Pizza
SUBWAY

9TH AVENUE NORTH
±36,215 VPD

Mobil

Baskin-Robbins

Ford

SUBJECT PROPERTY
2116 9TH AVE. N.

KOHFELDT ELEMENTARY SCHOOL (429 STUDENTS)

BLOCKER MIDDLE SCHOOL (802 STUDENTS)

POINTE ANN APARTMENTS (63 UNITS)

Super 8
Days Inn BY WYNDHAM
Denny's

Aaron's
DISCOUNT TIRE
PAPA JOHN'S
POPEYES

SONIC

W

KFC

O'Reilly AUTO PARTS
Wendy's
WAFFLE HOUSE

McDonald's

WHATABURGER

Pizza Hut

PNC

Jack in the box

dd's DISCOUNTS
CITITRENDS
FAMILY DOLLAR

Openland CREDIT UNION

Chevron

Terraza Mexican Bar & Grill

DOLLAR GENERAL

TEXAS CITY HIGH SCHOOL (1,689 STUDENTS)

CORAL MANOR APARTMENTS (54 UNITS)

TEXAS CITY RESIDENTIAL SCHOOL DISTRICT
TOGETHER WE SUCCEED

BAYMONT BY WYNDHAM

Kroger
Burlington
HARBOR FREIGHT
five BELOW
SHOE PALACE
planet fitness
TACO BELL
SMOOTHIE KING
McDonald's
AT&T

THE FIVE POINTS AT TEXAS APARTMENTS (80 UNITS)

DOLLAR GENERAL

HEIGHTS ELEMENTARY SCHOOL (412 STUDENTS)

21ST STREET NORTH
±19,873 VPD

146 TEXAS

CMC

nasc HEALTH & SAFETY COUNCIL

Shell

Airgas an Air Liquide company

Shell

NAPA

MISTRAS

HUNTER CRANE & EQUIPMENT

Speedway

PILING INC.

TOTAL SAFETY

Marathon

IRIS NDT

TENNILLE METAL WORKS

LONE STAR TIRE & LUBE
TIRE PROS

GFL

intertek
Total Quality. Assured.

36TH STREET SOUTH
±17,428 VPD

Marathon

Marathon

AMOCO FEDERAL CREDIT UNION

DUNN HEAT EXCHANGERS
CLEANING/REPAIR/FABRICATION

Enterprise Products

Marathon

LOOP 197

DOWNTOWN
HOUSTON
(~38.8 MILES AWAY)

BAYMONT
INN & SUITES

BW | Best Western.
Hotels & Resorts

DRIFTWOOD
APARTMENTS
(24 UNITS)

GRAND
PRIZE
Barbeque

Pizza
Hut

SHIPLEY
DONUTS

Kroger
Burlington
HARBOR FREIGHT
five BELOW
planet fitness
SHOE PALACE

Aaron's
enterprise
DISCOUNT
TIRE
KFC
RBC

H-E-B
ROSS
DRESS FOR LESS
ACE
SALLY
DOLLAR TREE
DOLLAR GENERAL
AutoZone
SHERWIN-WILLIAMS
Advance
Auto Parts
ALDI

CVS pharmacy

Ford

QUICK
PAWN

REGIONS

PALMER HOUSE
APARTMENTS
(44 UNITS)

WHATABURGER

BURGER
KING

Bowlero

cricket

amco INSURANCE
SEGUROS DE AUTO

9TH AVENUE NORTH
(36,215 VPD)

FARM
1764
ROAD

EST. 1998
SCOOTER'S
COFFEE

TAQUERIA & RESTAURANT
VALLARTA

SCOOTER'S
COFFEE DRIVE-THRU

Exxon

Buzzy Bee

DOWNTOWN
HOUSTON
(~38.8 MILES AWAY)

BLOCKER
MIDDLE SCHOOL
(802 STUDENTS)

dd's
DISCOUNTS
CITYTRENDS
FAMILY DOLLAR



TEXAS CITY
HIGH SCHOOL
(1,689 STUDENTS)

STINGAREE
STADIUM



VALERO TEXAS
CITY REFINERY



Buzzy Bee

Exxon



Jack In the box

21ST STREET NORTH
(19,873 VPD)



9TH AVENUE NORTH
(36,215 VPD)



DOWNTOWN
HOUSTON
(~38.8 MILES AWAY)

BAYMONT
INN & SUITES

BW | Best Western.
Hotels & Resorts

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TACO BELL
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WING STOP
AT&T

H-E-B
ROSS
DRESS FOR LESS
DOLLAR TREE
DOLLAR GENERAL
AutoZone
ACE
SALLY
SHERWIN-WILLIAMS
Advance
Auto Parts
ALDI

W
Aaron's
SONIC
PAPA JOHN'S
POPEYES
enterprise
DISCOUNT
TIRE
RBC
KFC

LOWE'S

CVS pharmacy
cricket
boost
mobile
Domino's Pizza
SUBWAY
BASKIN
BR
ROBBINS

O'Reilly AUTO PARTS
Wendy's
WAFFLE
HOUSE
McDonald's

Ford

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(24 UNITS)

Pizza
Hut

GRAND
PRIZE
Barbeque

cricket

amco INSURANCE
SEGUROS DE AUTO
SINCE 1959

PNC

9TH AVENUE NORTH
(36,215 VPD)

EST. 1998
SCOOTER'S
COFFEE

TAQUERIA & RESTAURANT
VALLARTA

22ND STREET NORTH

FARM
1764
ROAD

Exxon

Buzzy Bee

DOWNTOWN
HOUSTON
(~38.8 MILES AWAY)

ROOSEVELT WILSON
ELEMENTARY
(460 STUDENTS)

KOHFELDT
ELEMENTARY SCHOOL
(429 STUDENTS)

dd's
DISCOUNTS
CITYTRENDS
FAMILY DOLLAR



BLOCKER
MIDDLE SCHOOL
(802 STUDENTS)

Openland
CREDIT UNION



TEXAS CITY
HIGH SCHOOL
(1,689 STUDENTS)

TEXAS CITY
INDEPENDENT SCHOOL DISTRICT
TOGETHER WE SUCCEED

LONE STAR TIRE & LUBE
TIRE PROS



STINGAREE
STADIUM

DOYLE CONVENTION
CENTER

metro
by T-Mobile
Little Caesars

Exxon

Buzzy Bee



Jack
in the box

21ST STREET NORTH
(19,873 VPD)

EST. 1998
SCOOTER'S
COFFEE

TAQUERIA & RESTAURANT
VALLARTA

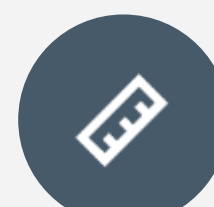
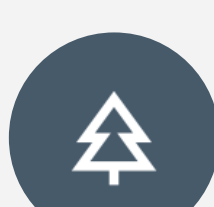
9TH AVENUE NORTH
(36,215 VPD)

PNC

DRIFTWOOD
APARTMENTS
(24 UNITS)

SITE OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

	Year Built		2024
	Building Area		±950 SF
	Land Area		±0.69 AC

NEIGHBORING RETAILERS









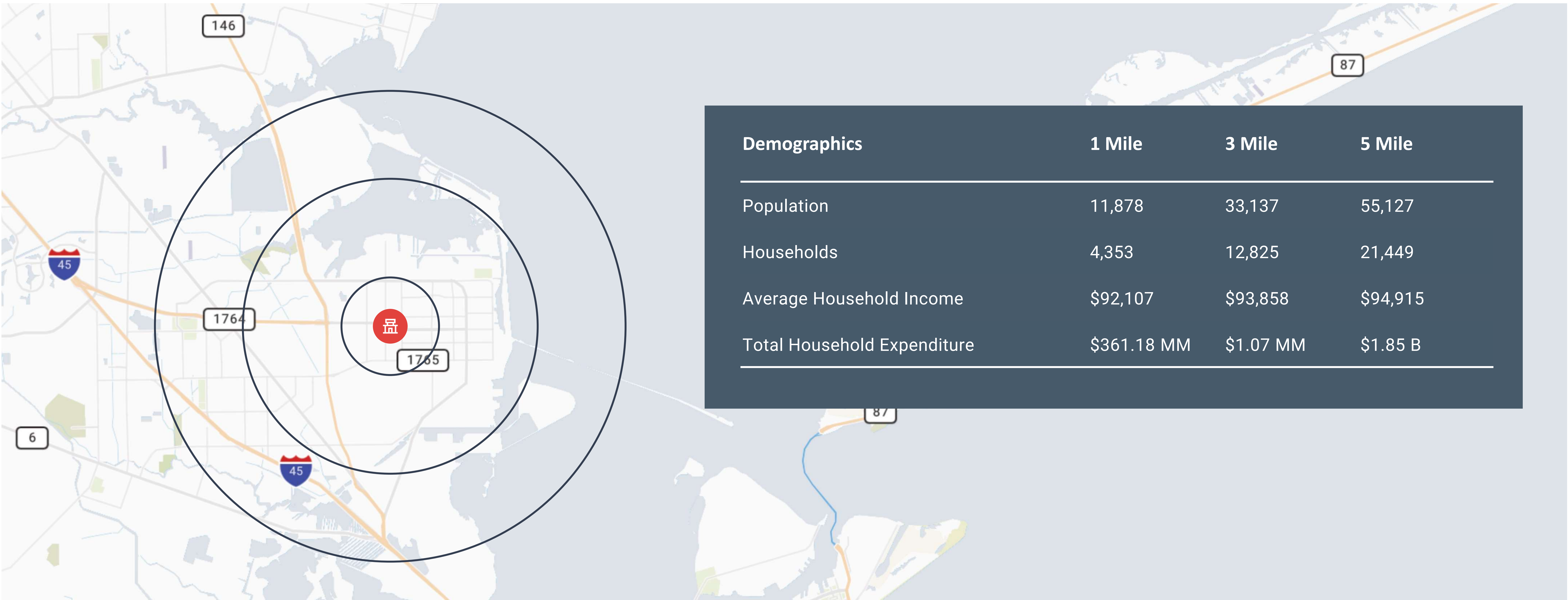
12 SECURE NET LEASE



Subject Property

LOCATION OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)



HOUSTON ECONOMIC DRIVERS (EMPLOYEES)

1.

Memorial Hermann Health System (35,360)
2.

Walmart (29,797)
3.

H-E-B (29,657)
4.

Houston Methodist (26,098)
5.

University of Texas MD Anderson Cancer Center (21,576)
6.

HCA Houston Healthcare (15,000)
7.

Kroger (14,868)
8.

ExxonMobil (13,000)
9.

United Airlines (11,900)
10.

Schlumberger Limited (11,700)

LOCATION OVERVIEW

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)



Houston-The Woodlands-Sugar Land MSA Texas

 **7.8M+**
Population

 **\$81,417+**
Median Household Income

Residents in the
Houston–The
Woodlands–Sugar Land
MSA

7.8 Million+

Across a 10-County Gulf
Coast Metropolitan Area

MSA

Houston–The Woodlands–Sugar Land MSA:

The Houston–The Woodlands–Sugar Land MSA metropolitan area is one of the nation’s largest and most economically diverse major markets, with an estimated population of approximately 7.8 million residents.

Houston–The Woodlands–Sugar Land is the nation’s fifth-largest metropolitan area, with approximately 7.8 million residents.

Encompassing 10 counties across Southeast Texas and the Gulf Coast, the MSA serves as the commercial, employment, healthcare, logistics, and cultural center of a rapidly growing regional economy.

The metropolitan area ranked as the nation’s fifth-largest MSA in the latest Census population estimate, underscoring its scale as a major consumer and labor market.

The MSA supports a broad-based economy anchored by energy, petrochemicals, advanced manufacturing, healthcare, aerospace, international trade, technology, and professional services. Greater Houston remains a global energy center, while the Texas Medical Center provides one of the world’s largest concentrations of healthcare, research, and life-sciences employment. The Port of Houston system, extensive interstate network, and two major commercial airports further reinforce the region’s role as a leading national and international logistics gateway.

Texas City:

Texas City provides a strategic industrial and maritime component of the greater Houston economy. Positioned along Galveston Bay within the Houston MSA, the city is home to a significant concentration of refining, petrochemical, manufacturing, port, and related logistics activity. Texas City’s Economic Development Corporation reports more than 4,000 manufacturing and petrochemical jobs within the community, highlighting its established industrial employment base and connectivity to the region’s energy and trade infrastructure.

IN THE NEWS

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

INEOS Backs \$1.7 Billion Low-Carbon Methanol Project in Texas City

APRIL 29, 2026 (INEOS)

INEOS Acetyls and Sandpiper Chemicals, LLC today announced the formation of a strategic collaboration in support of Sandpiper's low carbon methanol production facility in Texas City, Texas.

The facility will be built on INEOS's existing Texas City site, leveraging established petrochemical infrastructure, deep-water port access, and a skilled workforce to produce roughly 1.1 million metric tons of low-carbon methanol annually. Total investment is estimated at \$1.7 billion, expected to create about 1,500 construction jobs and generate significant tax revenue for Galveston County.

EXPLORE ARTICLE



Gulf Copper and Davie Defense Plan New Era of Shipbuilding in Galveston

AUGUST 13, 2026 (THE DAILY NEWS)

Gulf Copper and Davie Defense are preparing for a sweeping modernization of the historic Galveston shipyard, a site where shipbuilding operations date to 1906.

The roughly \$750 million investment will prepare the yard to build three Arctic Security Cutters under Davie's \$3.5 billion Coast Guard contract, expected to create approximately 2,400 new jobs and support up to 7,000 workers through the supply chain. Construction could begin early next year, with the first phase completing in 2028, marking a major expansion of shipbuilding capacity on the Gulf Coast.

EXPLORE ARTICLE



Texas City Leaders Revisit Long-Stalled Margaritaville Development

AUGUST 4, 2026 (THE DAILY NEWS)

Nearly two years after city leaders declared the proposed Latitude Margaritaville development dead, officials are preparing to revisit the project during a workshop they say will give residents their most detailed look yet.

The 1,300-acre, age-restricted community, developed by Minto Communities near state Highway 146, was previously estimated to add more than 4,000 homes, generate about \$1 billion in taxable property value, and create nearly 2,000 permanent jobs. Commissioners say the renewed discussion signals momentum to advance one of the largest development opportunities in Texas City's history.

EXPLORE ARTICLE



UT Regents Approve \$300 Million UTMB League City Hospital Expansion

FEBRUARY 20, 2026 (UTMB HEALTH)

The University of Texas System Board of Regents has approved a transformative \$300 million expansion of the UTMB Health League City Hospital Campus, broadening access to emergency and inpatient care across the rapidly growing Bay Area region.

The multiphase project, expected to be completed by 2030, will construct a new 40-bed emergency department, expand inpatient capacity, and add advanced diagnostic imaging to meet rising demand for care. The investment underscores continued healthcare infrastructure growth serving Galveston County's expanding population along the I-45 corridor near Texas City.

EXPLORE ARTICLE



Galveston Could Land a Fifth Cruise Terminal for Icon of the Seas

AUGUST 27, 2026 (KHOU 11)

The Port of Galveston is in discussions with Royal Caribbean Group on a proposed fifth cruise terminal that would bring one of the world's largest cruise ships to the Texas coast.

Galveston Wharves said the terminal would be built at Pier 14 and become the homeport for Icon of the Seas, expanding a partnership that produced a \$125 million terminal in 2022. The port expects to welcome almost 2 million cruise passengers in 2026, a new record, with cruise operations already generating more than 4,547 jobs and \$733 million in business revenue for the Galveston Bay area.

EXPLORE ARTICLE



Port of Galveston Outlines Updated \$2.4 Billion Expansion Plan

MARCH 30, 2026 (GOVERNMENT MARKET NEWS)

Officials with the Port of Galveston in Texas have released a 2026 update to its port-wide Master Plan, charting a course to build infrastructure and guide growth.

The \$2.4 billion plan directs capital investment through 2045 across West Port, Mid Port, East Port, and Pelican Island, including new cargo berths, rail access, and a shipyard and LNG fueling expansion. Cruise growth is expected to drive demand for up to 600,000 square feet of retail space and new hotels by 2040, reinforcing the trade area's role as a regional economic engine along the Gulf Coast.

EXPLORE ARTICLE



TxDOT Advances \$226 Million I-45 Expansion Near Texas City

JULY 29, 2026 (HOUSTON PUBLIC MEDIA)

Drivers making their way to Galveston will notice traffic changes along Interstate 45 starting the night of Aug. 7.

The changes are part of a \$226 million TxDOT project widening I-45 to eight lanes between FM 519 and the Texas City Wye, with completion expected by mid-2030. Officials say the expansion is necessary to accommodate the substantial population growth Galveston County is experiencing while also improving hurricane evacuation routes, reflecting continued state investment in the corridor connecting Texas City to greater Houston.

EXPLORE ARTICLE



Houston Suburbs, Including Galveston County, Drive Regional Growth

APRIL 6, 2026 (KINDER INSTITUTE FOR URBAN RESEARCH, RICE UNIVERSITY)

Greater Houston is still growing at a healthy clip, even as birth rates flatten and domestic migration slows, according to new Census Bureau population estimates.

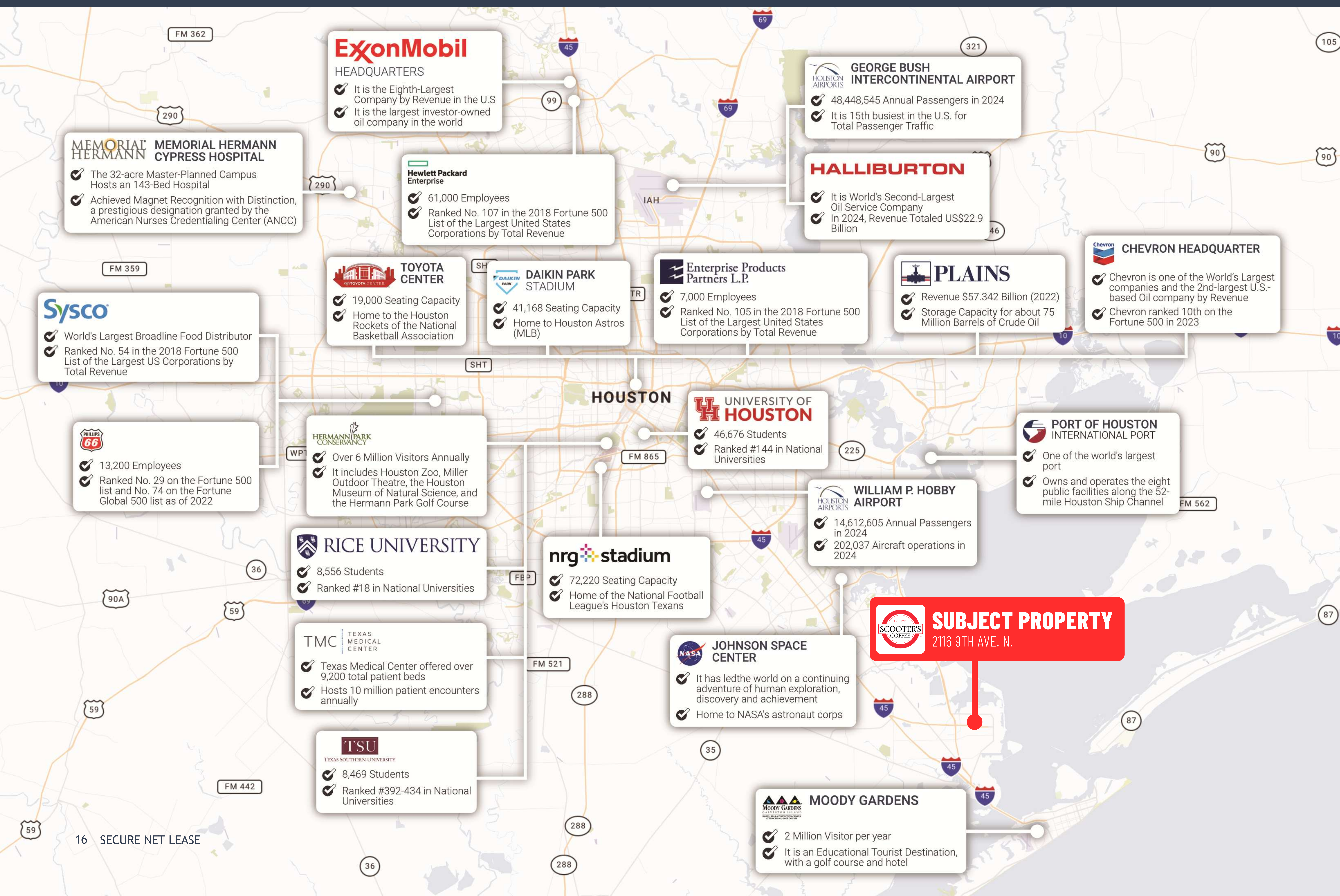
The nine suburban counties surrounding Harris County, including Galveston, added a combined net population increase of about 78,000 people between mid-2024 and mid-2025, up 2.8 percent from the prior year. Suburban counties have driven the majority of the region's growth over the past decade, fueled by affordable housing and available land, reinforcing the strength of the broader Houston-area trade zone surrounding Texas City.

EXPLORE ARTICLE



HOUSTON-THE WOODLANDS-SUGAR LAND MSA

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)



CALL FOR ADDITIONAL INFORMATION

Dallas

Office

10000 N Central Expressway
Suite 200
Dallas, TX 75231
(214) 522-7200

Los Angeles

Office

123 Nevada Street
El Segundo, CA 90245
(424) 320-2321

CALL FOR ADDITIONAL INFORMATION

Sam House

Vice President
(214) 227-9869
shouse@securenetlease.com

Bob Moorhead

Managing Partner
(214) 522-7210
bob@securenetlease.com

Greyson Hickey

Broker Associate
(214) 884-9644
gphickey@securenetlease.com

Joe Caputo

Managing Partner
(424) 220-6432
joe@securenetlease.com

TEXAS DISCLAIMER

SCOOTER'S COFFEE TEXAS CITY, TX (HOUSTON)

Approved by the Texas Real Estate Commission for Voluntary Use

Texas law requires all real estate licensees to give the following information about brokerage services to prospective buyers, tenants, sellers and landlords.

Information about brokerage services

Before working with a real estate broker, you should know that the duties of a broker depend on whom the broker represents. If you are a prospective seller or landlord (owner) or a prospective buyer or tenant (buyer), you should know that the broker who lists the property for sale or lease is the owner's agent. A broker who acts as a subagent represents the owner in cooperation with the listing broker. A broker who acts as a buyer's agent represents the buyer. A broker may act as an intermediary between the parties if the parties' consent in writing. A broker can assist you in locating a property, preparing a contract or lease, or obtaining financing without representing you. A broker is obligated by law to treat you honestly.

If the broker represents the owner

The broker becomes the owner's agent by entering into an agreement with the owner, usually through a written – listing agreement, or by agreeing to act as a subagent by accepting an offer of subagency from the listing broker. A subagent may work in a different real estate office. A listing broker or subagent can assist the buyer but does not represent the buyer and must place the interests of the owner first. The buyer should not tell the owner's agent anything the buyer would not want the owner to know because an owner's agent must disclose to the owner any material information the owner knows.

If the broker represents the buyer

The broker becomes the buyer's agent by entering into an agreement to represent the buyer, usually through a written buyer representation agreement. A buyer's agent can assist the owner but does not represent the owner and must place the interests of the buyer first. The owner should not tell a buyer's agent anything the owner would not want the buyer to know because a buyer's agent must disclose to the buyer any material information known to the agent.

If the broker acts as an intermediary

A broker may act as an intermediary between the parties if the broker complies with The Texas Real Estate License Act. The broker must obtain the written consent of each party to the transaction to act as an intermediary. The written consent must state who will pay the broker and, in conspicuous bold or underlined print, set forth the broker's obligations as an intermediary. The broker is required to treat each party honestly and fairly and to comply with The Texas Real Estate License Act. A broker who acts as an intermediary in a transaction:

- Shall treat all parties honestly
- May not disclose that the owner will accept a price less than the asking price
- Submitted in a written offer unless authorized in writing to do so by the owner;
- May not disclose that the buyer will pay a price greater than the price submitted in a written offer unless authorized in writing to do so by the buyer; and
- May not disclose any confidential information or any information that a part specifically instructs the broker in writing not to disclose unless authorized in writing to disclose the information or required to do so by The Texas Real Estate License Act or a court order or if the information materially relates to the condition of the property.

With the parties' consent, a broker acting as an intermediary between the parties may appoint a person who is licensed under The Texas Real Estate License Act and associated with the broker to communicate with and carry out instructions of one party and another person who is licensed under that Act and associated with the broker to communicate with and carry out instructions.