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To: **Seller:** Jennifer L. King, Philip L. King  
**Buyer:**

From: **NextHome Real Estate Place** (Broker)

Property Address: **24930 Blue Mountain Park Ln, Katy, Tx 77493**

Date: \_\_\_\_\_

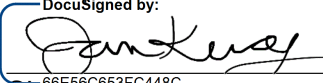
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**NextHome Real Estate Place**

Broker

By:   
DocuSigned by:  
D06CEE689F64AE...


Receipt of this notice is acknowledged by:

  
DocuSigned by:  
68FE56C653FC448C...

Signature  
**Seller:** Jennifer L. King

Jul 13, 2024 | 1:09 PM PDT

Date

  
DocuSigned by:  
CFC4111D8C854DB...

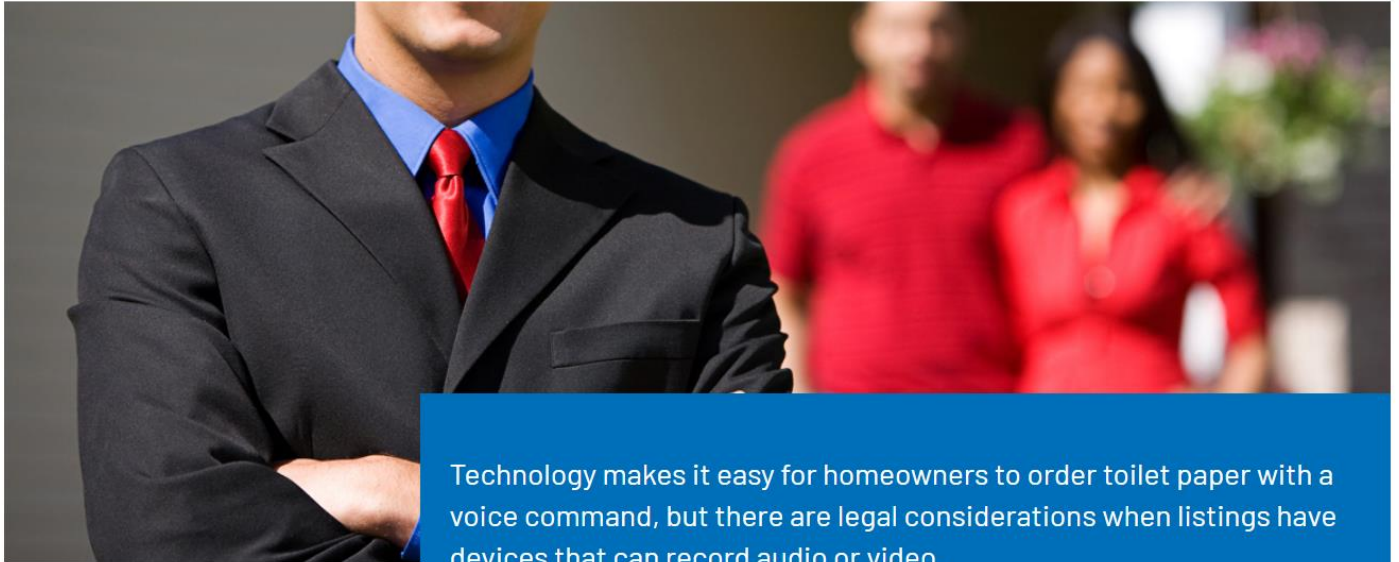
Signature  
**Buyer:**

Date

(TXR-2502) 7-16-08

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# Is Your Sellers' Surveillance Putting Them At Risk?



Technology makes it easy for homeowners to order toilet paper with a voice command, but there are legal considerations when listings have devices that can record audio or video.

**By Wes Bearden**

**🕒 November 01, 2017**

Selling a home can be frustrating to homeowners. They're asked to allow strangers into their home. They may never receive feedback and are left to wonder, "Why didn't that last buyer bite?" What do anxious sellers do? They get an extra set of ears. Many homeowners have installed security cameras and smart-home devices. These installations can be an ultra high-tech security system or a simple baby monitor, and they all can be abused. A number of notable cases have emerged where sellers listened to a potential buyer's showing. Sometimes it's to gain advantage in negotiations, while other times it's simply to better stage the property. So, can a seller covertly record or monitor a buyer's showing?

## The rules in Texas

Both the Federal Electronic Communications Privacy Act (ECPA) and Section 16.02 of the Texas Penal Code prohibit audio recordings without the consent of at least one individual who is part of the conversation. The Texas rule, commonly referred to as the one-party rule, requires at least one party to consent to recording conversations. What that rule allows is any individual to covertly-and legally-record his own conversations with a broker, neighbor, or other party. Whenever you speak, it's best to follow the old saying: Say what you mean and mean what you say. The other person in the conversation may be recording everyone.

**“ If a seller is not present and participating in the showing, he cannot record audio ... even if the conversation happens inside the seller's home.**

## Why a seller cannot record audio of a showing

Texas law does not allow audio recording or audio monitoring of conversations that you are not a part of. If the seller is not present and participating in the showing, he cannot record it. Even though the conversation happens inside a seller's home, he is prohibited from recording any conversations that he is not a part of.

## But what about video?

Many homes today have security cameras installed that record video. Some have audio recording, similar to a baby monitor, and some without. The ECPA does not prohibit video recording. In fact, silent video-like from security cameras-is generally allowed as long as it isn't in an area where an individual would have a reasonable expectation of privacy. For instance, silent bathroom video recording is not allowed. But silent video recording of the foyer, kid's playroom, exterior of a home, and a garage are likely permitted.

## Is your listing breaking the law?

Most professional alarm and security cam-era installers are familiar with the law. Normally, they install video cameras with-out audio and are leery to place inside cam-eras in any location other than a foyer. However, when your seller is a do-it-yourselfer, you may want to ask questions. Have sellers tell you what the system will record. If audio is recorded, the seller may have a problem. If it is silent video, have sellers show you where the cameras are located. Make sure they aren't video recording in a private area, such as a bathroom. Courts have traditionally upheld individual privacy rights over the property rights in a residential home. Consider limiting the use of cameras to the exterior of the residence. Violating state and federal recording laws can involve criminal penalties.

In addition, Texas, like many states, recognizes several types of common law invasion of privacy claims. At its essence, invasion of privacy protects a person against unreasonable intrusion upon his seclusion, solitude, or private affairs. Even though recording may be in the seller's house, courts have found that a visiting party can have a valid claim when the homeowner overreaches.

Illegal recording is a felony offense in Texas, and anyone who has been recorded in violation of the law can bring a civil suit to recover \$10,000 for each occurrence, actual damages in excess of \$10,000, punitive damages, attorney's fees, and court costs.

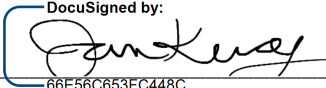
Help your sellers avoid criminal or civil liability by encouraging them to concentrate on feedback given with consent and leave the mics and hidden cameras out.

I have surveillance Cameras or Monitors in or around my home: Yes  X  or No     . If yes, camera locations:

Cameras with sound:  N/A

Cameras without sound:  Ring camera

If yes, we suggest you remove the cameras with sound or label them as to be seen by perspective buyers and post a sign at the front door with notification.

Seller Signature: 

Seller Signature: 

AFFILIATED BUSINESS ARRANGEMENT  
DISCLOSURE STATEMENT

NOTICE

TO: Jennifer L. King, Seller  
Phillip King, Buyer

PROPERTY: 24930 Blue Mountain Park Lane, Katy TX 77493

FROM: Robyn Jones

DATE: Jul 13, 2024 | 1:09 PM PDT

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Set forth below is the estimated charge or range of charges for the settlement services listed. You are **NOT** required to use the listed provider(s) as a condition for settlement of your loan on or purchase, sale, or refinance of the subject property, as applicable. **THERE ARE FREQUENTLY OTHER SETTLEMENT SERVICE PROVIDERS AVAILABLE WITH SIMILAR SERVICES. YOU ARE FREE TO SHOP AROUND TO DETERMINE THAT YOU ARE RECEIVING THE BEST SERVICES AND THE BEST RATE FOR THESE SERVICES.**

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Rate Promulgated by the Commissioner of Insurance for the State of Texas.

MONARCH TITLE OF TEXAS, LLC

Settlement or Closing Fee

\$525.00 to each party to the transaction.- residential  
\$600.00 to each party to the transaction - commercial

MONARCH TITLE ERecording

Erecording Fee

\$12.00 per document

MONARCH TITLE RECORDING

Recording Fee

\$Depends on County

ACKNOWLEDGMENT

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Seller's Signature

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Buyer's Signature

Seller's Signature

Buyer's Signature