

Clare-Gladwin Board of REALTORS®

Form #A-1

298 Birwood Street, Gladwin, MI 48624
Telephone (989) 246-0714/Fax (989) 246-0715
Email: kim@claregladwinrealtors.com

REQUEST AND AGREEMENT TO ARBITRATE

1. The undersigned, by becoming and remaining a member of the Clare-Gladwin Board of REALTORS® (or Participant in its MLS), has previously consented to arbitration through the Board under its Rules and Regulations.

2. I am informed that each person named below is a member in good standing of the Board (or Participant in its MLS), or was a member of said Board of REALTORS® at the time the dispute arose.

3. A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me (or my firm) and (list all persons you wish to name as Respondents to this arbitration):

_____	, REALTOR® principal _____
(Name)	(Address)
_____	, REALTOR® principal _____
(Name)	(Address)
_____	_____
(Firm)	(Address)

(NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals.) **Naming a REALTOR® (principal) as respondent enables the complainant to know who will participate in the hearing from the respondent's firm; naming a firm may increase the likelihood of collecting any resulting award.)***

4. There is due, unpaid and owing to me (or I retain) from the above-named persons the sum of \$_____. My claim is predicated upon the statement attached, marked Exhibit 1 and incorporated by reference into this application.

5. I request and consent to arbitration through the Board in accordance with its Code of Ethics and Arbitration Manual (alternatively, "in accordance with the professional standards procedures set forth in the Bylaws of the Board"), and I agree to abide by the arbitration award and to comply with it promptly. In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement.

6. I enclose my check in the sum of \$75.00 for the arbitration filing fee. ** *(Not to exceed \$500)

7. I understand that I may be represented by counsel, and that I am requested to give written notice of my intention to have counsel present fifteen (15) days before the hearing to the Board and the other party, including legal counsel's name, address and phone number. Failure to provide this notice will not invalidate my right to legal representation, however, upon the request of any other party, a continuance of the hearing may be granted if the hearing panel determines that the rights of any other party require representation by legal counsel.

8. The Complainant must provide a list of witnesses he/she intends to call at the hearing and copies of exhibits to the Board and to the other party not less than fifteen (15) days before the hearing. The Respondent must provide a list of witnesses he/she intends to call at the hearing and copies of exhibits to the Board and to the other party not less than seven (7) days prior to the hearing. Each party shall arrange for his/her witnesses to be present at the time and place designated for the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® nonprincipal affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness and has the right to be present throughout the hearing: _____ . **All parties appearing at a hearing may be called as witnesses without advance notice.**

9. Failure to provide a list of witnesses and copies of exhibits within the time specified will constitute a waiver of the right to call those witnesses or use exhibits at the hearing, unless the Chairperson agrees to allow their testimony or use of exhibits.

10. Under the penalties of perjury, I declare that this application and the allegations contained herein are true and correct to the best of **my** knowledge and belief and this request for arbitration is filed within 180 days after the closing of the transaction, if any, or within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

11. Are the circumstances giving rise to this arbitration request the subject of civil litigation?
_____ Yes _____ No.

12. This shall be deemed an arbitration agreement within the meaning of the Revised Judicature Act, section 5001, et seq; MSA 27a.5001 et seq; MCLA 600.5001 et seq; and Michigan Court Rule 3.602 and the undersigned agree that such judgment may be entered in any circuit court upon the award.

13. If either party to an Arbitration Request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e. mandatory or voluntary), the party has 20 days from the date of receipt of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.

14. Important note related to arbitration conducted pursuant to Standard of Practice 17-4(1) or (2); Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4(1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker, seller or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

15. Address of the property in the transaction giving rise to this arbitration request: _____

16. The sale/lease closed on:

17. Agreements to arbitrate are irrevocable.

Dated: _____ at _____

Complainant(s):

Signature of REALTOR® Principal

Signature of REALTOR® Principal

Name (Type or Print)

Name (Type or Print)

Street Address

Street Address

City State Zip

City State Zip

Phone _____ E-mail _____

Name of Firm*

Address

In cases where arbitration is requested in the name of a firm comprised of REALTORS® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a co-complainant.

***Complainants may name one or more REALTOR® principals or a firm comprised of REALTOR® principals as respondent(s). Or, complainants may name REALTOR® principals and firms as respondents.**