



## **Membership Policies and Procedures**

The following sets forth a summary of the policies and procedures for members in the Charlotte Regional Realtor<sup>®</sup> Association (Association) and the Carolina Multiple Listing Services, Inc. (CMLS). More details can be found in the Association and CMLS bylaws, "CMLS Rules and Regulations," and other rules that may be adopted by the Association and CMLS.

### **Membership (Association/CMLS)**

All active real estate and appraisal licensees who join the Association receive an individual membership to the Association, the North Carolina Association of Realtors<sup>®</sup> (NCAR) and the National Association of Realtors<sup>®</sup> (NAR). All active real estate and appraisal licensees join the association as either a Realtor<sup>®</sup> or Designated Realtor<sup>®</sup> (DR) member. The head of the firm, for association purposes, is referred to as the DR. A Realtor<sup>®</sup> membership moves with a licensee from firm to firm. A Realtor<sup>®</sup> member who decides to open a new firm must reapply for membership as DR (See New Company section).

Subscription to CMLS is through a firm's participation in CMLS. Each head of a firm, for MLS purposes, is referred to as the Member Participant (MP). Any other licensee affiliated with the firm accesses the service by subscribing through the MP's membership as a Subscriber. For this reason, licensees who leave a firm and move to another will have their CMLS services inactivated until they re-affiliate with another firm and subscribe to the service through their new MPs.

Firms in CMLS pay a company start-up fee significantly higher than the start-up fee of Subscribers to begin participation. When a Subscriber with a broker license, who has been designated as a broker-in-charge (BIC), chooses to open up his or her own firm and work independently, additional CMLS fees apply.

CMLS provides one subscription to the MP upon payment of the company start-up fee and the applicable quarterly fees. CMLS provides an additional subscription for each individual employed by or affiliated as an independent contractor (including licensed and certified appraisers, and appraisal trainees) with the MP who has access to and who utilizes the service. All Subscribers affiliated with an MP must pay a start-up fee and the applicable quarterly fees. All active real estate licensees affiliated with an MP are required to subscribe to the MLS or apply for a waiver (see MLS Waiver section below) upon affiliation. An infraction of this rule is a Category II violation as described in Section 9.4.2 of the "CMLS Rules and Regulations" and carries a fine.

## **Membership to the Association for CMLS MPs and Subscribers**

The Association will waive the membership application fee for any MP or Subscriber, in good standing with CMLS, who applies to become a primary or secondary member of the Association. For those applicants who already hold the Realtor<sup>®</sup> designation, Association orientation will be waived. However, orientation will be mandatory for any MLS Subscriber who is a non-member licensee.

## **Orientation**

Attending the Association and CMLS orientations is mandatory for all new applicants. All active real estate and appraisal licensees (including appraisal trainees) must complete the both orientations within 60 days of affiliating with a member firm. Those who fail to complete orientations within this time will receive a refund, less an administrative-processing fee. The DR for the firm will be automatically billed a non-member licensee assessment fee for that licensee. The licensee will then need to reapply for the MLS service and pay all applicable fees. CMLS subscription for active real estate and appraisal licensees affiliated with an MP is mandatory unless the individual qualifies for a waiver (see below).

## **Failure to Attend Orientation within 60-days of Application**

New applicants who apply to the Association and pay applicable joining fees but who then fail to attend the mandatory orientation program within 60 days will automatically lose provisional Realtor<sup>®</sup> status. Subsequently, that applicant is converted to a non-member licensee and the Designated Realtor<sup>®</sup> for that individual will be invoiced a non-member licensee fee, as required by the National Association of Realtors<sup>®</sup>. Applicants should note that all fees previously paid are non-refundable.

## **Billing Procedure and Delinquency**

CMLS invoices MPs and Subscribers for the monthly subscription fee on a quarterly basis. CMLS mails invoices on the first day of the month prior to the start of the quarter: December 1, first quarter; March 1, second quarter; June 1, third quarter; and September 1, fourth quarter.

Invoices are due by 5 p.m. on the first day of the first month in the quarter: January 1, first quarter, April 1, second quarter, July 1, third quarter, and October 1, fourth quarter.

If CMLS does not receive payment by 5 p.m. on the 15th day of the first month in the quarter, CMLS will suspend the recipient's MLS services. Additionally, CMLS will suspend Supra system service at the same time and will notify the Subscriber's MP.

The Subscriber or MP must pay all charges in full, including the reconnect fee for reconnection. The accounting office must receive payment by the due date, not postmarked by the due date. CMLS does not consider returned checks as payment. Therefore, if CMLS receives a returned check subsequent to the 15th day of the first month in the quarter, CMLS will assess the reconnect fee to the recipient, as well as the handling fee.

The MP is ultimately responsible for ensuring that CMLS receives payment in full for the Subscriber, including the reconnect fee, by the last day of the first month in the quarter: January 31, first quarter; April 30, second quarter; July 31, third quarter; and October

31, fourth quarter. If CMLS does not receive payment, CMLS will suspend the firm's MLS service.

MPs are responsible for all licensees affiliated with the firm; therefore, if an MP does not pay his or her invoice by the deadline, all Subscribers under him or her will have their services suspended. If CMLS suspends a firm's service, only the MP will be responsible for paying the reconnect fee.

### **MLS/Supra Key Inactivation**

Agents who fail to pay quarterly MLS fees by the due date will automatically lose MLS access. In addition, those agents will also lose Supra Key service. If the agent is subsequently placed on "Will Advise" status and then re-affiliates within the 90-day grace period, that agent will be required to pay the full amount of the outstanding account balance. If the agent fails to re-affiliate within 90 days, all reinstatement fees, as described in the "Will Advise" section below, apply.

### **Wavier**

Every Realtor<sup>®</sup>, for and in consideration of his or her right to invoke arbitration proceedings and to initiate complaints under the Code of Ethics, irrevocably waives and releases any claim or right of action the member may have or acquire against the association or any of its officers, directors or members, for any act performed in connection with the business of the association and, particularly, as to the acts of the association or any of its officers, directors, or members taken in approving or not approving, advancing, suspending, expelling or otherwise disciplining the association member. Further, as a condition of membership in the association, members expressly waive any cause of action or claim for libel, slander or defamation that might arise from the filing or consideration of any ethics complaint or arbitration request.

### **Use of the Association and CMLS Logos**

The Association and CMLS logos are trademarked and are reserved for use by the Association and CMLS only. Members of the Association, and members and Subscribers of CMLS are strictly prohibited from using these logos. The use of the Realtor<sup>®</sup> trademark by members of the Association is encouraged and recommended. Please read NAR rules on use of the trademark by visiting [www.realtor.org](http://www.realtor.org).

### **Company and Web Site Names**

The Association/MLS reserves the right to object to any company name or Web site name proposed by a current or potential member, which in the Association/MLS's sole discretion, is confusingly similar to any name used in commerce by the Association/MLS that may leave the public confused. Any rejection of a company or Web site name proposed by a current or future member company will be registered with that company at the time of membership application, or at the time the member first proposes the use of the name. Members will be advised to change the name immediately. Please refer to the "CMLS Rules and Regulations," Section 12.5 and Chapter 3 for the complete policy.

### **E-Mail and Web Site Addresses**

The Association/CMLS reserves the right to reject any e-mail or Web site address submitted by any current, provisional or potential member, which contains offensive or profane language or words, or other explicit phrases. Individuals in violation of this

policy will be asked to resubmit a valid e-mail or Web site address that does not contain language considered to be offensive, profane or explicit.

### **Realtor® Members Wishing to Start Their Own Firms**

Active, licensed brokers who have at least two years' experience and have declared themselves as a broker-in-charge (BIC) with the North Carolina Real Estate Commission (NCREC), if applicable, have the option of working independently. When a Realtor® member who has met the above criteria wishes to become the DR for his or her own firm, four things must occur:

- 1) The broker must take the BIC course with NCREC, if applicable, and provide proof of course completion to the association.
- 2) A new Membership Application form must be completed. A \$25 processing fee must accompany the Membership Application.
- 3) A CMLS Member Participant Request for CMLS form must be completed.
- 4) Payment of the start-up fee for the new firm, plus any quarterly service fees, must be collected at the time applications are submitted.

Quarterly fees are higher for MPs than they are for Subscribers. New MPs are billed the difference between the Subscriber fee and MP fee for the current billing period.

### **Company Name Changes**

Any firm wishing to change its name with the Association/CMLS must submit the request, in writing, to the Association/CMLS Member Services Department. The request must be signed by the DR/MP and must be accompanied by copies of the documentation sent to NCREC regarding the filing of the name change. For example, the Member Services Department will require a copy of the firm license from NCREC showing the name has been properly registered in order to make the name change in the Association/CMLS database. It is the policy of the Association/CMLS that all firm names match the firm name registered with NCREC.

### **New Company**

All new firms opened by existing Realtor® member brokers will be required to reapply for membership under the new firm and will be resubmitted to the Association and CMLS Boards of Directors for approval.

“Charlotte Regional Realtor® Association Bylaws” specifically state that to hold Realtor® membership, individuals must be “engaged actively in the real estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, counseling, or building, developing or subdividing real estate.”

Individual members must continue to meet membership criteria while a member or be subject to losing membership. This means any existing member who wishes to establish a new firm is required to reapply for Realtor® membership under the new firm. Specifically, the Member Services Department will require a new Realtor® Membership Application to be submitted along with the DR/MP MLS Application. Additional fees will apply.

Existing individual members who open new firms, as well as existing members wishing to change the name of their current firms, will be sent to the board of directors for approval.

### **Subscriber Opening Firm within 90 days of Joining**

A new subscriber to the MLS who attends orientation but ultimately decides to open an individually owned firm as a MP within 90 days from the date of his or her CMLS Orientation class will be charged the difference between MP MLS joining fees and the Subscriber start-up fee previously paid. After 90 days, the full MP joining fee will apply.

### **Dues**

Annual Realtor<sup>®</sup> dues are billed each year in the fall for the following calendar year. Invoices include fees owed for the Association, NCAR and NAR. All dues payments must be received by January 1 with a grace period of 30 days before late fees are assessed and Realtor<sup>®</sup> members lose their Realtor<sup>®</sup> statuses with the Association. Realtors<sup>®</sup> who have not paid dues by the deadline will be dropped to a “non-member licensee” status.

The DR of each individual who loses Realtor<sup>®</sup> status with the Association for non-payment of Realtor<sup>®</sup> dues will be billed a non-member licensee assessment fee for each non-member licensee. Upon receipt of the non-member licensee assessment fee from the DR, an individual will remain a non-member of the Association and must discontinue the use of the term Realtor<sup>®</sup>. All Realtor<sup>®</sup> benefits will also be discontinued. Non-member licensees who wish to reinstate to Realtor<sup>®</sup> status within that year will be required to pay the difference between the non-member licensee assessment fee and Realtor<sup>®</sup> dues, as well as a reinstatement fee. Should the DR choose not to pay the non-member licensee assessment, the licensee will be dropped from Association membership completely. This can only be done upon written proof that the DR has removed the licensee in question from his or her firm roster with the North Carolina or South Carolina real estate commission.

The association will send out reminder notices before the final due date to all who have not yet paid their dues.

### **Refunds**

Annual Realtor<sup>®</sup> dues are non-refundable. Any request for a dues refund will need to be submitted in writing to the Association Board of Directors. The board will review the request and decide if an exception to this national, state and local bylaw is in order.

Any request for a refund or partial refund of CMLS service fees upon a member's resignation from CMLS will be on a prorated basis. If the resigning individual has had access to the MLS between the 1st and 15th of the month in which he or she is resigning, a partial month's refund will be granted. If the individual resigns and requests a refund after the 15th of the month in which he or she has had MLS access, no refund for that month will be granted.

### **Returned Check Policy**

Association: Check payments for annual dues that are returned for insufficient funds will be considered non-payment of dues and will result in the termination of membership. Reinstatement fees apply for all terminated individuals.

CMLS: Checks from a CMLS Subscriber or MP returned for insufficient funds will immediately result in the suspension of CMLS and Supra system services (if applicable)

to the individual. If the MP's check is returned for insufficient funds, the entire firm will lose access to the MLS. Service will resume only after receipt of cash, money order or a cashier's check for the full amount *plus* a handling fee of the maximum allowed by N.C. law. A second returned check within one year will result in the same suspension and re-instatement procedures *plus* the requirement that the next 12 months' payments be made by *cash, money order or cashier's check* only.

### **Board of Director's "No-Show" Policy**

Members who make reservations to attend an Association/CMLS-sponsored event but fail to attend that event will be charged a "no-show" fee. The no-show fee will total the amount of the per-person ticket value/cost for the event. To avoid paying a "no-show" fee, cancellations must be received by the association before the cancellation deadline (cancellation deadlines will vary).

### **"Will Advise" Status**

Realtor<sup>®</sup> members/MLS Subscribers who disaffiliate with a member firm are placed on "will advise" status. "Will advise" allows agents 90 days to inform the Member Services Department of their intention to either re-affiliate with a new member firm or resign from the Association/MLS without penalty. Agents receive a letter outlining the specific steps that must be taken to avoid automatic termination.

### **Termination After 90-Day Will Advise**

Any agent who fails to take action with the 90-day period is automatically terminated from membership. Upon re-affiliation, the agent is required to pay all applicable start-up fees for the MLS as well as any applicable fees to reinstate to Realtor<sup>®</sup> status.

### **Transfers**

Licensees who transfer from one real estate firm to another must complete a "Transfer Request Form." The new DR/MP must sign the form and submit it to the association with the applicable transfer fee and MLS fees.

The licensee will not be transferred to his or her new firm in the Association and CMLS database until the Member Services Department receives the completed paperwork and fees. Please note that if paperwork is faxed but checks are mailed, the paperwork will not be processed until Member Services receives the check.

To obtain the "Transfer Request" form, visit [www.CarolinaRealtors.com](http://www.CarolinaRealtors.com), or contact the Member Services Department at [membership@carolinahome.com](mailto:membership@carolinahome.com) or 704-940-3110. The forms can be submitted by fax with a credit card number, dropped off at the Association office or mailed in with a check. Subscribers who transfer from one office to another within the same firm and wish to take their listings with them to the new office must complete the "Intra-Office Listing Transfer" form.

Individuals are given 90 days to complete their transfers before they are terminated from the Association.

## **N.C./S.C. Real Estate Commission Letter**

Upon receipt of a copy of the letter sent to the real estate commission regarding any licensee that has left the firm, CMLS will suspend the Subscriber's access to the Service, as well as Supra service, if applicable.

## **Branch Offices**

The Association requires each office to have its own DR. Each branch offices must have its own DR if it is located at a different address. MLS start-up fees will be assessed for all branch offices. A branch office may choose to use the MP of the main office as the MP of the branch office. In that case, CMLS will assess an Initial Participation Fee for each branch office.

## **MLS Service in More than One Office**

MPs and Subscribers may become affiliated with more than one office (including branch offices of the same firm) to list and sell real estate only when approved by the N.C. Real Estate Commission and the MP of each office. For each office affiliation, CMLS charges an additional subscription to the service, and provides a different member identification number and password.

## **When a Firm Loses its MP**

When a vacancy occurs, created by the death, resignation or other permanent absence of a MP from a firm, in order to continue operating, the firm must designate a replacement as MP, submit the appropriate paperwork, and pay applicable fees within 48 hours. The replacement must hold an active broker's license, be designated as the broker-in-charge (BIC) (if applicable) and must either be a Realtor<sup>®</sup> member of a Realtor<sup>®</sup> association or be in the process of becoming a Realtor<sup>®</sup> member of a Realtor<sup>®</sup> association. In order for the listings of the old MP to be transferred to the new MP, the new MP must request in writing for the listings to be transferred.

If the firm has not found a replacement for the MP within 48 hours, CMLS will terminate service until the firm finds a replacement and that replacement has applied to become a Realtor<sup>®</sup> member of a Realtor<sup>®</sup> association and CMLS.

## **MLS Waivers**

All active real estate licensees affiliated with an MP must subscribe to the MLS. There are some cases, however, when the service can be waived.

Applying for a waiver requires the signature of the MP and must be approved. Waivers are valid for one year and must be renewed. If, after written notification, the licensee does not resubmit the waiver for renewal, then CMLS automatically bills the licensee in the 13th month.

While on waiver from CMLS, any licensee found to be using the Service, including co-listing with a Subscriber, will be activated and service fees will be charged – back to the initial listing date – along with applicable start-up fees and fines. When CMLS revokes a licensee's waiver, the MP cannot apply for a new waiver for the licensee until one year from the date of revocation.

Member Services staff administratively approves waiver requests for the reasons listed below, but the board of directors must consider any waiver requested for a reason not listed.

1. Administrative assistants holding a license but not deriving any portion of their income from commissions or fees
2. Associates holding a license and dealing exclusively in property management or commercial and industrial properties
3. Principals or officers of the company who hold a license but who are not actively engaged in general brokerage of real estate
4. Any agent associated with an MP who represents a new-home builder and handles on-site sales only, either working directly for the builder or indirectly for a MP representing the builder
5. Any associated licensees who only receive referrals and do not use CMLS data in any manner to generate those referrals
6. Any affiliated licensees who exclusively subscribe to another MLS. Listings that are co-listed with other licensees who are not MPs or CMLS Subscribers shall not be entered into the MLS
7. Any certified or licensed appraiser or appraisal trainee who already subscribes to CMLS

CMLS only grants waivers to Subscribers.

Any individual who has been on waiver from CMLS for more than two years and wishes to subscribe or re-subscribe to the CMLS will be charged the initial participation fee and all current quarterly MLS fees, and will be required to attend the CMLS Orientation program.

### **Exception**

All agents of a real estate firm whose primary MLS maintains an all-inclusive joining policy will be required to subscribe and pay service fees to CMLS if any one agent wishes to subscribe to CMLS. *Waivers will not be permitted for any agent in the firm.*

### **Policy Regarding Company Mergers and Acquisitions**

When a firm participating in the MLS merges with or acquires another firm that participates in the MLS, the MP/DR or BIC from each firm must submit, to the Member Services Department, formal written notice of the transaction. In addition, the Member Services Department must receive written notice of all transferring agents within the two firms. (E-mail is acceptable.)



The MLS start-up fee for the new consolidated firm will be collected unless:

- 1) The merging/acquired firm indicates the initial start-up fee previously paid transfers to the acquiring firm, OR
- 2) The merging/acquired firm's real estate licensees relocate to the already established physical office of the acquiring firm.

In order for listings from the merging/acquired firm to be transferred to the acquiring firm, the MP of the merging/acquired firm must submit the request, in writing, to the MLS department. The previous MP of the acquired firm must also sign the request. Failure to submit the listing-transfer request with the signatures of both parties will result in all listings of the acquired firm being withdrawn.

### **Leave of Absence**

Members who are *not* the head of firm may apply for a leave of absence from the MLS for three reasons: medical leave, military duty and acts of nature. Leaves are granted for periods not to exceed six months.

While on leave of absence, the member will not be charged for CMLS nor will he or she be able to access the system. Annual dues for Realtor® membership will continue to be billed, as the individual will remain an active member of the Association. When the member returns from a leave of absence, MLS service fees for the current billing period will be collected from the member. CMLS does not grant leaves retroactively.

### **Supra Key Information**

As defined in the "CMLS Rules and Regulations," **KEYHOLDER** means:

1) a Member Participant or Subscriber of CMLS in good standing, 2) a licensed assistant on waiver from the MLS (see Membership Policies and Procedures – MLS Waivers) who is entitled to use the Supra System (includes electronic keys, Lockboxes, KIM Web, KIM Voice, KIM Client and support) in accordance with Keyholder Agreement with Supra, or a lease, sublease or sublicense with CMLS, CMLS Lease and License Terms. All Realtor® Keyholders and CMLS Subscribers described above must hold a valid real estate sales or broker's license or be certified by an appropriate state regulatory agency to engage in the appraisal of real property in North Carolina or South Carolina where the Supra System will be used. Any individual as described in #2 above must have the Keyholder Lease Agreement co-signed by a Member Participant of CMLS as defined in the CMLS Bylaws. *(Amended 5-22)*

**Note:** Licensed assistants must have a valid CMLS Waiver Request Form on file with CMLS and must have the Key Lease Agreement co-signed by the MP of the office. In addition, the MP of the office must make a formal request in writing.

**AFFILIATE KEYHOLDER:** Means an affiliate member of the Association or an affiliate member of another Realtor® association where CMLS is the primary MLS, as defined in subsections (1) and (2) below.

(1) Inspectors: Home, Pest and Structural Engineers qualify, provided proof of licensure is presented.

(2) Photographers/Virtual Tour Developers: Individual must be an employee or contractor of a real estate firm and a Key Lease Agreement must be co-signed by the MP for the office. In addition, the MP of the office must make a formal request in writing. Affiliate Keys for Photographers/Virtual Tour Developers have limited access capabilities.

Unlicensed assistants are not permitted to lease a Supra Key.

If a real estate office needs to lease an additional “emergency” key, the MP may request up to two additional Supra Keys for the office by submitting the “Request for Additional ‘Emergency’ Office Supra Key” form.

Each Supra Key is a *leased* product. There are several rules and regulations regarding the use of the key. These are listed in the lease agreement signed by every Keyholder, as well as in the “CMLS Rules and Regulations.” Failure to abide by these rules will result in fines and possibly the deactivation or revocation of the key.

Keyholders are billed a service fee for their Supra Key once a year in July. There is a 60-day grace period before late fees are assessed.

### **Resignation**

All members resigning from the association or CMLS must submit a completed resignation form to the Member Services Department. If the member is indebted to the association for any dues, fees, fines or other assessments, the association may condition the right of the resigning member to reapply for membership upon payment in full of such monies owed.

If the resigning agent leases a Supra Key, the key *must* be returned to the Member Services Department at the time of resignation. A refund will be issued to the agent equaling the initial deposit.

Should the resigning individual decide to re-affiliate with the association after a period of time, payment of fees as outlined in the “Reinstatement to the Association/CMLS” section will be required.

### **Reinstatement to the Association/CMLS After Resignation**

#### Realtor<sup>®</sup> Reinstatement

If a Realtor<sup>®</sup> reinstates his or her membership within one year from the time of resignation, he or she will be required to complete the Realtor<sup>®</sup> Membership Application form and pay any dues for that year not previously paid, plus a reinstatement fee. The licensee will not need to attend Realtor<sup>®</sup> Orientation again.

If a licensee reinstates his or her Realtor<sup>®</sup> membership after one year of resignation, the licensee will need to apply as a new member. All initial application fees must be paid, along with applicable Realtor<sup>®</sup> dues. The licensee will be required to attend Realtor<sup>®</sup> Orientation.

#### Subscriber Reinstatement to CMLS

Subscribers who resign from the MLS and re-subscribe to the Service within one year will be required to complete a CMLS Subscriber Request form and pay a \$150 start-up fee for the service, plus applicable quarterly fees. CMLS Orientation will be waived.

If a licensee re-subscribes to the Service after one year, the licensee will be required to attend CMLS Orientation, in addition to paying the above stated fees.

Note: Active Realtors<sup>®</sup> in good standing of a Realtor<sup>®</sup> association may not resign from the MLS. Individuals who continue to be Realtor<sup>®</sup> members of an association who no longer desire MLS service must apply for a waiver from the MLS and qualify for that waiver before it will be granted. (See MLS Waiver section above.)

#### Reinstatement of Firm to CMLS

If an MP resigns from MLS, becomes a Subscriber and then applies for reinstatement as an MP, the charges that follow will apply. For a period not to exceed one year from date of resignation as an MP, the applicant must pay an administrative fee as described in the fee schedule, plus pay the difference between MP and Subscriber quarterly fees. After six months, the applicant must pay the Initial Participation Fee to join MLS as a new MP.

#### Reinstatement of Member Participant to CMLS

If an MP resigns from MLS and then applies for reinstatement in MLS, the charges that follow will apply. For a period of six months from the date of resignation, the applicant must pay the MP quarterly fees for each month he or she was out of MLS, plus any applicable quarterly fees in advance. After six months, CMLS will charge the Initial Participation Fee to join MLS as a new MP, plus any applicable quarterly fees.

Please note: In all situations, new applications must be filed with the Association and CMLS.

If the MP wishes to re-lease a Supra Key, a new lease agreement must be submitted and current leasing fees will be collected.

#### **Glossary of Terms**

A Designated Realtor<sup>®</sup> (DR) is generally the head of the real estate firm. All DRs must hold an active broker license and declare themselves broker-in-charge (BIC) with the North Carolina or South Carolina Real Estate Commission, if applicable (unless the BIC has designated another broker to act as the DR). A DR may be a licensed or state-certified appraiser. The individual must have joined a Realtor<sup>®</sup> association, paid annual dues in addition to any application fees, and must attend an orientation program. The job of the DR is to supervise all individuals affiliated with the firm. The DR is responsible for the actions of all Realtors<sup>®</sup> and non-member licensees within the firm. In addition, the DR must pay a non-member licensee assessment fee for all active licensees within their firm who are not Realtor<sup>®</sup> members of the association.

A Realtor<sup>®</sup> (R) is an active real estate licensee or an appraiser working under the supervision of a Designated Realtor<sup>®</sup> or a state-certified appraiser who has joined the association; paid annual dues, in addition to an application fee; attended an orientation program; and agrees to abide by the Code of Ethics.

A non-member licensee (NM) is an active real estate licensee working under the supervision of a Designated Realtor<sup>®</sup> member or state-certified appraiser, but who has not joined the association as a Realtor<sup>®</sup> member and has not paid annual dues or attended orientation. Upon affiliation with a firm, their DR must pay a non-member licensees assessment fee to the association.

Member Participant (MP) Any Realtor<sup>®</sup>, of this or any other association of Realtors<sup>®</sup>, who is a principal, partner, limited-liability company member or manager, corporate officer, branch office manager or trustee of a real estate brokerage firm acting on behalf of a principal, without further qualification, except as otherwise stipulated in the "CMLS Bylaws," shall be eligible to participate in CMLS. Under these qualifications, the Realtor<sup>®</sup> member must comply with the following requirements and agree to the following terms of membership:

- a) Complete MLS application forms and deliver them to the Member Services Department with the initial participation fee.
- b) Agree in writing to abide by the "CMLS Bylaws" and "CMLS Rules and Regulations" thereof. These rules require that fees be paid.
- c) Any applicant for CMLS participation and any licensee (including licensed or certified appraisers or appraisal trainees) affiliated with a CMLS Member Participant who has access to and use of MLS-generated information shall complete an orientation program of no more than eight classroom hours devoted to "CMLS Rules and Regulations" and computer training related to MLS information entry and retrieval prior to MLS access being provided.

However, under no circumstances is any individual or firm, regardless of membership status, entitled to CMLS membership or participation unless he or she holds a current, valid real estate broker license in North Carolina or South Carolina, and are capable of accepting and offering cooperation and compensation to and from other Member Participants, or are certified by an appropriate state regulatory agency in North Carolina or South Carolina to engage in the appraisal of real property. Use of information developed by or published by CMLS is strictly limited to the activities authorized under a Member Participant's licensure(s) or certification, and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "participation" or "membership" or any right of access to information developed by or published by CMLS where access to such information is prohibited by law. The Realtor<sup>®</sup> Principal of any firm, partnership or corporation, and the BIC of any branch office of the Realtor<sup>®</sup> principal designated by said firm, partnership or corporation shall be termed the "Member Participant" in CMLS and shall have all rights, benefits and privileges of CMLS, and shall accept all obligations to CMLS for the Member Participant's firm, partnership, corporation or branch office(s) and for compliance with the "CMLS Bylaws" and "CMLS Rules and Regulations" by all persons affiliated with the Member Participant who utilizes CMLS. Realtors<sup>®</sup> who are Member Participants or Subscribers of CMLS and are not members of the Association are subject to the Code of Ethics on the same terms and conditions as Association members.

In most instances, but not necessarily, the Member Participant is the BIC.

A Subscriber (SUB) is any user of CMLS working under the direction of a Member Participant. A Subscriber must have an active real estate license or be a licensed or

certified appraiser, and be affiliated with a Designated Realtor<sup>®</sup> and Member Participant. A Subscriber may be categorized as a Realtor<sup>®</sup>/Subscriber, a non-member licensee/Subscriber or an Appraisal Trainee Subscriber. Upon application, all Subscribers pay an initial participation fee, in addition to the current quarterly MLS service fees, and must attend the CMLS Orientation program. After initial application, quarterly service fees are billed, in advance, to each MLS Subscriber.

Appraiser Trainee, Licensed Appraiser, Certified Appraiser and General Appraiser are defined by the N.C. or S.C. Appraisal Board.

## FEE SCHEDULE

### Realtor® Dues

\$150 application fee  
***For initial dues, add a prorated portion of the annual Realtor® dues, which are as follows:***

Local – Association dues: \$109

State – NCAR dues: \$130

Nat'l. – NAR dues: \$80

NAR Public Awareness Assessment: \$30 (not prorated)

Annual Realtor® dues for members: \$354

### MLS Start-Up Fee

\$500 for Member Participants

\$150 for Subscribers

### MLS Subscription Fees

\$75 per month for Member Participants

\$55 per month for Subscribers

Member Participants and Subscribers are invoiced for the monthly Subscription Fee on a quarterly basis. The total Subscription Fees may include the prorated amount for the current quarter, plus next quarter's fees paid in advance.

### Transfer Fee

\$25

### MLS Reconnect Fee

For both Member Participants and Subscribers, the following charges will apply to reconnect to the MLS, if payment is not received by the 15th day of the first month in the quarter. These charges are in addition to any handling fees for returned checks.

- Reconnect within three months: Subscriber \$50, Member Participant \$100
- Reconnect after three months, but within six months: \$300
- Reconnect after six months, but within 12 months: \$500
- Reconnect after one year: \$1,000
- If the Member Participant or Subscriber has been out of MLS for more than one year, he or she must attend CMLS Orientation.

1) Supra System service will be inactivated at the same time the Subscriber's MLS service is inactivated for non-payment of quarterly fees, and the Member Participant will be notified.

2) The Member Participant is ultimately responsible for ensuring that payment in full for the Subscriber, including the Reconnect Fee, is received by the last day of the first month in the quarter. If payment is not received, the firm's MLS service will be inactivated.

Reinstatement of firm to MLS Out for less than one year working as a Subscriber  
 \$75 administrative fee, plus payment of the difference between Member Participant and Subscriber monthly Subscription Fees

Out for more than one year working as a Subscriber  
 The Initial Participation fee will be charged to join MLS as a new Member Participant

Reinstatement of Member Participant to MLS Applies to resigned Member Participant

Out for less than six months  
 Member Participant shall pay the monthly Subscription Fee for each month they were out of MLS, plus any applicable Subscription Fees paid in advance

Out for more than six months  
 The applicable Initial Participation fee, plus any applicable Subscription Fees in advance

**SUPRA DISPLAYKEY, EKEY AND LOCKBOX FEE SCHEDULE**

Fees

- 1) New Keyholders shall pay Key Issuance Fees for Keys (including the DisplayKEY and eKEY) and System Services as set forth below. (Annual System Fee is prorated on a monthly basis based on July 1 assessment date.)

	<u>DisplayKEY</u>	<u>eKEY</u>
Lease Price (new product)	\$199 + tax	\$16/mo. or \$21.35/mo. to Supra (based on service choice by Keyholder)
(used product)	\$135 + tax	
Activation Fee	\$50	\$50 to Supra
Refundable Deposit	\$25	
Annual System Fee	\$120	\$120

- 2) The Annual System Fee is invoiced each year on July 1. Keyholders are given 60 days to remit payment. Payments not received by 5 p.m. on September 1 will be subject to late fees and penalties set forth below.

	<u>DisplayKEYholders</u>	<u>eKEYholders</u>
Annual System Fee	\$120	\$120
Late Fee	\$25	\$25
Total Due (after September 1)	\$145	\$145

*Keyholders who fail to meet the payment deadline will be inactivated until payment is made.*

### Product Replacement Cost

- 1) If any Leased, Subleased, or Purchased Product is lost, stolen, or damaged by Keyholder and must be replaced during the Term, Keyholder should be prepared to pay the following replacement fees:

iBox	\$86 + tax
New DisplayKEY w/Cradle	\$199 + tax
New DisplayKEY only	\$150 + tax
New DisplayKEY Cradle only	\$49 + tax
Used DisplayKEY w/Cradle	\$135 + tax
Used DisplayKEY only	\$100 + tax
Used Cradle only	\$35 + tax (analog cradles only)

- 2) DisplayKEYs and/or Cradles that are stolen may be replaced free of charge if Keyholder can provide the Member Services Department with a copy of a police report of the incident.
- 3) If any previously lost product is recovered, Keyholder must return, to the Member Services Department, the replacement product they were given. At no time may a Keyholder retain more than one DisplayKEY. Upon return of replacement product, Keyholder may expect to receive a partial refund as outlined below:

<u>Product Returned</u>	<u>Refund Amount</u>
DisplayKEY w/Cradle (new/used)	\$139/\$75 + tax
DisplayKEY only (new/used)	\$90/\$40 + tax
Cradle only (new/used)	\$19/\$5 + tax

### Liquidated Damages

The damages for a Keyholder's failure to return any unit of the Leased, Subleased or Purchased Product within one week of resignation or termination from CMLS shall be as follows.

Subleased iBox	\$79 + tax
New DisplayKEY w/Cradle	\$199 + tax
New DisplayKEY only	\$150 + tax
New DisplayKEY Cradle only	\$49 + tax
Used DisplayKEY w/Cradle	\$135 + tax
Used DisplayKEY only	\$100 + tax
Used DisplayKEY Cradle only	\$35 + tax

### Keyholder Default



Keyholders found in violation or default of the Keyholder Lease Agreement and/or Rules and Regulations are subject to the fines as set forth in the "CMLS Rules and Regulations," Section 9.