

APPLICATION FOR MLS-ONLY MEMBERSHIP (Firm non-RVAR)

To: **MULTIPLE LISTING SERVICE INC. (Hereinafter referred to as MLS)**

The _____ (Name of Real Estate Company, Hereinafter referred to as Participant) hereby applies for membership in and the services of the MLS, in the amount of \$250.00, (\$125.00 if a Branch office of a participant) due and payable at time of provisional acceptance, for the entrance fee which is to be returned in the event of non-election. The Principal Broker has read and agrees to subscribe to and abide by its By-laws and Rules and Regulations. Participant irrevocably waives all claims against MLS or any of its officers, directors or members, for any action in connection with the business of MLS and particularly as to its or their acts in electing or failure to elect, suspending, expelling, or otherwise disciplining the applicant, or participant. Upon expiration of said membership for any cause, participant will return to MLS all certificates, signs, seals, forms, supplies and any other property owned by MLS and/or indicating membership in MLS.

Participant agrees to pay any and all fees, assessments and charges as may rightfully be imposed upon it under the By-Laws and Rules and Regulations of MLS as long as it remains a member thereof. Participant agrees to arbitrate, pursuant to MLS rules, any disputes with other members arising out of the use of MLS.

Definition of MLS Participation: Any REALTOR® of this or any other Association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these rules, will be eligible to participate in the MLS upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to MLS "membership" or "participation" unless they hold a current, valid real estate broker's license and cooperate with or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their clients. Use of information developed by or published by an Association MLS is strictly limited to the activities authorized under a 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 an Association MLS where access to such information is prohibited by law.

Note: Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm cooperates means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS, shares information on listed property, and makes property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their clients, and to cooperate. "Actively" means on a continual and on-going basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

The key is that the Participant or potential Participant cooperates with respect to properties of the type that are listed on the MLS in which participation is sought. Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s). This requirement does not permit

an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website (“VOW”) (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors to cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors during the operation of its real estate business to cooperate only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so. The membership requirement will be applied in a nondiscriminatory manner to all Participants and potential Participants.

No Association or MLS may make or maintain a rule which would preclude an individual or firm, otherwise qualified, from participating in an MLS solely on the basis that the individual or firm functions, to any degree, as the agent of potential purchasers under a contract between the individual (or firm) and the prospective purchaser (client). However, in instances where the Participant is representing the potential purchaser as an agent, the Participant cannot function simultaneously as the subagent of the listing broker without buyer and seller consent or as provided by state law.

Participant hereby submits the following information for your consideration.

1) NAME of PRIMARY ASSOCIATION

2) NAME of Principal Broker (exactly as shown on license):

3) Firm VA License No. _____ Broker License No. : _____

4) Sole Owner _____ Partnership _____ Corp. _____

5) Name of Firm (as shown by the Virginia Real Estate Board)

6) Office Address: _____

CITY: _____ STATE: _____ ZIP: _____

7) Broker E-mail Address: _____

8) Firm Website Address: _____

9) Principal Broker’s Signature: _____

10) Date: _____

MULTIPLE LISTING SERVICE OF ROANOKE VALLEY INC.

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