

## Addendum A

### NCMMLS, LLC RULES AND REGULATIONS SUBJECT TO FINES Effective December 10, 2011

In regards to all fines listed below, it is the responsibility of the Participant (Broker in Charge) to see that rules and regulations are followed and obligations are fulfilled. Brokers are responsible for collection/payment of fines for agents in their office(s). Failure to pay any assessed fine within twenty business days after notification will result in discontinuation of MLS services, subject to reactivation fees.

MLS System reports will be generated daily to determine date(s) of entry for new, amended, withdrawn and sold listings, as well as for area of listing entry, for comparison with MLS office contract/photo databases and fax reports. Warnings of non-compliance will be faxed or emailed as warranted, with offices having three (3) business days to correct omissions before fine assessment begins.

*The items listed below shall be subject to a fine of \$10.00 per day, per violation, with a ceiling of \$100.00 per violation. Listings accruing fines will be withdrawn after 10 days, which will require agents to re-enter property information.*

1. New listings, changes, extensions, pendings, or withdrawals need to be entered into the MLS system as quickly as possible, but no later than three (3) business days (Monday-Friday) following the date of the agreement.

Listing contracts are not ordinarily required to be submitted to the WNCRMLS office, however, they may be requested. Request for such submission will be in writing and the recipient will have 5 business days in which to reply. Refusal to provide requested listing is subject to suspension.

2. Web addresses, firm names, agent names, phone numbers, branded virtual tours and branded slide shows are all considered contact information on the Customer Display and are not allowed within the context of IDX data or the MLS system. They may be used in the distribution of non-IDX data to third parties.
3. The City/Community of listing entry for a property should be based on property location, not zip code, phone exchange, or mailing address. The MLS has current area maps available to all offices to be used in making area determinations.

*The following items are subject to immediate fines of \$20.00 per listing up to a maximum of \$200.00, with no warning from the MLS office.*

4. The rules and regulations for the MLS require a photo to be uploaded within 7 business days from the begin date of this listing. Every listing in the MLS including: withdrawn, closed, vacant land, commercial, residential, condo, townhome, etc. requires a photo. For land and commercial properties, a plat or map is acceptable.

After the 7 day period, if no photo has been uploaded, fines will begin at \$20.00 per day, per violation, with a ceiling of \$200.00 per violation. Listings accruing fines will be withdrawn after 30 days with notice given to the Broker-in-Charge.

Photos or documents, once up-loaded by the listing agent may not be used by another agent for any purpose except when reproducing them in direct support of a transaction on the same MLS number. Failure to comply with the rule may result in the fine structure as immediately above.

Please call your local Board of Realtors office for assistance. You may also contact the Regional MLS office at: [comments@ncmmls.net](mailto:comments@ncmmls.net) or mail the photo or for land, fax a plat, to your local Board of Realtors office.

***The following items are subject to immediate fines of \$10 per listing up to a maximum of \$100.00, with no warning from the MLS Office:***

5. Sold information must be entered into the system within three **(3)** business days (Monday-Friday) following the closing. Closing dates entered into the system must be the date of the closing, not the date of entry. No contract or information needs to be sent to the MLS Office for sales.
6. Listings may be entered in more than one category when applicable. But for properties that are entered in more than one category, a sale may only be entered one time, to be determined by the terms of the contract to purchase. At the time the sale is entered, any duplicate entry in a different category should be withdrawn.

***The following items are also subject to immediate fines, as noted:***

7. If a non-member or unauthorized agent is given access to and/or found using the MLS computer system or services, the Broker in Charge of the firm, where the system/services were accessed, will be **fined \$2,500 per incident.**
8. Current listing agreements in the MLS with modifications are simply modifications and should reflect in the listing history. A new MLS number requires a new listing agreement and must be entered within 3 business days of the date on the listing agreement. Freshening up an existing listing by withdrawing it and not waiting 90 days to enter it with a new MLS number is subject to a **fine of \$100.00 per incident.**
9. Agents other than the listing agent may only enter listed structures with an appointment confirmed by either the listing agent/firm/showing service. Violation of this rule will be subject to a fine in the amount of \$250 per incident.

## **MISCELLANEOUS FINES, FEES, OR INFRACTIONS**

There is a \$25.00 fee for returned checks. *(Note: Unpaid MLS fees, resulting from a returned check, may be subject to late payment fees.)*

The WNCRMLS staff will review new listings daily for Mandatory fields that have been omitted from the MLS or contain erroneous values. If the information required for a mandatory field is not known or available, the listing agent must enter a 999 in the relevant field and then enter an explanation in the agent comments field for each 999 entered. No listing will be accepted that contains more than three 999 fields. Manufactured Homes entered into the Residential category must disclose the nature of construction by selecting at least one of the appropriate Manufactured Home selections (Singlewide, Doublewide, Triplewide, or Mobile / owned land) in the "Style" Coded Feature. The Staff shall inform the Listing Office of the omission and the Listing Office shall have 2 business days in which to correct the error. If the error has not been fixed within the allotted time, a fine of \$10.00 per day shall be assessed with a maximum fine of \$100.00.

Failure to pay any and all fees in accordance with the dates indicated on a final notice invoice, with a maximum allowance of 30 days from the initial billing, may result in discontinuation of MLS Services, subject to reactivation fees and suspension and will automatically result in an additional 50% penalty of the total amount of all fines.

All MLS subscribers and participants shall maintain an active email account registered in the MLS. Violation of this rule will result in a \$25 fine for each month this rule remains violated.

## **REACTIVATION PROCEDURES**

In the event that the WNC Regional MLS or a Member Board discontinues service to a Participant, reactivation would be subject to any applicable fees, forms, and procedures established by the Member Board as well as the WNC Regional MLS. The current WNC Regional reactivation fee is \$125.00.

## **BULLETIN BOARD RULES**

The Bulletin Board portion of the MLS is intended for the dissemination of information concerning the Sale, Lease, Purchase or other transfer of interest in real estate. The Bulletin Board is not to be used for recruiting ads, political appeals or general discussion.

To that end, the following rules apply to the Bulletin Board:

1. All messages shall reference the transfer or lease of an interest in real property.
2. No message may remain on the Bulletin Board longer than 14 days.

3. Leases appearing on the Bulletin Board must have a valid Property Management Agreement with the firm posting the Bulletin Board message.
4. The use of colors and pictures is prohibited.

Failure to follow these rules will result in the removal of the offending Bulletin Board message and the following penalties:

- First Offense: Warning and reminder of the Bulletin Board Rules
- Second Offense: \$25.00 Fine
- Third Offense: \$100.00 Fine

### ACTIVEKEY HOLDER RULES

Each Keyholder agrees that he/she will not allow any other person to use his/her ActiveKey and acknowledges that the MLS may assess the following fines for violation of this rule:

- First Offense - \$500.00
- Second Offense - \$1000.00
- Third Offense – Forfeiture of Key and \$500.00.

In the event Keyholder leaves Organization during the term of this lease and returns the ActiveKey and related software to Keyholder's local board, Keyholder is relieved of any and all Keyholder obligations to Organization.

In the event Keyholder leaves Organization during the term of this lease and KeyHolder fails to return ActiveKey along with related software, Keyholder understands and agrees that the Organization is entitled to recover both the cost of the ActiveKey and lease commitments on ActiveKey according to the following schedule:

Year of Departure	ActiveKey	Lease Commitment	Total Obligation
2009	\$350.00	\$720.00	\$1070.00
2010	\$350.00	\$720.00	\$1070.00
2011	\$350.00	\$600.00	\$950.00
2012	\$350.00	\$480.00	\$830.00
2013	\$350.00	\$360.00	\$710.00
2014	\$350.00	\$240.00	\$590.00
2015	\$350.00	\$120.00	\$470.00

At the expiration of the Term, Keyholder, at Keyholder's expense and risk, shall immediately return or cause the return to Organization to such location as Organization shall specify, all of the ActiveKEY with all Software and any components included within the Service that have been leased to Keyholder pursuant to this Lease. The ActiveKEY and components used in connection with the Service shall be returned in good condition, repair and working order, ordinary wear and tear excepted. The return of all items at the end of the lease shall relieve Keyholder of all Keyholder obligations.

A BIC, at his/her sole discretion, may loan his/her ActiveKey to a REALTOR® of the firm for a period of up to seventy-two hours. A Member office may also loan an ActivKey for the same period of time.

### LOCK BOX RULES

NCMMLS will supply to each Member the number of lock boxes as determined in accordance with the following formula:  $a+b+(a+b/10)+1$ , where a is the total number of active residential listings of the Member's participants, and b is the total number of pending listings of the Member's participants. This formula will be run each quarter by the Regional

and distributed to Members to insure that local needs are being met. The NCMMLS board of directors may adjust the formula from time to time as needed.

The Regional, through each Member, shall use the formula set forth in the previous paragraph for the distribution of lock boxes to brokers in charge (BICs). Each BIC is allowed at least one lock box if requested. A BIC may have fewer lock boxes than the formula provides. BIC's are required to sign a receipt acknowledging receipt of all lock boxes from Members and must agree to return all lock boxes at the end of the contract period or pay \$85 for each unreturned lock box. Boxes recalled from firms for reallocation, and 48 hours has past, a charge a late fee of \$25 per day per box will be levied.

The current MLS system has a mandatory field titled: lockbox #. Subscribers have up to seventy-two hours from the time the listing is posted in which to enter the correct lock box serial number in the MLS system if the property is to have a lock box. For any property that will not have a Supra lock box either "OLB" (other lock box) or "NLB" (no lock box) should be used. An automated system will be used to confirm the accuracy of the lock box serial number on each property. In the event the lock box serial number reported in the MLS system does not match the actual number on the lock box, an automatic fine of \$100.00 will be assessed against the listing Subscriber.