

The motion to refuse listings into the MLS that are off market that was presented by the MLS Task Force was amended and unanimously approved to read:

Only properties that are available to be shown will be accepted for inclusion in the Western Upstate MLS. For properties that are classified as “off market” and unavailable for showing, the listing agent will send notification to the MLS at the time of listing. Such notification will include a copy of the listing agreement showing the seller’s desire to keep the property off market until a date certain, even though it is currently listed. The listing agreement will also be accompanied by an acknowledgement by the seller and the listing agent confirming that the listing agent properly disclosed the advantages and disadvantages of this strategy and that the seller understands and agrees that, though currently listed, the property is not to be shown by anyone and not inserted into the MLS or syndicated during the “off market” period.

A further motion was made, seconded, discussed and unanimously approved stating that the fines for failure to input a listing into the MLS within 48 hours of obtaining seller(s) signatures, or to provide the waiver as discussed above, would result in fines of: \$50 for first offense, \$250 for second offense, and \$1000 for any future offense. All fines are to be assessed per occurrence.

Recommendations for inclusion in MLS rules:

#### Under Section 1 Listing Procedures

Listings of real property of the following types, which are listed subject to the real estate broker’s license, are located within the territorial jurisdiction of the Western Upstate Multiple Listing Service, Inc, **and which are available for showing and submission of offers**, and are taken by the Participants on an Exclusive Right to Sell Listing Agreement, Exclusive Agency **Listing** Agreement, or Transaction Brokerage basis, shall be put into the Multiple Listing service database within 48 hours after all necessary signatures of the seller(s) have been obtained: (a) single family homes for sale or exchange, (b) vacant lots and acreage for sale or exchange, (c) two-family, three-family, and four-family residential buildings for sale or exchange. **A waiver of the 48-hour insertion rule will be granted only in circumstances where the listing agent provides a copy of the listing agreement indicating that the seller does not want the property included in the MLS database until a date certain. The listing agreement should be accompanied by an advisory disclosure document on a form recommended or approved by the service signed by both the seller and listing broker/agent confirming the seller’s decision that, though listed, the property will not be shown by anyone nor inserted into the MLS, nor syndicated, during the “off market” period and disclosing the possible consequences of such action.**