

Spartanburg Association of REALTORS®, Inc.

Association Bylaws Changes

Underlines indicate additions; strike-outs indicate deletions

ARTICLE XVIII - MULTIPLE LISTING SERVICE

Section 1. Authority. The Association of REALTORS® shall maintain for the use of its Members a Multiple Listing Service ("MLS"), which shall be incorporated and known as the Multiple Listing Service of Spartanburg, Inc., (hereinafter referred to as the "Service"), with principal place of business at Spartanburg South Carolina, and shall be subject to its own Articles of Incorporation, Bylaws and Rules and Regulations.

Section 2. Purpose. A Multiple Listing Service is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients and the public; ~~a means by which authorized Participants make blanket unilateral offers of compensation to other Participants (acting either as subagents, buyer agents, or in other agency or nonagency capacities defined by law); by which~~ of enhancing cooperation among Participants ~~is enhanced,~~ by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; a means by which Participants engaging in real estate appraisal contribute to common databases; ~~and is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients and the public.~~ Entitlement to compensation is determined by the cooperating broker's performance as procuring cause of the sale (or lease).

Section 3. Governing Documents. The Board of Directors shall cause any Multiple Listing Service established by it pursuant to this Article to conform its Corporate Charter, Constitution, Bylaws, Rules, Regulations, and Policies Practices, and Procedures at all times to the Constitution, Bylaws, Rules and Regulations, and Policies of the NATIONAL ASSOCIATION OF REALTORS®.

Section 4. Participation Defined. Any REALTOR® of this or any other ~~Board~~ 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 bylaws, shall be eligible to participate in the Multiple Listing upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. However, under no circumstances is the individual or firm, regardless of membership status, entitled to Multiple Listing Service membership or participation unless they hold a current, valid real estate broker's license and ~~offer or accept compensation to and from other Participants~~ cooperate, 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 interest of their clients. Use of information developed by or published by an Association Multiple Listing Service 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 or published by an Association Multiple Listing Service where access to such information is prohibited by law. The

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Bylaws of the Service or the Rules and Regulations of the Service. ~~The REALTOR® principal of any firm, partnership, or corporation or the branch officer manager designated by said firm, partnership, or corporation as the Participant shall have all rights, benefits, and privileges of the Service, and shall accept all obligations to the Service for the Participant's firm, partnership, or corporation, and for compliance with the Bylaws and Rules and Regulations of the Service by all persons affiliated with the Participant who utilize the service.~~

Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm ~~offers or accepts cooperation and compensation~~ cooperate 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 ~~and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS~~ share information on listed property and make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interest of their client(s). “Actively” means on a continual and ongoing 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 actively endeavors to ~~make or accept offers of cooperation and compensation~~ cooperate 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 interest of their clients. 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 ~~make or accept offers of cooperation and compensation~~ cooperate. An MLS may evaluate whether a Participant or potential Participant actively endeavors during the operation of its real estate business to ~~offer or accept cooperation and compensation~~ 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 shall be applied in a nondiscriminatory manner to all Participants and potential Participants.