

Dear _____ (MLS Participant's Name):

As you may know, in November, 2008 the National Association of REALTORS® (NAR) and the US Department of Justice (DOJ) finalized a settlement regarding the NAR policy that governs the display of MLS listings on brokers' virtual office websites (VOWs). A provision of this settlement modifies the definition of MLS Participation and impacts your membership in the _____ (MLS).

The previous definition of MLS Participation required that an individual or firm be **capable** of offering and accepting compensation to and from other Participants. Under the revised definition, the **capacity** to offer and accept compensation is not sufficient. Rather, the individual or firm **must** offer or accept cooperation and compensation. The revised definition requires the individual or firm to "actively endeavor to list and sell real estate on an ongoing basis" in order to qualify for MLS Participation.

As mandated by NAR, the _____'s (association name) Board of Directors adopted the revised definition and amended the Bylaws.

It appears you/your firm may not meet the revised definition of MLS Participation because it does not actively endeavor to list and/or sell real estate on an ongoing basis, and as a result, is/are no longer eligible for membership in the _____ (MLS). If you disagree you may submit for our review information that demonstrates your ongoing efforts to list or sell properties through the MLS. You/Your firm's membership will be terminated on _____ (date), unless you do at least ONE of the following:

- Provide documentation confirming that you have participated in a real estate transaction involving a property listed in the _____ (MLS) between _____ (date) and _____ (date) (NAR Suggests a six month period).
- Confirm in writing that your firm actively endeavors to acquire listings of properties for sale to be submitted to the MLS and/or represent buyers seeking properties for sale in the MLS – utilizing the _____ (MLS) – on a **continual** and **on-going** basis, and provide a description of your activities in that regard.
- Confirm in writing that your firm engages in appraisal activities **exclusively and that there are no real estate brokers or sales licensees licensed with you or your firm**. Please include your appraisal license number and the state in which you are licensed.

If you acknowledge that you no longer engage in activities that allow you to be a participant in the MLS you may request in writing that your _____ (MLS) membership be discontinued immediately.

Please forward all responses to my attention. If you do not respond, your _____ (MLS) membership will automatically be terminated on _____ (date).

If you have any questions or concerns about this change or your options, please do not hesitate to contact me at _____ (phone) or email me at _____ (email).

Thank you for your prompt attention to this important matter.