Form #E-18

Outline of Content of Petition for Declaratory Relief

_____ Board of REALTORS® (hereafter "plaintiff")
Name

complains of defendant _____ (hereafter "defendant") and alleges:
Name

(1) Plaintiff is a corporation duly organized and existing under the laws of the State of _____
State

and is a Member Board of _____ Association and the NATIONAL ASSOCIATION OF REALTORS®.
State

Note to Preparer: Choose either (a) or (b) (or [i] [ii]) in each section throughout this form as appropriate.

(2) Plaintiff's bylaws include, and at all times herein mentioned have included provisions
(a) governing qualifications, eligibility, and application for membership and admission to membership therein.
(b) relating to discipline of members for violation of their obligations as members.
A true and exact copy of the bylaws is attached as Exhibit A.

(3) (a) On or about _____ defendant applied for membership in plaintiff. After duly considering defendant's
Date
application in accordance with its bylaws, plaintiff has concluded that defendant is not eligible or qualified for membership and that defendant's application for membership should be rejected.
(b) Heretofore a complaint was filed with plaintiff against defendant charging violation of membership obligations. Disciplinary proceedings were duly taken and had pursuant to the bylaws, and in consequence plaintiff has concluded that defendant should be _____ from membership and will _____ unless the Court holds otherwise.
Suspended or expelled as the case may be — Suspend or expel

(4) An actual controversy exists between plaintiff and defendant in that defendant claims
(a) to be qualified and eligible for, and entitled to, membership in plaintiff and that plaintiff's conclusion to the contrary is improper and unlawful, and defendant threatens
(b) that defendant should not be suspended or expelled and that plaintiff's decision to suspend or expel and the suspension or expulsion are and would be improper and unlawful and defendant has threatened to sue plaintiff, its officers, directors, members, or some of them for damages in the event plaintiff denies membership to defendant, praying that this court enjoin plaintiff from _____.
Denying defendant's application for membership/Suspending or expelling defendant's membership

Plaintiff disputes those contentions and contends that its conclusion
(a) not to admit defendant to membership is entirely proper and lawful and that rejection of defendant's application would be entirely proper and lawful.
(b) that defendant should be suspended or expelled from membership and suspension or expulsion is and would be entirely proper and lawful.

(5) Plaintiff is
(a) holding defendant's application for membership
(b) not putting into effect its decision to suspend or expel defendant from membership
until declaration of the rights of the parties in the premises is made in this case.

(6) WHEREFORE, plaintiff _____ Board of REALTORS® prays
Name
(a) judgment declaring and determining the rights and duties of the parties and in particular adjudicating that plaintiff's decision to
(i) reject the defendant's application for membership
(ii) suspend or expel defendant
is lawful and proper that such _____ will not give rise to any cause of
Rejection/Suspension or expulsion
action in favor of defendant against plaintiff, its officers, directors, or members or any of them
(b) for its costs of suit herein incurred, and
(c) for such other and further relief as may be proper.

Note: (a) Relates to complaint based on intent to reject membership application.
(b) Relates to complaint based on intent to suspend or expel a member.

Petitions for declaratory relief must take the form established by local court procedure. **No petitions should be prepared except by the Board's legal counsel.**