

Appendix G

Buyer-Seller Guide for Initiating Mediation

Note: Retype this guide with the association's name, mailing address, e-mail address, and telephone number.

When a dispute arises. The decision to initiate mediation under the DRS program should be made only after all attempts to negotiate an acceptable solution have been exhausted.

Call your broker or salesperson. Your broker or salesperson can be instrumental in resolving conflicts and disputes. Talk with your broker or salesperson before you initiate mediation proceedings.

Consult your attorney. You should inform your attorney of your intent to initiate mediation under the DRS program. Your attorney will be able to provide you with advice and counsel -- and may be able to help you resolve the dispute without having to proceed to mediation.

To initiate mediation. When all attempts to negotiate a settlement have failed, you should proceed as follows:

A. If you and other parties have pre-committed to mediation (i.e., you have signed a sales contract or addendum to the contract that contains a mediation clause or you have signed the DRS Agreement to Mediate or other written agreement):

- Contact your broker or salesperson or the local Association of REALTORS[®] to request a Buyer-Seller DRS packet. The packet contains everything you will need to initiate mediation.
- If the association has approved more than one mediation provider, the name, mailing address, telephone number and fee schedule of each provider appears on a list prepared by the association. You must select a mediator from those listed. If you need help, call your broker or salesperson. If your dispute is with the broker or salesperson, you can call the local Association of REALTORS[®].
- Complete and sign the Request to Initiate Mediation Transmittal Form. Mail the original form and required attachments to the mediation provider. A copy of the signed form and attachments should be mailed to the association address and another to your attorney.

When the mediation provider has received your request, the provider will contact all parties named and will schedule the mediation conference in accordance with DRS procedures.

B. If you or other parties have not pre-committed to mediation (i.e., you have not signed a sales contract or addendum to the sales contract that contains a mediation clause):

- Contact your broker or salesperson or the local Association of REALTORS[®] to request a Buyer-Seller DRS packet. The packet contains everything you will need to initiate mediation.
- If the association has approved more than one mediation provider, the name, mailing address, telephone number and fee schedule of each provider appears on a list prepared by the association. You must select a mediator from those listed. If you need help, call your broker or salesperson. If your dispute is with the broker or salesperson, you can call the local Association of REALTORS[®].
- Complete and sign both the Agreement to Mediate and the Request to Initiate Mediation Transmittal form. Mail both forms and required attachments to the mediation provider with a cover letter requesting the mediator's help in obtaining the agreement of other parties to mediate the dispute rather than litigating or arbitrating the matter and requesting that the mediator initiate mediation under the DRS procedures upon agreement of all parties to mediate the dispute. The mediator may charge an additional fee for this service. One copy of both signed forms and attachments should be mailed to the association address and another to your attorney.

The mediation provider will proceed with your request.

Note: Your broker or salesperson and attorney may be able to assist you in obtaining the agreement of other parties to mediate the dispute.