

**Form #A-1**

Buffalo Niagara Association of REALTORS®

Board or State Association

200 John James Audubon Pkwy Suite 201

Amherst

NY

14228

Address

City

State

Zip

Or e-mail to: pnalbone@bnar.org

**Request and Agreement to Arbitrate**

- (1) The undersigned, by becoming and remaining a member of the BNAR Board of REALTORS® (or Participant in its MLS), has previously consented to arbitration through the Board under its rules and regulations.
- (2) I am informed that each person named below is a member in good standing of the Board (or Participant in its MLS), or was a member of said Board of REALTORS® at the time the dispute arose.
- (3) A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me (or my firm) and (list all persons and/or firms you wish to name as respondents to this arbitration):\*

\_\_\_\_\_  
 Name REALTOR® principal \_\_\_\_\_  
 Address

\_\_\_\_\_  
 Name REALTOR® principal \_\_\_\_\_  
 Address

\_\_\_\_\_  
 Firm \_\_\_\_\_  
 Address

(NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals. Naming a REALTOR® (Principal) as respondent enables the complainant to know who will participate in the hearing from the respondent's firm; naming a firm may increase the likelihood of collecting any resulting reward.)

- (4) There is due, unpaid and owing to me (or I retain) from the above-named persons the sum of \$ \_\_\_\_\_. My claim is predicated upon the statement attached, marked Exhibit I and incorporated by reference into this application. The disputed funds are currently held by \_\_\_\_\_.
- (5) I request and consent to arbitration through the Board in accordance with its Code of Ethics and Arbitration Manual (alternatively, "in accordance with the professional standards procedures set forth in the bylaws of the Board"), and I agree to abide by the arbitration award and to comply with it promptly.

In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement.

- (6) I enclose my check in the sum of \$ 250.00 for the arbitration filing deposit.\*\*
- (7) I understand that I may be represented by legal counsel, and that I should give written notice no less than **fifteen (15) days** before the hearing of the name, address, and phone number of my attorney to all parties and the Board. Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation.

Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board and to all other parties not less than **fifteen (15) days** prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® nonprincipal (or REALTOR-ASSOCIATE® nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and has the right to be present throughout the hearing:

\_\_\_\_\_  
 Name

\*Complainants may name one or more REALTOR® principals or a firm comprised of REALTOR® principals as respondent(s). Or, complainants may name REALTOR® principals and firms as respondents.

\*\*Not to exceed \$500

(8) Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board and to all other parties not less than **fifteen (15) days** prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® nonprincipal (or REALTOR-ASSOCIATE® nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, and has the right to be present throughout the hearing:

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All parties appearing at a hearing may be called as a witness without advance notice.

- (9) I declare that this application and the allegations contained herein are true and correct to the best of my knowledge and belief and this request for arbitration is filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.
- (10) If either party to an arbitration request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e., mandatory or voluntary), the party has twenty (20) days from the date of receipt of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.
- (11) Are the circumstances giving rise to this arbitration request the subject of civil litigation? Yes  No
- (12) Important note related to arbitration conducted pursuant to Standard of Practice 17-4 (1) or (2): Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4 (1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker, seller, or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

(13) Address of the property in the transaction giving rise to this arbitration request:

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(14) The sale/lease closed on: \_\_\_\_\_

(15) Agreements to arbitrate are irrevocable except as otherwise provided under state law.

### Complainant(s):

Name (Type/Print)	Signature of REALTOR® Principal	Date
Address		
Telephone		Email
Name (Type/Print)	Signature of REALTOR® Principal	Date
Address		
Name of Firm*	Address	
Telephone		Email

\* In cases where arbitration is requested in the name of a firm comprised of REALTORS® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a co-complainant.  
(Revised 03/14)