



Dear Principal or Managing Broker Requesting Arbitration Services:

Enclosed are the materials required to request Arbitration. You may file a request for arbitration against a REALTOR® Principle member alleging a claim to a commission or part of a commission after the transaction closes and providing the request:

1. Is in writing
2. Is signed
3. States the chronological facts surrounding the case (a narrative)
4. Is filed within 180 days after closing the transaction *or* within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence.
5. Names all necessary parties to the arbitration (Principle/Manager/Agent)
6. **A check for \$250, payable to IAR is attached**

When stating the facts surrounding your request for arbitration, include a copy of all the pertinent documents, such as copies of Listing Agreements, Purchase and Sales Agreements, Addendums, inspection reports, MLS Rules & Regs if applicable, the closing statement, MLS printouts/history, notarized statements from witnesses if necessary, and other piece of corroborating documentation to support your case.

The Grievance Committee will review the request for arbitration*. They will either forward the case to the Professional Standards Committee for a hearing or dismiss the case. They will dismiss the case if the amount in dispute is (1) considered too small or too large for the Association to arbitrate, (2) if the matter is too legally complex, (3) if the matter is not arbitrable, (4) or if the request is not timely filed. You will be notified of the Grievance Committee's decision within days of the committee meeting.

*If the Grievance Committee determines this matter to be timely filed and arbitrable, mediation becomes mandatory. You may file for mediation (no cost) prior to filing for arbitration if you wish. Contact your local association for these forms.

Respectfully Yours,

Laura L. Sallie

Laura L. Sallie
Professional Standards Administrator

Send the Request and Agreement to Arbitrate form and all accompanying documents to: Laura Sallie, 800 East 86th Avenue, Suite A, Merrillville, Indiana 46410



LAURA L. SALLIE
PROFESSIONAL STANDARDS ADMINISTRATOR
800 EAST 86TH AVENUE, SUITE A
MERRILLVILLE, IN 46410
PHONE (219) 895-5357
LSALLIE@INDIANAREALTORS.COM



REQUEST AND AGREEMENT TO ARBITRATE

Form #A-1

Case #

(Office Use Only)

1. The undersigned, by becoming and remaining a member of the Indiana Association of REALTORS® has previously consented to arbitration through the Association under its rules and regulations.
2. I am informed that each person named below is a member in good standing of the Indiana Association of REALTORS® or was a member of said Association 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):

_____, Principal Broker _____
 Name Firm

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.

The disputed funds are currently held by _____.

Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the association 21 days prior to the day of the hearing so the Administrator can provide copies to the other party and the Hearing Panel. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.

5. I request and consent to arbitration through the Association 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 Association"). I agree to abide by the arbitration award and, if I am the non-prevailing party, to, within ten (10) days following transmittal of the award, either (1) pay the award to the party(ies) named in the award, or (2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust account maintained for this purpose. Failure to satisfy the award or to deposit the funds in the escrow or trust account within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Executive Committee of the IAR Board of Directors consistent with Section 53, The Award, Code of Ethics and Arbitration Manual.

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.



Laura L. Sallie
 Professional Standards Administrator
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 Merrillville, IN 46410
 Phone (219) 895-5357
 lsallie@indianarealtors.com



6. I enclose my check in the amount of \$250.00 for the arbitration filing fee.*

**NOT TO EXCEED \$500.00*

7. I understand that I may be represented by legal counsel, and that I should give written notice no less than 15 days before the hearing of the name, address, and phone number of my attorney to the Association. 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.

8. Each party must provide a list of the names of witnesses he/she intends to call at the hearing to the Association not less than 15 days prior to the hearing. Each party shall arrange for his/her witnesses to be present at the time and place designated for the hearing. The following REALTOR® 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:

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 180 days after the closing of the transaction, or within 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 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.

Date(s) alleged dispute took place: _____

11. Are the circumstances giving rise to this arbitration request the subject of civil litigation?

___Yes ___No



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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, 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:

_____.

14. The sale/lease closed on: _____.

The Sales Agent involved (if other than the Principal Broker) _____.

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

Dated: _____

Signature of Principal Broker

Print Name

Office: _____

Address: _____

Email: _____

Cell Phone: _____



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