

MULTIPLE LISTING SERVICE OF ELKHART COUNTY, INC.

57225 Alpha Drive • Goshen, IN 46526

574-875-3283 • mls@ecbor.com

HOW TO PROCESS A NEW LISTING & AVOID FINES

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1. Complete the appropriate Input Sheet.
2. Enter the Listing into the Paragon System (within 72 business hours)
3. After the listing is input, or partially saved, the system will issue a List #. Write the list # in the upper right hand corner of the listing contract. Keep track of the list number in the file.
4. Upload the primary photo within 72 hours after input of listings. You may upload up to 11 photos.
5. Listing Contracts are only submitted to the MLS if they fall into the following categories:
 - A Quiet listing
 - A Late listing (including seller statement & signature to withhold listing from MLS)
 - A listing with Special Designations – DC, EAL, or PRO
 - A listing requested during an Audit by the MLS

Listing Contracts must be sent to the MLS within 7 days after input. See Section 7 below. Please include the List # and category in the upper right hand corner of Listing Contract. Contracts submitted without a List Numbers will incur a fine.

Input Sheets can be found on the MLS Home Page by selecting MLS Docs and then MLS Input Sheets & Documents. Instructions on How to Input the Listing can be found in the Help link where you can view the Quick Start Guide or watch a Training Video.

HOW TO AVOID A FINE:

1. When does a listing have to be input into the MLS?

Listings must be input within **72 hours** of the list date. (excludes weekends and holidays)
Late input results in a \$25.00 fine. (Includes South Bend, Kosciusko & Northeastern)

2. What Information needs to be entered?

All fields with an ***(asterisk)** are mandatory and must be completed. **Failure to fill in the information will result in a \$25.00 fine.**

3. What is a List Number and where do I get it?

A list number is automatically issued by the MLS system after a listing is input. Write the list # on the upper right hand corner of the listing contract.

4. When is a Listing Contract sent to the MLS?

Late Listings, Quiet Listings, Listings with Special Designations, or listings requested during a Listing Audit must be sent to the MLS. **Failure to submit the listing contract will result in a \$25.00 fine. The fine will be billed until the contract is received.** Fax to: 875-7174 or e-mail

mls@ecbor.com. No other documentation is required. Do not send the input sheet, seller disclosure or any other documents.

5. What is a listing audit?

The MLS has the right to audit any listing entered into the MLS. During an audit, the Participant will be asked to submit a copy of the listing contract to the MLS within the timeframe listed on the audit.

6. Are Photos Required?

A photo/sketch is required for all listings, including pending or sold. An office has 72 hours after entering the listing to upload the primary photo. Agents do have the ability to upload photos, however, the Office is responsible for any “no photo fines”. **A \$25.00 fine will be issued for a no photo/sketch the first month. A \$100.00 fine will be issued the second month and will be billed until the photo is uploaded.**

Instructions on how to Upload a Photo can be found in the Help link where you can view the Quick Start Guide or watch a Training Video.

7. What’s the rule for entering “Out of County Listings?”

Shared Service & Reciprocal Members who want to enter listings from outside of Elkhart County will be charged a \$20.00 one-time fee per listing.

ECBOR Members who wish to enter Elkhart County listings into the South Bend, Kosciusko, Northeastern, or North Central MLS’s will be charged a one-time input fee. Fees may vary per MLS.

MLS RULES & REGULATIONS

1. Late Input or Quiet Listing

Listings must be input within **72 hours** of the list date (excluding weekends and holidays). **Late input results in a \$25.00 fine.** A Late Input or Quiet Listing is when the seller refuses to permit the listing to be disseminated by the Service for a specific time period or not at all. A Late Input or Quiet Listing must be accompanied by certification of the seller(s). **Failure to submit required listing contracts within the allotted time will incur a \$25.00 late fee.**

2. Incomplete Information

All fields with an ***(asterisk)** are mandatory. An incomplete listing is one in which a field with an ***** (asterisk) is not filled in with complete and accurate information. **A \$25 fine will be assessed monthly for each incomplete listing.**

Most Frequent Incomplete Information Errors:

BAC - The compensation must be shown in the BAC field by either a dollar amount or a percentage (%) of the gross selling price. BAC Fields not in compliance must be removed and will be fined as incomplete information.

Directions - The Direction field is a mandatory field. All directions need to be clear, understandable, and informative. Entering just “Main Street” in this field is not acceptable. Failure to list directions will be treated as an “incomplete listing”.

Street Consistency - All county roads, state roads and US highways should be abbreviated as shown in the example below. Failure to do so could cause the Listing to be overlooked in the Search function.

Example: 1111 CR 35
 1111 US 33
 1111 SR 5

Square Footage – Although the MLS Staff is not qualified to instruct members on how to measure a house, we are able to offer some guidelines to show what fields the square footage data should be placed in various situations.

- Main Level SF+ Upper Level SF = Above Grade Square Feet
- Above Grade SF + Below Grade Finished SF = Combined Finished SF
- Almost all listings should show square footage in the Main Level field including Bi-Levels
- Bi-Levels: Enter square footage in the Main Level field, Below Grade fields, and Combined Finished field
- Tri-Levels: Enter square footage in the Main Level field, Upper Level field, Below Grade fields, and Combined Finished field
- Quad Levels: Enter square footage in the Main Level field, Upper Level field, Below Grade fields, and Combined Finished field

Square Footage Policy: Reporting square footage in the MLS is mandatory. The MLS has separate fields to allow the agent to report the individual levels of square footage in the home. The MLS standard for reporting square footage in the MLS requires that the list office enter the square footage calculations in the appropriate categories: Combined Finished Square Footage, Main Level Square Footage, Upper Level Square Footage, Below Grade Finished Square Footage, Below Grade Square Footage, and Above Grade Square Footage. Reporting of square footage that is in violation of this policy will result in a \$50 fine.

The MLS disclaims any and all liability for the publishing of any misinformation, unannounced deletions and exceptions or any errors common to the transactions and publishing of the detailed information.

Special Designations - Failure to disclose Special Designations in the MLS will incur a \$100 fine per violation. Special Designations are as follows:

EAL Exclusive Agency Listing
PRO Reserved Prospect
DC Dual Commission

3. Short Sale

Participants must disclose potential short sales when reasonably known to the listing Participants by entering Yes in the Short Sale field in the MLS. This requirement applies to all listing statuses, including pending and closed listings. When disclosed, Participants may, at their discretion, advise other Participants whether and how any reduction in the gross commission established in the listing agreement, required by the lender as a condition of approving the sale, will be apportioned between listing and cooperating Participants by using the Agent Remarks field. In addition, after the office receives an accepted offer, the listing status will be changed to Pending in the MLS. (Amended 10/2009)

Short Sale Definition: A transaction where title transfers; where the sale price is insufficient to pay the total of all liens and costs of sale; and where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies.

4. Special Designations

According to Section 1, Listing Procedures, and Section 5, Divisions of Commissions, the following designations are required:

Exclusive Agency Listing (EAL): The exclusive agency listing also authorizes the listing broker, as exclusive agent, to offer cooperation and compensation on a blanket unilateral basis, but also reserves to the seller the general right to sell the property on an unlimited basis or restrictive basis. Exclusive agency listings should be clearly distinguished by a simple designation such as a code or symbol.

Prospect (PRO): Exclusive right to sell listings with named prospects exempted should be clearly distinguished by a simple designation such as a code or symbol from exclusive right to sell listings with no named prospects exempted, since they can present special risks of procuring cause controversies and administrative problems not posed by exclusive right to sell listings with no named prospects exempted.

Dual Commission (DC): The existence of a dual or variable rate commission arrangement (i.e. one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker, or one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker either with or without assistance of a cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord) shall be disclosed by the listing broker by a key, code, or symbol as required by the MLS (DC). The listing broker shall, in response to inquiries from potential cooperating brokers, disclose the difference that would result in either a cooperative transaction or, alternatively in a sale/lease that results through the efforts of the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such information to their client before the client makes an offer to purchase or lease.

Failure to disclose Special Designations in the MLS will incur a \$100 fine per violation.

5. Uploading Photos

Offices are responsible for uploading their own photos. A photo or sketch is required for all properties and statuses. Offices can allow the agents to upload photos, however, the office will be billed for any listings without a photo or sketch and it will be the office's responsibility to make sure the policy is followed. Instructions on how to Upload a Photo can be found in the Help link where you can view the Quick Start Guide or watch a Training Video.

Photos must be uploaded within **72 hours** (excluding week-ends & holidays) after the listing is entered. **A \$25 fine will be assessed for photos not received in this time period during the first month. Failure to upload a photo after the first month will incur a \$100.00 fine per month until the photo is uploaded.**

Elkhart County MLS Photo Policy

Digital images submitted to the MLS shall only contain photos pertinent to the listed property; floor plans of the listed property or renderings of the listed property. Digital images shall not contain contact information such as names, phone numbers, email addresses or website addresses or copyrights, including use of embedded, overlaid, or digitally stamped information.

6. Personal Promotion

Personal promotion in the MLS is not permissible and includes personal branded virtual media. Only information pertaining to the listed property will be allowed in the MLS. **A fine of \$100.00 per violation will be issued and the MLS will remove the personal promotion language.** A few examples of personal promotion would be publishing the agent/office website address or listing agents alternate phone number in the public remarks. Office For Sale signs that show predominately in the photo also qualify and the office will be asked to replace the photo. The MLS permits only "Unbranded" virtual tours or other virtual media to be attached to listings in the MLS System. "Unbranded" means that no aspect of the virtual media (which includes the web page on which the virtual media resides) can exhibit listing agent, office or broker name, phone number, email address, web address or other information

The MLS office will determine what is considered "personal promotion" and any challenge will be submitted to the Board of Directors.

7. Out-Of-County Listings (One-time \$20 Fee per listing)

Elkhart County Primary Member - If you enter a listing in the EC MLS that is outside Elkhart County, you will not be charged an out-of-county fee. However, if you enter an Elkhart County listing in South Bend Mishawaka, Kosciusko and/or NorthEastern MLS, you will be charged a \$20 out-of-county fee by that MLS office.

Shared Service / Reciprocal Member – If you enter a listing in the EC MLS that is outside Elkhart County, you will be charged an out-of-county fee per listing. However, if you enter an Elkhart County listing in the EC MLS, you will not be charged an out-of-county fee.

8. Listing Contracts

Effective January 15, 2007, Participants will not be required to submit copies of every listing contract to the MLS unless the contract falls in the following categories:

**Late Input or Quiet Listing
Special Designations
*Listing Contract Audit**

Listing contracts in these categories must be submitted to the MLS within 7 days of obtaining seller's signature or pay a \$25.00 No Listing Contract fee. A copy of the Listing Contract, with the assigned list number written in the upper right hand corner of the contract must be faxed to the MLS office at 875-7174 or 674-2498. No other documentation is required. Do not fax the input sheet, seller disclosure or any other documents.

*The MLS will randomly audit the listing contracts. In the case of an audit, the Participant(s) will be required to submit a copy of the listing contract to the MLS office within 2 business days. If the MLS does not receive the listing contract within 2 business days, the listing will be removed from the MLS and the Participant may be subject to further fines. If the listing is removed from the MLS, the listing will be reinstated upon compliance.

9. Agent Listing Input Feature

Agents may have access to the Listing Input and Maintenance program if authorized by the Participant. The Participant will remain responsible for the actions of the agent including payment of any fines levied for violations by the agent. The Participant must send the MLS a written request that contains the following information: name of the agent, agent MLS ID number, and effective date of access. Mandatory training is required before an agent is given access to the Listing Input Program.

10. Status Change Policy

Status change forms or like documentation do not need to be sent to the MLS on a regular basis. The MLS will conduct periodic status change audits to verify compliance with the requirement to have signatures on the appropriate status changes. The audit is not negotiable and the requested documentation must be provided within 2 business days. Failure to comply with the audit could result in a suspension of privileges and/or fines.

Questions regarding this process should be directed to the MLS office at 875-3283 or mls@ecbor.com.