

REQUEST FOR ARBITRATION

(Resolution of Commission Disputes)

Instructions:

1. A request for arbitration shall be in writing.
2. The request for arbitration **must be signed by the Managing Broker** as the Petitioner.
3. The Request for Arbitration **must include the name of the Managing Broker of the firm you are requesting arbitration with under Respondent** (also include the agent's name if they are not the Managing Broker).
4. Please attach a written summary of events. It is recommended that you include copies of any pertinent or relevant documents such as the purchase agreement, listing agreement, etc. as well.
5. Requests for arbitration must be filed within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence or within 180 days of closing of the transaction, whichever is later.
6. The request must indicate the nature of the controversy, the amount in dispute and *be accompanied by a \$100.00 filing fee*. If the Complainant (originator of the arbitration) is successful and the Professional Standards Committee so determines or the dispute is resolved prior to hearing, the filing fee shall be returned to the Complainant. **NOTE: A request for arbitration is not considered filed until the \$100.00 filing fee is received.**
7. MIBOR has adopted a **policy requiring mediation** in cases where an arbitration request has been forwarded by the Grievance Committee for mandatory arbitration and one of the parties has requested mediation. We strongly encourage the parties to request mediation.

Important Note Regarding Filing Arbitrations: When arbitration occurs between two or more cooperating brokers and where the listing broker is not a party, 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. Alternatively, the arbitration request may be brought against the listing broker who may name the first cooperating broker as a party to the arbitration.

PROCEDURE

Once the arbitration response is received at MIBOR, the request is forwarded to the Chairman of the Grievance Committee for the determination of the Committee as to whether the matter is subject to arbitration.

The function of the Grievance Committee is to make only such preliminary investigation and evaluation of the request for arbitration as required to determine: (1) whether the matter is properly arbitrable, (2) whether the proper parties are named in the request, and (3) whether the arbitration is mandatory or voluntary according to the Code of Ethics and Arbitration Manual.

If the Grievance Committee finds the matter properly arbitrable, the Chairman will refer it to the Professional Standards Committee for a hearing. If mediation has been or is later requested, a mediation session will be set prior to hearing.

If you have any questions regarding the procedure or the requirements, please contact the MIBOR REALTOR[®] Association's Professional Services Department at (317) 956-5244.

REQUEST FOR ARBITRATION

To the Grievance Committee of the MIBOR REALTOR® Association

Petitioner

Respondent

Agent

Agent

Managing Broker

Managing Broker

Firm

Firm

Petitioner claims that on/or about _____, a dispute arising out of the Real Estate Business as defined by Article 17 of the Code of Ethics exists between Petitioner and above named Respondent concerning Property located at:

The amount in dispute is: _____.

Petitioner's claim is supported by the **attached statement**, signed and dated by Petitioner (be specific: time, date, person, location). Any **supporting documentation** (i.e. Listing Contract, Purchase Agreement, etc.) is also attached.

This claim and the allegations contained herein are true and correct to the best knowledge and belief of the undersigned Petitioner and is filed within 180 days after the facts constituting the dispute could have been known in the exercise of reasonable diligence.

Petitioner encloses a check in the sum of **\$100.00** for the **arbitration filing fee**.

Is there any current legal action relating to these circumstances? _____ Yes _____ No

Petitioner

Agent Signature

Date

Managing Broker Signature

Date

Firm

Agent email address _____

Managing Broker email address _____

Address and Phone _____

*All correspondence related to this filing will be communicated by email unless otherwise directed.

Send completed complaint form and any accompanying documents to: MIBOR, Attn: Professional Standards Dept. 1912 N. Meridian St., Indianapolis, IN 46202; Fax: 317-956-5244 or email to tracynierste@mibor.com