

Notice of Change in Sandicor's Listing Input Form Resulting from VOW Settlement; Seller's Right to Opt Out of the Internet; Description of a VOW

Effect of VOW Settlement on Sandicor's Listing Input Form.

A settlement between the U.S. Department of Justice and the National Association of Realtors has prompted Sandicor to make some changes to the listing input function on its listing input form. Sandicor is providing you with a basic Q&A to address some of the changes and definitions as set forth by the settlement. Please feel free to contact Sandicor's Rules and Regulations Department or Technical Support with any additional questions you may have.

What impact does the settlement have on the display of property listings on the Internet?

The settlement has given your sellers the option of including or excluding their properties from Internet dissemination outside of the Tempo MLS system. Sellers may "opt-out" of having their property listing displayed on any Internet sites. Sellers may not opt out of having their listings shown on some, but not all, VOW sites. This means that if a seller opts out of having his listing displayed on VOWs, the listing cannot be displayed on IDX sites, third-party aggregators' sites or elsewhere on the Internet.

How does my seller elect to exclude their property from the Internet? C.A.R. is modifying two of its standard forms: the Residential Listing Agreement (RLA) and the Seller Instruction to Exclude Listing from the MLS (SEL). Both of these forms will reference an Internet opt-out option. The seller may opt out of having their property displayed on the Internet by completing the applicable information, signing the RLA or SEL and delivering such form to the listing broker.

Note: As of April __, 2009 (the publication date of this Q&A), C.A.R. has informed Sandicor that the new versions of the RLA and SEL should be available at the next forms revision date in April, 2009.

If my seller's property is displayed on the Internet, will my seller have control over any of the Internet features associated with such display? Yes. The revised RLA and SEL include optional paragraphs allowing the seller to choose among the following: (1) no property address on Internet displays; (2) no blogging or comment feature on Internet display of seller's property; and (3) no automatic valuation feature on Internet display of seller's property. The seller may make such election by completing the applicable information, signing the RLA or SEL and delivering such form to the listing broker. In addition, the seller may elect to opt out of having their property displayed on Internet syndication sites, as discussed in greater detail below.

How do I inform Sandicor that my seller has elected to exclude their property from the Internet? If the seller has elected not to have their listing on the Internet, you should select the "No" in the "VOW" field during listing input. By checking "no", the listing will be excluded from all Internet sites (including IDX sites), except the Tempo MLS system. In all other cases, you should select "Yes" in the "VOW" field during listing input.

My seller has chosen not to opt out of the Internet, and I answered "Yes" in the "VOW" field. Tempo is now prompting me with additional fields. The first field prompt is "Internet

Syndication”. What does that mean? Listings that are to be included in VOWs are also available for Internet syndication. Internet syndication includes the following sites: REALTOR.COM, SignonSanDiego.com, North County Times and Cyberhomes.com. Answering “Yes” to “Internet Syndication” exposes the listing to ALL of the aforementioned sites.

Can my seller pick and choose among Internet syndication sites they want their listing to appear on? No. By answering “Yes” to Internet Syndication, the listing is disseminated to all of the Sandicor-approved syndication sites.

My seller desires that their property be disseminated through the Internet and I have answered the Internet Syndication prompt. Now I’m being prompted to select “Full Address”, “Partial Address” and “No Address”. What do those fields mean? As noted above, a seller can elect whether to have their property’s address displayed on the Internet. “Full Address” means that the property address will appear where applicable on Internet syndication sites, VOW sites and IDX sites. “Partial Address” means only the street name, city, state, and zip code will appear, and “No Address” means only the city, state and zip code will appear.

The next question prompted in the listing input form is “Auto Valuation Model”. What does that mean? Auto Valuation Model (AVM) is a computer generated estimate of residential property value. Most often valuations are calculated using computer software models and recent sales of similar homes. The seller can elect to be excluded from this feature.

The last question prompted in the listing input form is “Comments/Review”. This question is also included on CAR’s SEL form. How do I explain that to my seller? Comments/Review is also sometimes referred to as a BLOG. Some broker sites include an open forum, as part of their website, for agents and members of the public to write comments about properties on the MLS. By answering “Yes” to this field, the seller has agreed to allow their property to be discussed in this forum.

Definition of a Virtual Office Website (VOW)

What is a VOW?

NAR’s Definition: The term Virtual Office Website (“VOW”) refers to a Participant’s Internet website, or a feature of a Participant’s Internet website, through which the Participant is capable of providing real estate brokerage services to consumers with whom the Participant has first established a broker-consumer relationship (as defined by state law) where the consumer has the opportunity to search MLS data, subject to the Participant’s oversight, supervision, and accountability.

CAR’s Definition: Virtual Office Websites (“VOWs”) are Internet sites operated by MLS Participants (or Subscribers of the MLS, with the consent of their Participant) through which Participants conduct online brokerage, enabling them to establish relationships and work with clients and customers in cyberspace in ways similar to real estate professionals interacting with clients and customers in a “brick and mortar” environment. Consumers accessing VOWs can

search and view MLS listing information after registering and providing their name and email address. A VOW can be a website or a page on a website.

In addition, a Participant may designate an Affiliated VOW Partner (“AVP”) to operate a VOW on behalf of the Participant, subject to the Participant’s supervision and accountability and the terms of the NAR Policy on VOWs.

A non-principal broker or sales licensee, affiliated with a Participant, may, with the Participant’s consent, operate a VOW or have a VOW operated on its behalf by an AVP. Such a VOW is subject to the Participant’s supervision and accountability and the terms of the NAR Policy on VOWs.

Definition of Internet Data Exchange (IDX) can be found in the Sandicor MLS Rules and Regulations. (For a easy reference Q&A, please refer to the following link available on Sandicor’s website: <http://www.sandicor.com/idx/IDX-QA-1108.pdf>)