

CLIENT INFORMATION SHEET ARBITRATION

SANTA CLARA COUNTY ASSOCIATION OF REALTORS®

Clients of REALTOR® and REALTOR-ASSOCIATE® members of the Association may elect to arbitrate real estate related disputes with these members through the Association arbitration process. However, in order to invoke Association arbitration, the person must be a “client.” A “client” is defined as a person who had a legal agency relationship with the REALTOR® or REALTOR-ASSOCIATE® member. Typical situations where this relationship is created are between sellers and their listing broker and buyers and their agent representative.

If you are eligible for arbitration at the Association and elect to file an arbitration complaint with the Association, the arbitration will be processed and conducted according to the rules and procedures used by the Association for arbitration. However, please be advised of the following.

You may have a right to initiate a court action to resolve the dispute. If you elect to use the Association arbitration process, you may be waiving your rights to have this dispute heard and resolved in a court of law. As such, you may want to consult an attorney prior to filing an arbitration complaint with the Association.

If there is a written agreement between you and the REALTOR® or REALTOR-ASSOCIATE® member which contains an arbitration clause that references another arbitration service or provider, such as a listing agreement or buyer-broker agreement, the Association cannot process your arbitration complaint. Instead, you must initiate arbitration according to the terms of the written agreement.

It is strongly recommended that you review the Association’s rules and procedures prior to filing an arbitration request. The Association’s rules and procedures contain several differences from other arbitration service providers and civil court that should be carefully examined.

Association arbitration is only available to resolve disputes between REALTORS®/REALTOR-ASSOCIATES® members of the Association and their clients. If you have a dispute with a real estate broker or agent who is not a member of the Association or who did not represent you in a legal agency capacity, the Association does not have jurisdiction to process an arbitration complaint against or including such persons. In these situations, it is recommended you consult an attorney to determine the most appropriate course of action to resolve your dispute with that person.



1651 North First Street, San Jose, CA 95112
(408) 445-8500 • (408) 445-7766 • www.sccaor.com

ARBITRATION COMPLAINT CLIENT OF MEMBER

SANTA CLARA COUNTY ASSOCIATION OF REALTORS®

1. A dispute arising from the real estate business has arisen between me (us) and the person(s) and/or entity(ies) named below (*Note: List all persons you wish to name as respondents. If you want to name a corporate entity as a respondent, you must indicate the corporation's legal name as a separately named respondent*):

RESPONDENT(S):

(1) _____ Name of Respondent Brokerage (Type or Print)	(2) _____ Name of Responsible Broker (Type or Print)
_____	Name of Firm _____
_____	BRE Number _____
_____	_____
Street Address _____	Street Address _____
City, State, Zip _____	City, State, Zip _____
(3) _____ Name (Type or Print)	(4) _____ Name (Type or Print)
Name of Firm _____	Name of Firm _____
BRE Number _____	BRE Number _____
_____	_____
Street Address _____	Street Address _____
City, State, Zip _____	City, State, Zip _____

2. The named respondent(s) owe me the sum of \$ _____. My claim is predicated upon the statement attached, marked Exhibit "1" and hereby incorporated by reference into this complaint and agreement for arbitration.
3. At the time the facts giving rise to this dispute occurred, I am informed that each respondent was a REALTOR®/REALTOR-ASSOCIATE® member in good standing of the Association.
4. This dispute arises from an agency relationship wherein I was a client of the respondent(s). (*Note: The Association only has jurisdiction to process arbitration complaints involving real estate related disputes between REALTORS®/REALTOR-ASSOCIATES® and their clients. You are a "client" if you had a legal agency relationship with the person(s) you named as respondent(s). Disputes with real estate brokers and agents who did not represent you in a legal agency capacity are not subject to arbitration through the Association.*)

5. To resolve this dispute, I submit to and agree to be bound by binding arbitration through the Association in accordance with the rules and procedures used by the Association for arbitration. Furthermore, I agree to abide by the rules and procedures used by the Association for arbitration and to comply with the arbitration

award promptly. By signing this complaint, I understand and agree that this will constitute an arbitration agreement within the meaning of Part 3 Title 9 of the California Code of Civil Procedure. **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 fees incurred in obtaining such confirmation and enforcement.**

6. I have filed this arbitration complaint, meeting all filing requirements, within one hundred and eighty (180) calendar days after the closing of the transaction, if any, or after the facts and circumstances constituting this arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. I understand there will be a mechanical tape recording of the arbitration hearing. I understand that I may purchase a copy of the tape recording for \$50.00 solely for the purpose of requesting a procedural review of the arbitration procedures and hearing by the Association's Board of Directors or an appointed review Panel thereof.

I understand that I may be represented by legal counsel at any time, including at the hearing and any review by the Board of Directors. I further understand and agree that if I intend to have legal representation at a hearing or a review, I must give written notice of my legal representative's name, firm name, address and phone number to all parties and the hearing and/or review Panel at least fifteen (15) calendar days before the scheduled date of the hearing. I understand and agree that failure to comply with this notice requirement may result in a continuance being granted and a continuance fee assessed against me.

7. I understand that the nature of these proceedings is confidential and that I have an obligation to maintain and protect the confidentiality of these proceedings and any resulting decision. I hereby agree to do so unless disclosure is authorized by the Association's rules and procedures or required by law.
8. I hereby affirm that the facts and circumstances and the parties in this matter are not related to any contemplated or pending bankruptcy, civil litigation or criminal investigation, including a proceeding before a governmental regulatory agency. If I am unable to make this affirmation, I have attached a written statement describing the pending matter on a separate sheet of paper and have included it with this complaint.
9. I UNDERSTAND THAT BY SUBMITTING THIS DISPUTE TO THE ASSOCIATION FOR ARBITRATION AND AGREEING TO BINDING ARBITRATION THROUGH THE ASSOCIATION, I WAIVE ANY RIGHTS THAT I MAY HAVE TO HAVE THIS DISPUTE HEARD AND DECIDED IN A COURT OF LAW UNLESS THE ASSOCIATION OR ARBITRATORS DECLINE TO HEAR THE DISPUTE AS PROVIDED IN THE RULES AND PROCEDURES USED BY THE ASSOCIATION FOR ARBITRATION.
10. I enclose my check in the sum of \$200.00 for the arbitration filing fee.

11. I will be represented by an attorney, whose name address and telephone number are:

12. Under the penalties of perjury, I declare that the statements contained herein are true and correct to the best of my knowledge and belief.

Dated: _____

COMPLAINANT(S):

(1) _____
Signature of Authorized Person

(2) _____
Signature

Name of Complainant (Type or Print)

Name of Complainant (Type or Print)

Street Address

Street Address

City, State, Zip

City, State, Zip

Phone email

Phone email

Please mail or file response to:

SANTA CLARA COUNTY ASSOCIATION OF REALTORS®

Attn: Christine Borg, Professional Standards Coordinator
1651 N. First Street
San Jose, CA 95112

Direct 408 445-5099
Email: Christine@sccaor.com