

# WHEN TO USE THE SELLER'S WAIVER OF MLS ENTRY FORM

**Southwestern Michigan REALTORS** **Seller's Waiver of MLS Entry**

In reference to the Listing Agreement between \_\_\_\_\_, Owner and \_\_\_\_\_, Broker, dated \_\_\_\_\_ and covering the real property located at \_\_\_\_\_, the undersigned Owner further agrees to the following.

The purpose of a Multiple Listing Service is the orderly correlation and dissemination of listing information to participants so they can better serve the buying and selling public. Participants (brokers) are required to submit all residential, vacant land, and income property (duplex, triplex's, or 4-plex) listings for sale or lease within the SWMAR MLS service area. The only exception is upon written instruction by the Owner.

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| <p><b>If listed in the MLS, your property</b></p> <ul style="list-style-type: none"> <li>• Can be seen by over 7,700 local MLS subscribers</li> <li>• Can be included in auto MLS alerts to potential buyers</li> <li>• Can be promoted outside of the Broker's immediate office allowing for maximum exposure</li> <li>• Can be displayed on broker websites</li> <li>• Can be displayed on Realtor.com and other websites</li> </ul> | <p><b>If NOT listed in the MLS, your property</b></p> <ul style="list-style-type: none"> <li>• Will not be marketed outside of the listing Broker's immediate office in any way including (but not limited to) yard signs, social media, websites, window displays, written publications, or open houses.</li> <li>• Will not have maximum exposure, potentially thereby not bringing the highest possible price.</li> </ul> |
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**FAIR HOUSING:** Federal law requires brokers to comply with all Fair Housing guidelines and to make the property available to all prospective buyers regardless of race, color, religion, sex, handicap, familial status, or national origin. The owner's decision to exclude the listed property from the MLS database may not be based upon a refusal or reluctance on the owner's part to show or sell to an individual on the basis of their membership in a protected class based on Michigan Public Act 453 of 1976 and Federal Fair Housing laws.

The intent of the acknowledgment below is to validate that the Broker is in compliance with MLS Rules and Regulations should the Owner choose not to list or delay listing a property in the SWMAR MLS.

**Seller Acknowledgement:**

Owner hereby acknowledges that the Broker has informed Owner of the benefits available through the broker's participation in SWMAR MLS.

Owner does not wish information about the property to be listed in the MLS at this time. By completing this acknowledgment, Owner hereby waives all benefits associated with listing the property in the MLS:

For the entire duration of the listing     Temporarily Delay the listing until on/for before: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

\_\_\_\_\_  
Owner Signature      Date                      Listing Agent Signature      Date

\_\_\_\_\_  
Owner Signature      Date                      Listing Office

Revised April 2021 by The Southwestern Michigan Board of REALTORS. No. 106 of the forms which members are required to publish.

**Office Exclusive**

**Office Exclusive – No Entry into MLS**

**Example Use:**

When a homeowner does not want photos of their property online or any listing information available to the public for the entire duration of the listing period.

**Temporary Delay**

**Owner(s) Authorization to temporary delay listing from the MLS**

**Example Use:**

The listing agreement has been signed, but the seller is doing upgrades to the property and is not ready for it to be publicly marketed.

**ONCE PUBLICLY MARKETING BEGINS, THE LISTING MUST BE ENTERED INTO MLS WITHIN **ONE BUSINESS DAY****

# MLS 8.0 FAQ

**Q.** Can I advertise a property as “Coming Soon” ?

**A.** Any public advertising of a property (whether it includes the words “Coming Soon” or not) will require entry into the MLS within 1 business day.

**Q.** Can I do a “Coming Soon” advertisement for a property if I do not have the address in the advertisement?

**A.** No. That is a violation of the Clear Cooperation rule.

**Q.** If I have a form on file with MLS, can I advertise the property before putting the listing in the MLS ?

**A.** No. Public advertising of the property overrides any forms that are on file with the MLS and requires entry into the MLS within 1 business day.

**Q.** If an interested buyer comes to me as an agent during the Office Exclusive period, can I show the property to them?

**A.** Yes. Keep in mind the difference between Office Exclusive and Temporary Delay. Showing the property while on a temporary delay would be considered public marketing and a Clear Cooperation “trigger” to enter the listing into the MLS within 1 business day. The showing of an Office Exclusive listing would not trigger the property to be entered into the MLS **only if** it was shown to an internal client of the exclusive listing office.

**Q.** What if my sellers do not want their home on the MLS at all ?

**A.** You would file the Seller’s Waiver of MLS entry form marked as “during the entire duration of the listing”. This listing will not be allowed for input into the MLS. However, you as an agent can discuss the property within your own office. Again, any public marketing of the property will require entry into the MLS within 1 business day.