

MLS & Rules Committee

MEETING MINUTES

August 27, 2018

10:00am

Chairperson Tanya Kulaga called the meeting to order at 10:00am. Present were Tanya Kulaga, Erin Morgan, Bev Hill, Chris Earl, Lindsay Landis, Jake Forbes, Mary Jones, Nicholas Lerner, Toby Gallegos, Cheri Drake, Drew Deck and John Evans. President Henry Wertin was in attendance to observe.

Meeting Minutes from August 17, 2018 were reviewed.

After review, **it was moved to accept the minutes from the previous meeting; seconded and passed.**

Consider Member Request to create a naming convention for street names in Paragon was tabled.

Clarification on production was tabled to get to contract discussion.

Discussion of Closing and Escrow definitions took place. **A motion to add language to paragraph 4 indicating that the Buyer is to pay the closing fee, along with the definition of closing fee provided in an email from a title agent dated August 15th. The motion was seconded and passed.**

Specifically:

4.c. BUYER shall pay the closing fee. "Closing fee" is the fee charged by the closing agent with a title company, or closing company, to facilitate the closing of the real estate transaction.

Next, the Committee discussed adding contact information to the contract as supplemental information, following the escrow receipt clause. **A motion was made to add the agent's names, email addresses, phone numbers and license #'s to end of contact. The motion was seconded and passed.**

Next, the Committee discussed how to address For Sale by Owners and Unrepresented Buyers and Sellers in Paragraph 13 of the contract. After considerable discussion, no action was taken.

Next, the Committee discussed how personal property is conveyed, and that unless it is included in the Sales Contract as included, it is not included, even if the Seller's Property Condition Disclosure lists the items as included. A suggestion was made to add to 11.b. – following "...signing of this contract and understands that references to personal property in this contract supersede those in disclosure statements. After discussion, the Committee took no action on this item.

Discussion of how to show a disclosure of any financial interests a buyer, seller, agent or brokerage might have with regards to the sale of a property. A motion to adopt language verbatim from lines 131-138 of the KCRAR contract to be placed at the end of paragraph 13 died for lack of a second. After more discussion, **it was moved to insert language from lines 131-138 of the KCRAR Sales Contract regarding a Buyer or Seller who is a licensee in KS, as well as a licensee's relation to the Buyer and Seller, with modifications that will reduce the number of lines and boxes. The motion was seconded and passed.**

MLS & RULES

Tanya Kulaga, Chairperson

Erin Morgan, Vice-Chairperson

Bev Hill

Cheri Drake

Cheryl Puentes

Chris Earl

Diane Kennedy

Drew Deck

Linda Trotter

Lindsay Landis

Jake Forbes

John Evans

John Green

Mary Jones

Nicholas Lerner

Shelly Doris

Toby Gallegos

HRE

McGrew

KWI

McGrew

McGrew

Stephens

McGrew

RN Pref

McGrew

HRE

HRE

KWI

CB G&B

McGrew

McGrew

Stephens

KWI

Specifically:

Check applicable boxes:

- BUYER is a licensed real estate broker or salesperson in the state of Kansas.
- SELLER is a licensed real estate broker or salesperson in the state of Kansas.

Check applicable boxes:

- Licensee assisting SELLER is an immediate family member of SELLER BUYER.
- Licensee assisting BUYER is an immediate family member of SELLER BUYER.

Next, a Committee member provided Broker input about the adoption of a Cyber Protection Notice. It was suggested that the notice be included in the Real Estate Brokerage Relationship Brochure (BRETТА).

Next, the Committee was asked for clarification on the policy for production calculation. The Committee affirmed its interpretation of the policy. If an agent's name is listed on a line in Paragraph 13, the agent is entitled to the production for that side of the transaction.

The Next Meeting was Scheduled for Friday, September 7th at 10:00am

Meeting was adjourned at 11:32am

Respectfully submitted,

Rob Hulse
Executive Officer

Leah Kohlman
MLS Coordinator