



HOW TO DO BUSINESS NOW: roadmap for the new forms

UPDATED AUGUST 14, 2024

WORKING WITH SELLERS			
ERS-20tb	Exclusive Right of Sale Listing Agreement – Transaction Broker	July 30, 2024	This is a listing agreement in which the seller grants the listing broker the sole right to list the property and establishes that the broker has a transaction broker agency relationship with the seller. Click here for the redlined version.
ERS-17nr	Exclusive Right of Sale Listing Agreement – No Brokerage Relationship	July 30, 2024	This is a listing agreement in which the seller grants the listing broker the sole right to list the property and establishes the broker has a no-brokerage relationship with the seller. Click here for the redlined version.
ERS-19sa	Exclusive Right of Sale Listing Agreement – Single Agent	July 30, 2024	This is a listing agreement in which the seller grants the listing broker the sole right to list the property and establishes the broker is acting as a single agent for the seller. Click here for the redlined version.
ERS-20tn	Exclusive Right of Sale Listing Agreement – Consent to Transition to Transaction Broker	July 30, 2024	This is a listing agreement in which the seller grants the listing broker the sole right to list the property, establishes the broker is acting as a single agent for the seller, and includes the consent to transition to a transaction brokerage agency relationship. Click here for the redlined version.
EBLA-12	Exclusive Brokerage Listing Agreement	July 30, 2024	This is a listing agreement in which the seller grants the listing broker the sole right to list the property, but reserves to the seller the right to sell the property herself/himself/themself without owing compensation. Click here for the redlined version.
MLA-6	Modification to Listing Agreement	August 6, 2024	Use this form to modify the Exclusive Right of Sale Listing Agreement, Exclusive Brokerage Listing Agreement, or the Exclusive Right to Lease Listing Agreement.
WORKING WITH BUYERS & OPEN HOUSES			
PPTA-1	Property Pre-Touring Agreement	July 23, 2024	From Florida REALTORS® : “There has been high demand from members for a tool that is concise, but satisfies the elements of the settlement. This demand gave rise to the development of the Property Pre-Touring Agreement. This form provides a way to provide the necessary disclosures of the settlement to a consumer prior to showing property. The form also provides fundamental information regarding broker compensation. There is educational value in this form regarding compensation, but the form does not contain many of the typical contractual provisions that address the rights and responsibilities of the parties, including how compensation disputes are addressed. The form is likely most effective when used at the start of the relationship between the parties and members may want to consider graduating to a more well-defined agreement between the parties as the relationship between the broker and consumer unfolds.” While all business decisions must be made unilaterally and

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			independently, MIAMI REALTORS® does not recommend using this form because, among other reasons: (1) it may not comply with the terms of the NAR settlement agreement ; (2) it likely poses risks of violating antitrust laws; and, (3) it does not do what it purports to do. If your goal, as a transaction broker for the seller, is to have a written agreement with a buyer (who comes to an open house, is otherwise unrepresented, etc.), then consult with your legal counsel about how to craft a form that meets your business' specific needs.
SA-4	Showing Agreement	July 23, 2024	Click here to see redline , which shows changes required to bring this form in compliance with the terms of the NAR Settlement Agreement. MIAMI strongly recommends deleting the last of these agreements (“However, Consumer agrees that Broker may receive separate compensation from owner of the property for services rendered to owner by Broker, for which Consumer will not be responsible.”). This is because it conflicts with the requirements of the NAR settlement agreement for buyer broker agreements (see pp. 36-37) and for agreements with sellers (see p. 37).
EBBA-7tb	Exclusive Buyer Brokerage Agreement – Transaction Broker	July 30, 2024	This form may be used when a broker wishes to act as a buyer’s agent and be paid commission by the buyer. It establishes an exclusive, transaction agency representation with a buyer and provides for a retainer fee.
EBBA-7nr	Exclusive Buyer Brokerage Agreement – No Brokerage Relationship	July 30, 2024	This form may be used when a broker wishes to act as a buyer’s agent and be paid commission by the buyer. It establishes an exclusive, no brokerage agency representation with a buyer and provides for a retainer fee.
EBBA-7sa	Exclusive Buyer Brokerage Agreement – Single Agent	July 30, 2024	This form may be used when a broker wishes to act as a buyer’s agent and be paid commission by the buyer. It establishes an exclusive, single agency representation with a buyer and provides for a retainer fee.
EBBA-7tn	Exclusive Buyer Brokerage Agreement – Consent to Transition to Transaction Broker	July 30, 2024	This form may be used when a broker wishes to act as a buyer’s agent and be paid commission by the buyer. It establishes an exclusive, single agency representation with a buyer and provides for a retainer fee, with a right to transition into transaction agency.
MEBBSA-1	Modification to Exclusive Buyer Broker Agreement / Showing Agreement	August 6, 2024	This newly created form allows the consumer and broker to modify the material terms of the Exclusive Buyer Broker Agreement or the Showing Agreement. It is important that the parties state the date of the agreement that the parties seek to modify. There is no place for the parties to enter a property address because the original agreement may or may not be property specific. If the parties would like to make the modification property specific, they may do so by adding the property address to the other terms section of the modification form. All necessary disclosures to comply with the NAR settlement have been added to the modification form.
COMPENSATION AGREEMENTS			
CASB-1	Compensation Agreement – Seller to Buyer’s Broker	August 6, 2024	This new form is a compensation arrangement in which the seller agrees to compensate the buyer's broker for procuring a buyer for a listed property.



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MCA-2	Modification to Compensation Agreement – Seller to Buyer’s Broker	August 6, 2024	This form allows the parties to make changes to any material terms of the underlying compensation agreement between the seller and the buyer’s broker.
CABB-1	Compensation Agreement – Seller’s Broker to Buyer’s Broker	August 6, 2024	This agreement memorializes any agreement between the brokers. The seller’s broker, also known as the listing broker, to compensate the buyer’s broker for the listed property. This agreement is property specific, and the arrangement between the brokers should relate to the listed property, not serve as a blanket agreement between the brokerages.
MCA-1	Modification to Compensation Agreement – Seller’s Broker to Buyer’s Broker	August 6, 2024	This form allows the parties to make changes to any material terms of the underlying compensation agreement between the seller’s broker and the buyer’s broker.

COMPENSATION DISCLOSURE STATEMENTS

CDS-1	Compensation Disclosure Statement	August 6, 2024	For listing and buyer agreements signed before August 17, 2024, that do not already include the compensation disclosures required by the new MLS Rules and the NAR settlement agreement , you can use one of these sample compensation disclosure statements to satisfy this requirement.
NAR	Compensation Disclosure Statement	August 2024	
MIAMI	Compensation Disclosure Form	June 3, 2024	



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