

**TERMS OF SERVICE AND
RULES AND REGULATIONS OF
THE APPRAISER MEMBER SERVICES**

By reading and signing this TERMS OF SERVICE agreement granting access to The Appraiser Member Services Committee Database, hereinafter referred to as the AMS, through its guidelines, you agree to abide by and adhere to the following guidelines, rules, and regulations for participation in the AMS. (02/18/2016)

Section 1 – Jurisdiction

Appraisals of any property types may be submitted to AMS. **Appraisal data** of property located outside the CMR jurisdiction will be accepted.

Section 2 – Appraisal Data of Suspended or Expelled Participants

When a Participant of the Multiple Listing Service is expelled from the MLS for failing to abide by a membership duty (i.e. violation of the Code of Ethics, Association Bylaws, MLS Bylaws, MLS Rules and Regulations, or other membership obligations except failure to pay appropriate dues, fees, or charges), all appraisals currently filed with the AMS shall be retained in The AMS.

Section 3 – Service Charges

Section 3.1 Service Fees and Charges: Service charges for the operation of the AMS may be imposed to defray the costs of The AMS and are subject to change from time to time in the manner prescribed.

(a) **Computer & Data Handling Service Fee:** For a small fee (to be set by the AMS Committee), computer and data handling services will be available to the appraisers who wish to submit hard copies of their appraisals for inclusion in the AMS.

Section 4 – Changes in Rules and Regulations

Changes to the Rules and Regulations of The AMS shall be presented by the members of the AMS Committee to the Board of Directors of Central Mississippi REALTORS (shareholder) for consideration and final approval.

Section 5 – Publication and Information

5.1. Confidentiality of AMS Information: Any information provided by the AMS to the Participants shall be considered official information of The Multiple Listing Service. Such information shall be considered confidential and exclusively for the use of those Participants who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed or certified appraisers affiliated with such participants.

5.2 CMR not responsible for accuracy of information: The information published and disseminated by The AMS is communicated verbatim, without change by CMR or AMS, as filed with The AMS by the Participant. CMR does not verify the information provided and disclaims any responsibility for its accuracy. Each Participant agrees to hold CMR and AMS harmless against any liability arising from any inaccuracy or inadequacy of the information such Participant provides.

5.3 Email Distribution Service Policy: For purposes of comparable data sharing, verification of comparable data, and the communication/inquiry of comparable sales information, the AMS shall provide an email service that shall distribute email communication among active Participants. The email distribution service is provided for the sole purpose of the aforementioned activities. Any other use of the email distribution service is strictly prohibited and may result in suspension of use of the email service. (01/18/2016)

Section 6 – Ownership of Compilation and Copyrights

6.1. By the act of submitting any appraisal data to the AMS the Participant represents that he has been authorized to grant and also thereby does grant authority for the AMS to include the property data in its AMS database.

6.2. All right, title, and interest in each copy of the AMS database created and maintained by the AMS, and in the copyrights therein, shall at all times remain vested in Central Mississippi REALTORS.

Section 7 – Use of Copyrighted AMS Compilation

7.1. Distribution: Participants shall at all times maintain control over and responsibility for each copy of any AMS Compilation leased to them by Central Mississippi REALTORS and shall not distribute any such copies to persons other than those Participants who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed or published by the AMS is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "Participation" or "Membership" or any right of access to information developed or published by AMS where access to such information

is prohibited by law.

7.2. Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the Participant who are authorized to have access to such information. Such information may not be transmitted, retransmitted, repackaged for profit or commercial uses or provided in any manner to any unauthorized individual, office, firm or entity.

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, "sold" information, "comparables", and/or statistical information from utilizing such information to support an estimate of value on a particular property for a particular client.

Section 8 – Compliance with Rules and Enforcement of Rules and Disputes

8.1 Compliance with rules: The following action may be taken for non-compliance with the rules:

- A.** For failure to pay any service charge or fee within twenty-five (25) days of the date due, and provided that at least ten (10) days prior notice has been given, The Service shall be suspended until service charges or fees are paid in full.
- B.** For failure to comply with any other rule, the provisions of SECTION 9 shall apply.

Section 9 – Enforcement of Rules or Disputes

Consideration of Alleged violations: The AMS governing body shall give consideration to all written complaints from Participants having to do with a violation of the Rules and Regulations. The AMS may adopt rules of procedure and investigation consistent with the provisions of due process for all parties. All other complaints of unethical conduct shall be referred by the Board of Directors of Central Mississippi REALTORS for appropriate action in accordance with the Professional Standards Procedures established in the Bylaws of Central Mississippi REALTORS.

Section 10 – Rules

10.1: This service is established for the benefit and use of active Participants. Active participants may be defined as participants who submit data regularly and on a timely basis. However, it is not the intent to exclude participants such as lender or governmental review appraisers, primarily commercial appraisers, and others who do not typically perform appraisal assignments for sales of properties, but who otherwise qualify for membership. The number of participant's sales provided to the database shall not be the sole measure of whether the

participant is considered an active participant. However, if it is determined that a participant is supplying significantly less sales data to the database than his volume of appraisals of properties sold, that shall be reason for suspension.

10:2: Participants not supplying sales data may be suspended, at the recommendation of the AMS Committee to and approval by Central Mississippi REALTORS Board of Directors. Prior to suspension, participant shall be notified by email from the AMS committee the reason to suspect that participant has not been providing data to the database. The notification shall give participant 15 days to respond with explanation or commitment to provide significant data (at least prior 3 months' data) to the system within 30 days, and to continue providing data on a timely basis. If participant does not comply, the AMS committee shall request approval from Central Mississippi REALTORS Board of Directors to suspend the participant's access to the AMS database.

10. 3: Participants who have received 3 or more notifications from the AMS committee over a one year period may, upon recommendation of the AMS committee, be submitted for suspension for a period of 90 days to Central Mississippi Board of Directors.

Suspension shall be removed by the AMS committee upon participant's commitment to, within 30 days, provide a minimum of the prior 6 months' data and commitment to actively participate in the future.

10.4: Any participant found to have shared their login and/or password to the AMS system to any non-authorized individual or entity shall be expelled.

10.5: The AMS Committee will not accept full URAR reports in the database and appraisers who inadvertently transmit one will be notified and expected to correct that entry within 3 days of notification. Failure to correct the entry by the end of the 3 days will result in the URAR being deleted by staff with no further notification.

10.6: Any data from the AMS database illegally transmitted, retransmitted, repackaged, repurposed, sold for profit or otherwise made available to any unauthorized person or entity will incur the harshest and severest of penalties.

In addition to those penalties stipulated by CMR, persons violating this section of the rules may face civil and/or criminal penalties, depending on the violation.

10.7: Participants deemed to be in violation of the email distribution service policy may, upon recommendation of the AMS committee, be submitted for suspension from the email distribution service for a period of 90 days to the CMR Board of Directors. A second offense may result in permanent suspension from the email service. (02/18/2016)

I acknowledge that I have read these Rules and Regulations and Terms of Service, and agree to abide by and uphold the terms and rules and regulations. I also acknowledge that I have been given a copy of this document.

Appraiser Name

Date

Office Use ONLY

Received by

Date