

BAREIS EXHIBIT C
DEFINITIONS

“Administrative User” has the meaning set forth in Regulation 5.4

“Affiliate Member” means an individual or business entity who or which is neither a Real Estate Licensee nor a real estate appraiser, who or which can demonstrate a legitimate need for the information, and who or which may qualify, upon approval of the Board, to receive MLS Data, on such terms and conditions as may be determined by the Board.

“Appraiser” means a Member who is an Appraiser Participant or Appraiser Subscriber, without distinction.

“Appraiser Participant” has the meaning set forth in Regulation 5.2.2.

“Appraiser Subscriber” has the meaning set forth in Regulation 5.3.2.

“Auction Listing” means a listing in which the list price may or may not represent the price that the Seller is willing to accept even if an offer at the price submitted to the Seller satisfies all other terms of the listing; and if the listed property is not sold by the expiration date specified in the listing, the property will be offered for sale by the Seller at an auction pursuant to a bidding procedure specified by the Seller.

“BAREIS” has the meaning set forth in the Notice.

“BAREIS MLS®” has the meaning set forth in Regulation 2.

“Board” has the meaning set forth in Regulation 1.

“Broker Participant” has the meaning set forth in Regulation 5.2.1.

“Business Day” means Monday through Friday, excepting California and federal holidays.

“Buyer” means a purchaser, lessee, or exchangee of real property.

“Bylaws” has the meaning set forth in Regulation 1.

“CDOM” has the meaning set forth in Regulation 9.22.4.

“Certificate of Non-use” has the meaning set forth in Regulation 7.4.

“Certification of Non-use” has the meaning set forth in Regulation 6.1.6.

“Client” refers to a “Buyer” or a “Seller” in a real property transaction.

“Closed Sale” has the meaning set forth in Regulation 9.19.4.

“Comparable MLS Data” means that portion of the MLS Database that includes the Off-Market MLS Data and “Sold” information regarding properties that are not currently for sale, as well as all indexes and other information relating to “SOLD” listings.

“Comparable Sale” has the meaning set forth in Regulation 9.19.6.

“Confidential Remarks” has the meaning set forth in Regulation 9.16.2.

“Contingent” has the meaning set forth in Regulation 9.19.1.

“Cooperating Broker or Selling Broker” means a Broker Participant who acts in cooperation with a Listing Broker to accept an offer of compensation to find or obtain a Buyer, lessee or exchangee for property pursuant to California Civil Code § 1086. Whenever these Regulations refer to a “Cooperating Broker” or “Selling Broker,” the term shall include the Subscriber acting for such Cooperating Broker or Selling Broker, but shall not relieve such Cooperating Broker or Selling Broker of responsibility for the act or Regulation specified.

“DRE” means the California Department of Real Estate as set forth in Regulation 7.2.

“Expulsion” means Termination of (i) BAREIS membership rights, preferences and privileges, including voting rights, and (ii) MLS Privileges, for a period of not less than one, but not more than three years, with reinstatement to membership only by application as a new member after the end of the period of Expulsion, with the application considered by BAREIS on its merits.

“Filed with BAREIS” means any listing, change to a listing, information entered directly into the MLS Database by the Listing Broker, or listing information submitted for input to the MLS Database on a listing input form (or listing change form) to be input by BAREIS staff if directed to do so by the Listing Broker. BAREIS does not retain a hard copy of the listing input form.

“IDX” means “Internet Data Exchange,” which is a Broker-to-Broker cooperative Internet advertising agreement, as referenced in Regulation 14.4.

“Keypad” means either an electronic device or software provided through BAREIS that functions with the lockbox system as an electronic key.

“Listing Broker” means a Broker Participant who has obtained a written listing agreement by which such Broker has been authorized to act as an agent to sell, lease or exchange real property or to find or obtain a Buyer, lessee or exchangee pursuant to California Civil Code § 1086. Whenever these Regulations refer to a “Listing Broker,” the term shall include any Subscriber acting for the Listing Broker, but shall not relieve the Listing Broker of responsibility for the act or for conforming to the Regulation specified.

“Media” has the meaning set forth in Regulation 9.16.4(b).

“Member” means a Member, as defined in the Bylaws, and, for purposes of these Regulations, includes a Broker Participant, an Appraiser Participant, a Real Estate Subscriber, an Appraiser Subscriber and/or Affiliate Member, if any.

“MLS” has the meaning set forth in Regulation 2.

“MLS Data” includes, but is not limited to, the MLS Database, all data and photographs submitted by Members to BAREIS, all membership contact information, and all copyrighted BAREIS publications, instructions, training materials and similar matter, whether in print or electronic form.

“MLS Database” means BAREIS’ copyrighted BAREIS MLS® database and computer software, whether in tangible or electronic form, in whole or in part, including all copyrighted photographs and images in such database.

“MLS Privileges” means all privileges and services provided by the MLS to any of its Participants or Subscribers, including, but not limited to, access to the MLS Database, lockbox privileges and technical support, and the ability to submit new listings or extensions of current listings.

“Multiple Listing Service” has the meaning set forth in Regulation 13.7.

“Off-Market MLS Data” means that section of the MLS Database that includes listings of real property that are not currently listed for sale, as well as all indexes and other information relating to the historical listing inventory.

“On-Market MLS Data” means that section of the MLS Database that includes listings of real property that are currently for sale, as well as all indexes and other information relating to the current listing inventory.

“OREA” means the California Office of Real Estate Appraisers as set forth in Regulation 7.2.

“Participant” has the meaning set forth in Regulation 5.2.

“Pending” has the meaning set forth in Regulation 9.19.2.

“Person” or “person” means any individual, partnership, corporation, association, joint stock company, limited liability company, trust, joint venture, unincorporated organization or governmental entity (or any department, agency, or political subdivision thereof).

“Primary Service Area” refers to the following counties: Marin, Mendocino, Napa, Solano and Sonoma. BAREIS accepts listings from all counties in the State of California.

“Real Estate Broker” or “Broker” has the meaning set forth in Regulation 5.2.1.

“Real Estate Licensee” means an individual who holds a valid California Department of Real Estate salesperson’s license.

“Real Estate Subscriber” has the meaning set forth in Regulation 5.3.1.

“Regulations” has the meaning set forth in the Notice.

“Remediable Violation” means a violation that can be corrected by the Member, such as completion of mandatory training, nonpayment of fees, or other curable violations.

“Sale” shall also refer to a lease or exchange of real property.

“Seller” means a principal or owner, lessor, or exchanger of real property.

“Selling Broker” see definition for “Cooperating Broker.”

“Sold” has the meaning set forth in Regulation 9.19.4.

“Subscriber” has the meaning set forth in Regulation 5.3.

“Suspension of Membership” or “Suspension” means suspension of (i) BAREIS membership rights, preferences and privileges, including voting rights, and (ii) MLS Privileges, on terms and conditions expressly stated for a period of time of not more than one year as determined by the applicable committee or person authorized by the Board. In the event the Suspension is for a Remediable Violation, the Suspension shall be in effect for the period that the violation remains uncorrected. At the end of the applicable Suspension period, reinstatement of a suspended Member’s membership and MLS Privileges shall be automatic, provided that the Member is current on all amounts owed to BAREIS and has kept all fees current during the period of Suspension.

“Temporarily Off-Market” has the meaning set forth in Regulation 10.3.

“Termination” means termination of (i) BAREIS membership rights, preferences and privileges, including voting rights, and (ii) MLS Privileges, for an indefinite period of time without reinstatement to membership except by application as a new Member, with the application considered by BAREIS on its merits.

“Third Party” has the meaning set forth in Regulation 14.6.

“VOW” has the meaning set forth in Regulation 14.5.