

## 15 ELECTRONIC LOCKBOX AND LOCKBOX KEY RULES

### 15.1 Eligibility for Electronic Lockboxes and Lockbox Key Service.

Electronic lockboxes and lockbox keys are administered by an authorized administrator in the BAREIS Primary Service Area. Members in good standing with BAREIS or a reciprocal entity as defined in Section 8 are eligible for lockbox key privileges. Administrative Users are not eligible for lockbox key privileges. BAREIS Members shall be eligible to hold an electronic lockbox and lockbox key provided:

- (a) The lockbox key holder signs a lease agreement with a local lockbox key administrator.
- (b) The Broker Participant to which the lockbox key holder is licensed cosigns the lease agreement (if necessary, under the lease agreement).
- (c) The lockbox key holder continues to comply with all BAREIS Rules relating to lockboxes and lockbox keys and all terms of the lease agreement and user's guide provided by the issuing entity.
- (d) The Member remains eligible for BAREIS MLS services.

### 15.2 Lockbox Key Use.

Lockbox keys shall not be used under any circumstances by anyone other than the lockbox key holder. Permitting the unauthorized use of a lockbox key is subject to the fine listed in EXHIBIT A-2. All Confidential Information accessed by or through a lockbox key shall be subject to Section 12.2.1 of these Rules. If a lockbox key user loses a lockbox key, or the lockbox key is stolen and the access codes are stored with a lockbox key, this shall be considered permitting unauthorized use. Lockbox keys shall only be used for the purpose of facilitating the sale or lease of a listed property.

### 15.3 Accountability.

Lockbox key holders shall account for lockbox keys at the time of any inventory conducted by the issuing lockbox key administrator, or its designated representative. Lockbox key holders who voluntarily or involuntarily cease to subscribe to the MLS shall promptly return all lockbox keys in their possession to the MLS.

### 15.4 Deemed Unaccountable.

Lockbox keys shall be deemed unaccounted for if a lockbox key holder refuses or is unable to demonstrate that the lockbox key is within the lockbox key holder's physical control.

### 15.5 Written Authority for Placement and Removal of Lockbox.

Members shall not place a lockbox on a property without written authorization from the Seller and without advising the Seller of the Seller's duty to secure permission for Broker access from the occupant, if the occupant is not the Seller. The Listing Broker shall remove the lockbox from the property within one day after close of escrow, termination, or unless instructed otherwise in writing by the Buyer or the Buyer's agent.

### 15.6 Listing Broker's Permission.

No Member shall enter a property with or without a lockbox without the Listing Broker's permission. Permission may be granted by the Listing Broker to use the lockbox through the

MLS Data. Appraisers are prohibited from using lockbox keys to enter a property without either the Seller's or Listing Broker's permission. Showing instructions contained in the database do not satisfy the appraiser-permission requirement.

### 15.7 Unaccounted for Lockbox Keys.

Lockbox key holders and Broker Participants cosigning with a lockbox key holder shall immediately report lost, stolen, or otherwise unaccounted for lockbox keys to its local lockbox key administrator or its designated representative in accordance with the lease agreement.

### 15.8 Failure to Abide by Rules.

Failure to abide by these Rules and the usage requirements of the entity issuing the lockbox and lockbox key may result in disciplinary sanctions as provided within these Rules, in addition to loss of or restriction on all lockbox and lockbox key privileges.

### 15.9 Right to Limit Access.

BAREIS reserves the right to refuse or limit access to lockboxes if, in its sole discretion, it determines the security of the system would be compromised by granting access to lockboxes.

### 15.10 Protection of Property.

Extreme care shall be used by a Member to ensure that all doors and access points to the listed property to which the Member has had access and the lockboxes thereon are locked. A Member shall be physically present on the property at all times when providing access to a listed property unless the Seller has consented otherwise in writing.

#### 15.10.1 Use of Lockbox Contents.

Keys or devices used to access the property shall only be used to enter the property for the purpose of showing or selling the property unless permission otherwise is granted in writing by the Listing Broker or Seller. Members shall at all times follow the showing instructions published in the MLS Data. Members shall not remove contents of the lockbox for purposes other than facilitating the sale or lease of the property. While at the property, Members shall keep lockbox contents in their possession at all times after removal from the lockbox. The lockbox or contents shall not be removed from the property without prior consent from the Listing Broker. Members shall return key or device to access property to the lockbox upon exiting the property.

### 15.11 Compatible Lockboxes; Multiple Lockboxes.

If a lockbox or keyless access device is present on a property for the purpose of allowing agents access to that property and is located in the Primary Service Area (Sonoma, Marin, Napa, Solano or Mendocino) and listed for sale or lease in the MLS Data, a BAREIS-approved electronic lockbox shall be present, or a lockbox that is compatible with the BAREIS-approved system or has been otherwise approved in writing by BAREIS. If a lockbox or keyless access device is present on a property for the purpose of allowing agents access to that property and the property is not located in the Primary Service Area but is located within the primary geographical service area of an MLS subject to a cross-pollination agreement with BAREIS, an electronic lockbox that is compatible with the MLS for the geographical area where the property is located shall also be present. The BAREIS-approved lockbox shall include a key, device, combination, or code to access property. This Rule 15.11 does not prohibit the placement of additional lockboxes. Commercial and Business Opportunity listings are excluded from this Rule 15.11.