

SELLER-BUYER GUIDE FOR INITIATING MEDIATION

When a dispute arises. The decision to initiate mediation under DRS program Rules should be made only after all attempts to negotiate an acceptable solution have been exhausted.

Call your broker or salesperson. Your broker or salesperson can be instrumental in resolving conflicts and disputes. Talk with your broker or salesperson before you initiate mediation proceedings.

Consult your attorney. You should inform your attorney of your intent to initiate mediation under the DRS Rules. Your attorney will be able to provide you with advice and counsel -- and may be able to help you resolve the dispute without having to proceed to mediation.

To initiate mediation. When all attempts to negotiate a settlement have failed, you should proceed as follows:

- A. If You and Other Parties Have Pre-committed To Mediation i.e., you have signed the Lawrence Board of REALTORS® approved sales contract (version 6/22/09), or addendum to the contract, that contains a mediation clause, or you have signed the DRS Agreement to mediation or other written agreement:
1. Contact your broker or salesperson or the Lawrence Board of REALTORS® to request a Seller-Buyer Information Packet. The packet contains everything you will need to initiate mediation.
 2. The Lawrence Board of REALTORS® has an exclusive DRS Service Agreement with a mediation provider. The provider's name, address, telephone number and fee schedule appear on the Seller-Buyer Information Brochure, as well as on the approved Mediation Provider List in the Seller-Buyer Information Packet. This is the mediation provider with whom you will be dealing.
 3. Complete and sign the Request to Initiate Mediation Transmittal Form. Mail the original form and required attachments to the mediation provider. A copy of the form and attachments (please sign if applicable) should be mailed to the Lawrence Board of REALTORS® at the address shown on the Initiate Mediation Transmittal Form and another to your attorney.
 4. When the mediation provider has received your request, the provider will contact all parties named and will schedule the mediation conference in accordance with DRS Rules and Procedures.

B. If You or Other Parties **Have Not** Pre-committed To Mediation i.e., you have not signed a sales contract or addendum to the sales contract that contains a mediation clause:

1. Contact your broker or salesperson or the Lawrence Board of REALTORS® to request a Seller-Buyer Information Packet. The packet contains everything you will need to initiate mediation.
2. The Lawrence Board of REALTORS® has an exclusive DRS Service Agreement with a mediation provider. The provider's name, address, telephone number and fee schedule appear on the Seller-Buyer Information Brochure, as well as on the approved Mediation Provider List in the Seller-Buyer Information Packet. This is the mediation provider with whom you will be dealing.
3. Complete and sign both the Agreement to Mediate and the Request To Initiate Mediation Transmittal Form. Mail both forms and required attachments to the mediation provider with a cover letter requesting the mediator's help in obtaining the agreement of other parties to mediate the dispute rather than litigating or arbitrating the matter and requesting that the mediator initiate mediation under the DRS Rules and Procedures upon agreement of all parties to mediate the dispute. (The mediator may charge an additional fee for this service.) One copy of both signed forms and attachments should mailed to the Lawrence Board of REALTORS® at the address shown on the Initiate Mediation Transmittal Form and another to your attorney.
4. The mediation provider will proceed with your request.

(Note: Your broker or salesperson and attorney may be able to assist you in obtaining the agreement of other parties to mediate the dispute.)