

**SELLER-BUYER GUIDE
FOR INITIATING MEDIATION
HOMESELLERS/HOMEBUYERS DISPUTE RESOLUTION SYSTEM (DRS)**

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 sales agent. Your broker or sales agent can be instrumental in resolving conflicts and disputes. Talk with your broker or sales agent 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 a sales contract 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 sales agent, the Polk County Mediation Service, the local Board/Association of REALTORS® to request a Seller-Buyer Information Packet. The packet can also be found online at www.DMAAR.com. The packet contains everything you will need to initiate mediation.
 2. If the Board/Association 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. This is the mediation provider with whom you will be dealing.
 3. If the Board/Association of REALTORS® has approved more than one mediation provider, the name, address, telephone number and fee schedule of each provider appears on a list prepared by the board. You must select a mediator from those listed. If you need help, call your broker or sales agent.
 4. Complete and sign the Request to Initiate Mediation Transmittal Form. Mail the original form and required attachments to the mediation provider, Polk County Mediation Services.

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 sales agent or the local Board/Association of REALTORS® to request a Seller-Buyer Information Packet. The packet contains everything you will need to initiate mediation.
 2. If the Board/Association 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. This is the mediation provider with whom you will be dealing.

3. If the Board/Association of REALTORS[®] has approved more than one mediation provider, the name, address, telephone number and fee schedule of each provider appears on a list prepared by the Board. You must select a mediator from those listed. If you need help, call your broker or sales agent. If your dispute is with the broker or sales agent, you can call the Board/Association of REALTORS[®].
4. 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.)

The mediation provider will proceed with your request.

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