

## OFFICE EXCLUSIVE – NOT TO BE ON MLS

This form is not required for (A) commercial properties for sale or lease, (B) properties on parcels greater than 40 acres, or (C) properties located outside the BSCMLS service area: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Madison, Meagher, Park, Silver Bow, and Sweet Grass.

This form must be submitted via email to [Katie@GallatinRealtors.com](mailto:Katie@GallatinRealtors.com) within **three (3) weekdays** of the listing agreement's start date.

### Property & Listing Agent/Office Details

Property Address: \_\_\_\_\_

City/State: \_\_\_\_\_ County: \_\_\_\_\_

Listing Period Start Date: \_\_\_\_\_ Listing Period End Date: \_\_\_\_\_

Listing Agent 1 Name: \_\_\_\_\_ Listing Office Name: \_\_\_\_\_

Listing Agent 2 Name: \_\_\_\_\_ Listing Office City: \_\_\_\_\_

Broker in Charge Name: \_\_\_\_\_

### Property Type (LISTING AGENT MUST SELECT ONE)

- ☐ **RESIDENTIAL, MULTI-FAMILY, FARM or RANCH** – review the Clear Cooperation Policy on Page 2
- ☐ **LAND** – this property type is exempt from the Clear Cooperation Policy and can be marketed publicly, but the form is still required because it informs the Big Sky Country MLS that a land listing (a required property type) has been listed but will not be entered on the MLS for cooperation and compensation with other agents.
- ☐ **RESIDENTIAL DEVELOPMENT \*** – these properties are also exempt from the Clear Cooperation Policy and can be marketed publicly. Residential Development includes multiple vacant lots or residences, all owned by 1 person or entity, and includes the sale of five (5) or more individual real estate properties. Examples include, but are not limited to, Master-Plan Communities, Condo Developments, and Tract Housing. **\* A COPY OF THE RECORDED PLAT MAP MUST ACCOMPANY THIS FORM \***

### Type of Listing Agreement (LISTING AGENT MUST SELECT ONE)

- ☐ **EXCLUSIVE RIGHT TO SELL** or **EXCLUSIVE AGENCY** – property can only be marketed within the firm.
- ☐ **SINGLE-PARTY** or **ONE-TIME** – property will not be marketed to anyone.

### Acknowledgement from Listing Agent(s) and Broker in Charge

The Listing Agent(s) and Broker in Charge have each read the FAQ on Page 2 and understand the purpose of this form, what the marketing limitations are for Office Exclusive listings, and how Single-Party and One-Time agreements should be handled (if applicable).

Listing Agent 1 Signature: \_\_\_\_\_ Broker in Charge Signature: \_\_\_\_\_

Listing Agent 2 Signature: \_\_\_\_\_

### Seller Opt-Out (SELLER MUST SELECT ONE)

- ☐ **DO NOT** submit my property to the MLS until \_\_\_\_\_ (date).
- ☐ **DO NOT** submit my property to the MLS until I have provided written authorization to my Listing Agent(s).
- ☐ **DO NOT** submit my property to the MLS until after it is Sold. I authorize it to be entered for comparison purposes only.
- ☐ **DO NOT** submit my property to the MLS at any time during or after the term of my agreement. **CANNOT BE ENTERED FOR COMPS.**

Owner Name: \_\_\_\_\_ Owner Name: \_\_\_\_\_

Owner Signature: \_\_\_\_\_ Owner Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

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## **Frequently Asked Questions**

### **What is the purpose of this form?**

Submitting a listing as an Office Exclusive comes with significant limitations on the efforts the Listing Broker can put forward when selling a home. To avoid any confusion, and to set the expectations of the Seller, the Big Sky Country MLS requires that this form be signed and submitted to our office. By signing this form, the Seller(s) and Listing Agent(s) acknowledge what they can and cannot do when determining how the property will be marketed.

### **What does Office Exclusive mean?**

It means the listing is exclusive to the listing office, the agents within it, and those agents' clients. For properties that include the sale of a residence, no marketing of the property can be performed by anyone to the public, or any agents who do not belong to the listing office. Office Exclusive listings typically occur when a Seller(s) is asking for discretion due to fame, high value objects in the home, court ordered considerations, privacy, etc.

Single-party and One-time listing agreements can also be considered Office Exclusive because they are not being marketed to anyone.

### **What is the MLS Clear Cooperation Policy?**

First, and foremost, the Clear Cooperation Policy only applies to Exclusive Right to Sell and Exclusive Agency listing agreements. Furthermore, it only applies to properties that contain a residence on parcels of 40 acres or less, located within the BSCMLS service area:

**SERVICE AREA:** Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Madison, Meagher, Park, Silver Bow, and Sweet Grass.

Single-Party or One-Time listing agreements are exempt from this policy, and do not qualify to be entered on the MLS as "Active" because the nature of single-party and one-time listing agreements is compensation is not being offered to ALL cooperating agents who subscribe to the MLS. These agreements are between pre-determined buyers and sellers and never reach the open market.

With the permission of the Seller(s), single-party and one-time agreements can be entered for comparison purposes after the sale is final. In order for the MLS to know in advance of these listings being entered for comparison purposes, this form must be submitted within three (3) weekdays of all signatures obtained on the agreement between the buyer and seller. If we do not have a copy of this form at the time the agreement is signed, we have no way of verifying that it was in fact a single-party or one-time listing agreement when the agent reports it as Sold.

How does this apply to Exclusive Right to Sell and Exclusive Agency agreements? In simple terms, these agreements fall under the category of what is required for entry on the MLS. If a Seller(s) requests their property be withheld from the MLS, it must be submitted as an Office Exclusive. By signing this form, the Seller(s) acknowledge that their property can only be marketed within the listing office. Publicly marketing the property outside the office contradicts what the intent was in requesting the property be Office Exclusive in the first place. "Clear Cooperation" means the Seller(s) is clearly communicating with their listing agent they wish to only cooperate with other agents within the listing office.

If any public marketing of the property occurs outside of the listing office, it voids the agreement of it being an Office Exclusive listing. At that point, the word is out, and it must then be submitted to the MLS within **one (1) weekday** for dissemination to all cooperating subscribers of the Big Sky Country MLS. **The only exception to this rule is if the property type is either Land or Residential Development.**

### **What is Public Marketing?**

Public Marketing includes, but is not limited to, word-of-mouth, flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the public.

**This form must be submitted via email to the BSCMLS within 3 weekdays of the listing date.**

Send it to [Katie@GallatinRealtors.com](mailto:Katie@GallatinRealtors.com)