



OFFER PRESENTATION

Rules Regarding Presentation of Offers



NAR Code of Ethics: Article 1

Code of Ethics and Standards of Practice
Of the National Association of REALTORS®

Effective January 1, 2018

When representing a buyer, seller, landlord, tenant, or other client as an agent, REALTORS® **pledge themselves to protect and promote the interests of their client.** This obligation to the client is primary, but it does not relieve REALTORS® of their obligation to treat all parties honestly. When serving a buyer, seller, landlord, tenant or other party in a non-agency capacity, REALTORS® remain obligated to treat all parties honestly. (Amended 1/01)



Standard of Practice 1-6

REALTORS® shall submit offers and counter-offers objectively and as quickly as possible.
(Adopted 1/93, Amended 1/95)





Standard of Practice 1-7

When acting as listing brokers, REALTORS® shall continue to submit to the seller/landlord all offers and counter-offers until closing or execution of a lease unless the seller/landlord has waived this obligation in writing. REALTORS® shall not be obligated to continue to market the property after an offer has been accepted by the seller/landlord. REALTORS® shall recommend that sellers/landlords obtain the advice of legal counsel prior to acceptance of a subsequent offer except where the acceptance is contingent on the termination of the pre-existing purchase contract or lease. (Amended 1/93)



Model MLS Rules



California Model Multiple Listing Services Rules
Suggested Rules and Regulations
For an MLS Operated as a Committee Of a Local Association
of REALTORS® in California
Amended February, 2018
Prepared by the CALIFORNIA ASSOCIATION OF REALTORS®

Model MLS Rules 9.5

9.5 Submission of Offers and Counter-Offers:

The listing broker shall submit to the seller/landlord all offers until closing unless precluded by law, governmental rule or expressly instructed by the seller/landlord otherwise. The cooperating broker acting for buyer/tenant, shall submit to buyer/tenant all offers and counter-offers until acceptance.

**WHAT
ARE YOUR
OBLIGATIONS**



A woman with long blonde hair is looking down at a document on a table. She is wearing a dark blue blazer over a white top. The background is slightly blurred, showing another person with long brown hair.

Model MLS Rules 9.4

9.4 Presentation of Offers

The listing broker must make arrangements to present the offer as soon as possible, or give the cooperating broker a satisfactory reason for not doing so. In the event a listing broker will not be participating in the presentation of offers, the listing broker shall clearly indicate this fact in the listing information published by the service.

MLS Model Rules 9.6

9.6 Right of Cooperating Broker in Presentation of Offer

The cooperating broker has the right to participate in the presentation of any offer to purchase he secures. The cooperating broker does not have the right to be present at any discussion or evaluation of that offer by the seller and the listing broker. However, if the seller gives written instructions to the listing broker requesting that the cooperating broker not be present when an offer the cooperating broker secured is presented, the cooperating broker shall convey the offer to the listing broker for presentation. In such event, the cooperating broker shall have the right to receive a copy of the seller's written instructions from the listing broker. Nothing in this section diminishes or restricts the listing broker's right to control the establishment of appointments for offer presentations.

Business and Professions Code 10176

The commissioner may, upon his or her own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he or she may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any **substantial misrepresentation**
 - (b) Making any **false promises** of a character likely to influence, persuade, or induce.
 - (c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salespersons.
- ...
- (i) Any other conduct, whether of the same or a different character than specified in this section, which constitutes **fraud or dishonest dealing**.

Business and Professions Code 10177

The commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following:

(g) Demonstrated **negligence or incompetence** in performing an act for which he or she is required to hold a license.

(j) Engaged in any other conduct, whether of the same or a different character than specified in this section, that constitutes **fraud or dishonest dealing**.

Common Law Fiduciary Duty

The law imposes on a real estate agent ‘the same obligation of undivided service and loyalty that it imposes on a trustee in favor of his beneficiary... This relationship not only imposes upon him the duty of acting in the highest good faith towards his principal but precludes the agent from obtaining any advantage over the principal in any transaction had by virtue of his agency.

Alpha I. BATSON, v. Robert R. STREHLOW, 68 Cal.2d 662, Supreme Court of California, June 3, 1968.

Model MLS Rules 9.1

9.1 Showings and Negotiations

Appointments for showings and negotiations with the seller for the purchase of listed property filed with the service shall be conducted through the listing broker **except** under the following circumstances:

(a) ... or

(b) **after reasonable effort and no less than 1 day after the cooperating broker cannot contact the listing broker or his representative**. However, the listing broker, at his option, may preclude such direct negotiations by the cooperating broker by giving notice to all Participants through the MLS. In the event all showings and negotiations will be conducted solely by the seller, the listing broker shall clearly set forth such fact in the listing information published by the service.

Sample Letter, Demand that Offer be Presented

The screenshot displays the zipForm Plus web application interface. The browser address bar shows the URL <https://new.zipformplus.com/default.aspx>. The application header includes the zipForm Plus logo and navigation tabs: Dashboard, Transactions, Templates, Tasks, Contacts, Partners, and Help. Below the header, there are sub-tabs: Back, My forms, Submit for review, Services, Forms Advisor, and Forms Tutor. A toolbar contains various action buttons: Fullscreen, e-Sign, MLS Connect, Notes, Clause Manager, Save, Print, Email, Save as PDF, Fastfill, N/A Fill, and Preview. The main content area is partially obscured by a 'FORMS' panel on the right. This panel has a search bar labeled 'Search for name or description', a filter dropdown set to 'ALL', and a sort dropdown set to 'A-Z'. The list of forms includes: California Association of REALTORS® (Acronym: CAR, Version: 836.0), ALL, [CAR] - California Association of REALTORS®, [AHSCA] - American Home Shield - CA, [AIR] - AIR Commercial Real Estate Association, [APR00] - Alain Pinel REALTORS®, [AVIARA] - Aviara Real Estate, [BHHSCP] - Berkshire Hathaway Home Servi..., [C21AE] - FOSTER HAMILTON Real Estate, [C21LLR] - Century 21 Lois Lauer Realty, [CARDP] - C.A.R. Distressed Property Forms, [CARNCF] - National Safe-Calling, [CARSL] - CAR Sample Letters, [CBNC] - Coldwell Banker Northern California, and [CBRR] - Coldwell Banker Residential Broker. A large blue arrow points from the 'My forms' tab to the 'FORMS' panel. The Windows taskbar at the bottom shows the search bar, system tray, and taskbar icons. The system clock indicates 10:13 PM on 5/2/2018.

Sample Letter, Demand that Offer be Presented

The screenshot displays the zipForm Plus web application interface. The browser address bar shows the URL <https://new.zipformplus.com/default.aspx>. The application header includes the zipForm Plus logo and navigation tabs for Dashboard, Transactions, Templates, Tasks, Contacts, Partners, and Help. Below the header, there is a secondary navigation bar with options like Back, My forms, Submit for review, Services, Forms Advisor, and Forms Tutor. A toolbar contains various action icons such as Fullscreen, MLS Connect, Notes, Clause Manager, Save, Print, Email, Save as PDF, Fastfill, N/A Fill, and Preview. On the right side, a 'FORMS' panel is open, featuring a search bar and dropdown menus for filtering. A list of sample letters is displayed under the heading 'CAR Sample Letters', with the acronym 'CARSL' and version '31.0'. A large blue arrow points from the 'My forms' tab in the navigation bar to the 'Demand that Offer be Presented to Seller Let...' entry in the list.

zipForm Plus 1805.1 - Microsoft Edge

https://new.zipformplus.com/default.aspx

zipForm Plus

Dashboard Transactions Templates Tasks Contacts Partners Help

Back My forms Submit for review Services Forms Advisor Forms Tutor

Fullscreen MLS Connect Notes Clause Manager Save Print Email Save as PDF Fastfill N/A Fill Preview

FORMS

Search for name or description

ALL A-Z

CAR Sample Letters

Acronym: CARSL Version: 31.0

- Demand for Compensation After Close of Esc...
- Demand for Deposit Buyer Failure to Close Le...
- Demand for Deposit for Contingency Cancell...
- Demand for Full Commission
- Demand that Offer be Presented to Seller Let...
- Demand that Seller Vacate Letter
- Fence Repair (or Replacement) ? Proposal
- Instructions When Tenant Vacates on Termin...
- Lease Expiration Letter
- Notice of Change of Property Manager
- Notice to Lender of Receipt of the Closing Discl
- Owner to Tenant Security Deposit
- REO Seller Failure to Provide Disclosures Letter
- Receipt of Subsequent Offer Letter

Terms Accessibility Privacy Support

Type here to search

10:16 PM 5/2/2018

Sample Letter, Demand that Offer be Presented

Agent: _____

Broker: _____

Address: _____

Phone: _____

Fax: _____

Email: _____

Date: _____

To: _____ ("Listing Agent")
of the property located at _____ (Street address)
_____ (Unit #) _____ (City) _____ (State) _____ (Zip Code) ("Property")

Re: Demand that Offer be Presented to Seller

Dear _____:

1. I represent _____ ("Buyer"), who has made a written offer to purchase the above-described Property. To date, neither I nor the Buyer have received a response to the written offer.

(If Checked:) A copy of Buyer's previously submitted offer to purchase is attached.

2. I initially submitted Buyer's offer to purchase Property to you on _____ (date) in the following manner:

(Check all of the following that apply:)

- Personal Delivery to _____
- Email to _____
- Fax to _____
- Other _____

3. (If Checked:) PROOF OF DELIVERY: I have actual knowledge that you are in receipt of Buyer's offer as I, or my assistant, have confirmed delivery verbally or in writing in the following manner:

Sample Letter, Demand that Offer be Presented

4. After submission of Buyer's offer, I made a concerted effort to ascertain Seller's response by contacting or attempting to contact you as documented below, but ultimately to no avail:

| Date | Time | Manner of Communication | | | Description of Communication |
|------|------|--------------------------------------|--------------------------------------|--------------------------------------|------------------------------|
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |
| | | <input type="checkbox"/> Phone _____ | <input type="checkbox"/> Email _____ | <input type="checkbox"/> Other _____ | |

5. Your failure to present Buyer's offer to Seller, which I have reasonable belief to be true as you have not communicated any response from Seller to me, may have serious consequences. You may be in violation of the law, DRE licensing rules, Multiple Listing Service (MLS) rules, and ethical rules. More specifically, a failure to present Buyer's offer to Seller may give rise to a lawsuit brought against you and your broker by the Seller or Buyer for legal claims, such as, but not limited to, breach of fiduciary duty and wrongful interference with prospective economic relations. Furthermore, any dishonest dealing, negligence, incompetence, or substantial misrepresentation is grounds for revocation or suspension of your real estate license with the California Department of Real Estate under California Business & Professions Code sections 10176 and 10177.

Sample Letter, Demand that Offer be Presented

6. As a member of the MLS, you are specifically required to "make arrangements to present the offer as soon as possible, or give the cooperating broker a satisfactory reason for not doing so" under Rule 9.4 of the California Model MLS Rules as adopted by the MLS, and a failure to comply may be grounds for MLS disciplinary action, including payment of a fine and expulsion from MLS membership. If you are a REALTOR®, you are obligated to "submit offers and counter-offers objectively and as quickly as possible" under Standard of Practice 1-6 of the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, and a violation of this rule can be grounds for disciplinary action, including payment of a fine and expulsion from association membership.

7. I hereby demand that you immediately present Buyer's offer to purchase to Seller of the above-referenced Property, and inform me of Seller's response.

8. If I, or my broker, do not receive Seller's response to Buyer's offer within one business day (or per local MLS Rule by _____), we may have no choice but to pursue any and all legal remedies against you without any further notice to you. We may also have no choice but to advise Buyer to do the same. Buyer's possible courses of action include, contacting and hiring a lawyer to pursue a legal action, filing a Complaint with the Department of Real Estate and filing a Complaint with the local MLS or Association of REALTORS® to which you belong.

9. (If Checked:) **INTENT TO CONTACT SELLER DIRECTLY:** You are hereby notified that if I cannot contact you, despite reasonable effort for at least one day, and you do not contact me within that time, I reserve the right to contact Seller directly to negotiate a purchase of Property for Buyer in accordance with Rule 9.1 of the California Model MLS Rules.

10. If you have any questions regarding this matter, please feel free to contact me or my broker. Thank you for your cooperation.

Sincerely,

Additional Resources

Quick Guide Offer Presentation

Please return to the *[Offer Presentation](#)* webpage to view the Quick Guide.