



MEMPHIS AREA ASSOCIATION OF REALTORS®

**Multiple Listing Service  
Declaration of Non-Engagement**

The REALTOR® Participant of the Multiple Listing Service (“MLS”) shall be exempt from payment of MLS Usage Fees for an employee or independent contractor who is engaged solely and exclusively in a specialty of the real estate business separate and apart from listing, selling, leasing or appraising the type(s) of properties that are required to be filed with the MLS which are Categories 1, 2, 3, and 5. (See MLS Rules & Regulations, Section 1. Listing Procedures.) The exemption shall be revoked automatically upon the licensee’s engagement in properties of Categories 1, 2, 3, and 5.

**CERTIFICATION OF LICENSEE AFFILIATED WITH REALTOR® PARTICIPANT  
IN THE MLS OF THE MEMPHIS AREA ASSOCIATION OF REALTORS®**

I, \_\_\_\_\_, associated with \_\_\_\_\_ / \_\_\_\_\_  
(Name of Licensee) (Name of Participant / Name of Firm)

am engaged solely and exclusively in a specialty of the real estate business separate and apart from listing, selling, leasing or appraising the type(s) of properties that are required to be filed with the MLS which are Categories 1, 2, 3, and 5. ***Failure to report a status change for the waived Licensee shall be considered a violation of the MLS Rules and Regulations. The MLS Participant and Licensee each shall be assessed a penalty in the amount of Usage Fee for one year for such offense and additionally billed a non-prorated Usage Fee for the current billing cycle.***

\_\_\_\_\_  
(Date) (Signature of Licensee Affiliated with Participant)  
\_\_\_\_\_  
(Printed Name of Licensee Affiliated with Participant)

**CERTIFICATION BY REALTOR® PARTICIPANT (DESIGNATED REALTOR®) OF  
THE MLS OF THE MEMPHIS AREA ASSOCIATION OF REALTORS® AS TO  
LICENSEE’S CERTIFICATION ABOVE:**

I agree that if at a future date \_\_\_\_\_ engages in a specialty of real estate that  
Name of Licensee  
is required to be filed with the MLS or uses the MLS in any way, unless in the authorized capacity as a licensed assistant, I will notify the MLS and pay the required Usage Fee of the MLS. The Usage Fee shall be the non-prorated fee for the current billing cycle.

The Licensee and I understand that when a licensee is waived from payment of the Usage Fee, engaging in the following types of activities may negate the waiver: (1) showing, listing or co-listing residential property within the Association’s jurisdiction, (2) marketing or advertising residential property within the Association’s jurisdiction, including on-line, (3) using the on-line services of the MLS in any way, unless in the authorized capacity as a licensed Assistant, and/or (4) using the SentiLock system. This waiver shall not preclude the Licensee from listing, showing, advertising, buying or selling his/her personal residence located within the Association’s jurisdiction, as long as the MLS and related SentiLock system are not utilized in any way. ***Failure to report a status change for the waived Licensee shall be considered a violation of the MLS Rules and Regulations. The MLS Participant and Licensee each shall be assessed a penalty in the amount of Usage Fee for one year for such offense and additionally billed a non-prorated Usage Fee for the current billing cycle.***

\_\_\_\_\_  
(Date) (Signature of MLS Participant)  
\_\_\_\_\_  
(Printed Name of MLS Participant / Name of Firm)



MEMPHIS AREA ASSOCIATION OF REALTORS®

Frequently Asked Questions  
Declaration of Non-Engagement  
Waiver of the MLS Usage Fee

I am engaged solely in commercial real estate, but my broker is a Participant in the MAAR MLS. Can I be waived from MLS fees?

*Yes. You can be waived from paying MLS fees if you are engaged solely in commercial real estate and not engaged in the listing, selling, leasing or appraising of residential property, including Categories 1, 2, 3, and 5.*

I do not have any listings. Can I be waived from MLS fees?

*No. Lack of listings does not qualify you for a waiver of MLS fees. If you have an active license, you should not sign the Declaration of Non-Engagement.*

I do business solely in Mississippi and/or Arkansas, but I have an active Tennessee real estate license. Can I be waived from MLS fees?

*No. By having an active license, you are listed by the Tennessee Real Estate Commissions as someone qualified and able to engage in real estate. You should not sign the Declaration of Non-Engagement.*

I do business solely in Mississippi and/or Arkansas, but I do not have a Tennessee real estate license. Can I be waived from MLS fees?

*Yes. Since you do not have a Tennessee real estate license, you are not legally able to transact real estate business in the State of Tennessee. Therefore, you can be waived from MLS Fees.*

I am a licensed assistant. Can I be waived from MLS fees?

*Maybe. If you do not receive compensation based on the sale of real estate and are engaged solely in assisting another licensee, you can be waived from MLS fees.*

I am a licensed assistant for my spouse. Can I be waived from MLS fees?

*Maybe. Separating the activities of an assistant versus a real estate practitioner from you and your spouse may be rather difficult. However, in theory, if you do not receive compensation based on the sale of real estate and are solely engaged and compensated directly by your spouse as an assistant, you may be waived from MLS fees.*

I am engaged in selling only my own investment properties. Can I be waived from MLS fees?

*No. Buying and selling residential property for your personal investment does not qualify you for a waiver of MLS fees. The only exception is your personal residence.*

*~ Over ~*

I got my real estate license to sell only my own home. After I sell my home, I am going to retire my license. Can I be waived from MLS fees?

*Maybe. If you are not going to list your personal residence in the MLS, you can be waived from MLS fees. However, if you engage in any other type of real estate transactions covered by the Declaration, you and your broker would be subject to the penalty described on the form.*

I have a full-time job other than real estate, but I do not want to retire my license. Can I be waived from MLS fees?

*No. Lack of business does not qualify you for a waiver of MLS fees. By having an active license, you are listed by the Tennessee Real Estate Commissions as someone qualified and able to engage in real estate. You should not sign the Declaration of Non-Engagement*

I only refer listings. Can I be waived from MLS fees?

*No. If you receive compensation based on the sale of real estate of Categories 1, 2, 3, and 5, you should not sign a Declaration of Non-Engagement.*

I am a licensed property manager. Can I be waived from MLS fees?

*Maybe. If you do not receive compensation based on the sale of real estate of Categories 1, 2, 3 and 5 and are engaged solely in the leasing and managing of properties, you can be waived from MLS fees.*

I sell only land. Can I be waived from MLS fees?

*Maybe. Lots and acreage, Property Category 3, are required to be listed in the MLS system. Exclusively listing land, does not waive you from MLS fees; nor do Categories 1, 2, and 5. However, licensees that sell only lots and acreage zoned for commercial and industrial and are not engaged in Categories 1, 2 and 5 may be waived from MLS fees*

I am a licensed builder. Can I be waived from MLS fees?

*No. If the properties you build are being listed in the MLS system, you should not sign a Declaration of Non-Engagement.*

A medical or personal situation is preventing me from engaging in real estate. Can I be waived from MLS fees?

*Maybe. However, the Declaration of Non-Engagement is not the proper form to address inability to practice real estate due to a medical condition or personal situation. Before submitting the Declaration of Non-Engagement, you and your broker should sign and send a letter to the MLS Information Network Committee requesting approval of waiver and stating the reasons why.*

**Revised June 8, 2009**