

WESTERN UPSTATE ASSOCIATION OF REALTORS® , INC.
TOP PRODUCERS CLUB
RULES AND REGULATIONS

Rev. 3/10/2008

1. Any REALTOR® who is licensed under the South Carolina Real Estate Commission and is a primary or secondary member of the Western Upstate Association of REALTORS® is eligible for membership. Both salaried and commissioned association personnel are eligible for membership.

2. A “qualifying year” is defined as a full calendar year beginning January 1st through December 31st of each year.

a) **To qualify, as “Individual” applicant, the following requirements must be fulfilled:**

- i. Produce “new business” a minimum of \$3,000,000 in sales during the qualifying year and in multiples of \$1,000,000 thereafter.
- ii. Must be approved by the Board of Directors of the Western Upstate Association of REALTORS®, Inc. Any person that the Top Producers Club Committee deems ineligible may appeal this decision to the Executive Committee of the Western Upstate Association of REALTORS®.
- iii. Must be a REALTOR® or have applied and been accepted for membership by January 15th of the current year thus qualifying as a member of the Association of REALTORS®. However, active membership in the Top Producers Club shall be contingent upon membership in the Western Upstate Association of REALTORS®. Sales and commercial leases closed during the period of candidacy for membership in the Western Upstate Association of REALTORS® shall be included in calculating the volume of new business in a qualifying year.

b) **To qualify as a “Team”, the following requirements must be fulfilled:**

- i. All teams must be in place by March 31st of a qualifying year.
- ii. All Teams must submit a list of team members in writing to the Association office not later than March 31st of a qualifying year.
- iii. Any agent who chooses to leave a team prior to March 31st of the qualifying year would then be placed in the “Individual” category providing minimum production requirement is met. Any agent joining after March 31st can only be considered as an “Individual” in that qualifying year providing minimum production requirement is met.
- iv. If an Applicant has one or more licensed assistants, they are considered a team. The Broker-in-Charge signing the application will be attesting that an individual applicant is not a team and has not worked with one or more license assistant.

- v. ***Beginning with the 2006 Top Producers Club, Team Category will be required to achieve a minimum of \$6,000,000 plus a minimum average of \$3,000,000 per team member. For example:***

2 members = \$ 6,000,000
3 members = \$ 9,000,000
4 members = \$12,000,000
5 members = \$15,000,000

3. Applicants must submit an application for membership to the “Admissions Committee” on or before January 5th of each qualifying year.

- a) Application used must be the official form provided by the Western Upstate Association of REALTORS[®], Inc. Copies are available at the Association/Western Upstate MLS office. The name shown on the application will be the one used on certificates, plaques, etc. All professional designations applicable should be included on the application.
- b) With each application there must be a signed detailed statement of the Applicant’s business for the qualifying year including the purchase price, the property involved, the Western Upstate MLS number, participating agent within the same office or other broker’s office with details of any division of the sale, if co-list or co-sale, and other pertinent information. Each such statement must be sworn to by the Applicant and certified by the principal broker of the Applicant’s firm. All applications are subject to verification. Any intentional misrepresentation will be subject to disciplinary action.
- c) Each application must be accompanied by:
 - i. A check, (with the amount to be determined by the Board of Directors annually) to cover expenses.
 - ii. A wallet size photograph.
 - iii. A copy of the listing agreement must be attached for each transaction when applicant is claiming listing credit
- d) All documentation must be submitted to the MLS within fourteen (14) days of the closing of the transaction. The non-MLS form must be attached to the documentation being submitted. The non-MLS transaction volume will be added to the MLS volume at the end of the year. Closing statements (HUDs) must be provided for sales credit taken on all transactions in the Western Upstate MLS. To receive credit on a NON-MLS transaction, the closing statement AND purchase agreement must be provided. When only one agent is involved in a transaction, the agent qualifies for both sides credit whether representing the seller or buyer. Documentation may be required.

4. Credit shall be allowed to Applicants for their personal production as follows:

- a) For sales, the amount of the purchase price shall be credited, or in the event there is no fixed or stipulated purchase price, (as in the case of an exchange of properties), then the values used to determine the commission shall be the amount credited. Proper documentation is required to indicate correct consideration of sales price.

- b) For commercial leases, the amount of credit shall be the present worth of the annual rental to be received over the entire original lease term (use present Worth Tables, 6% annuity factor.) There shall be no credit allowed for any renewals or options for renewals. In cases where a new commercial lease is negotiated for additional space, credit shall be given for the new lease only to the extent of the additional space, which credit shall be computed the same as above.
- c) The credit allowed shall be 100% to the Selling Agent and 100% to the Listing Agent of the final sales price. In transactions where the Listing and Selling Agent is the same, 200% credit will apply. Should there be more than one listing or selling company, or more than one listing or selling agent within a company, the credit allowed will be the same percentage as the commission split.

Example: Co-listing- \$50,000 property – ABC Realty and XYZ Realty – ABC Realty sells. ABC Realty received \$50,000 credit for the sale and \$25,000 for the co-listing. XYZ receives \$25,000 credit for co-listing.

Same property and John Doe receives \$50,000 credit for the sale. ABC Realty and XYZ receive \$25,000 credit each for co-listing. Same property listed and sold by John Doe \$100,000 total credit.

- d) Full credit shall be taken in the year closing of transaction where an installment commission exists.
- e) Closing Statements (HUD) with no commissions paid – Credit will not be given for more than three (3) closing statements in the production year where there is no commission paid.
- f) Company Name must be on Closing Statement (HUD) to receive any credit.
- g) It is permissible for a member to take an ownership position in a sale for credit toward qualifying for membership in the Top Producers Club.
- h) In order for credit to be allowed in the Top Producers Club for a transaction involving property filed with the Western Upstate MLS, the sale of the property must be reported to the Western Upstate MLS within 48 hours, excluding holidays and weekends, of the closing date of the sale of the property. The selling agent should check to make sure that the sale has been reported “closed” and should advise the Western Upstate MLS office, if it has not been reported.
- i) “Sold Before Published” – To obtain credit in a given year, sales and listings must be turned in to the Western Upstate MLS within seven (7) days of the closing of the sale. Listing Agreement and closing statement (HUD) must accompany all sales and must be submitted at the same time the “Change Form” is submitted to the Western Upstate MLS for reporting property sold. This documentation will not be accepted at the end of the year.
- j) Applications must be turned in on proper forms; must be in proper order, as listed on the application, or the application packet will be returned to applicant.

- k) If the Top Producers Club Committee determines that an applicant has abused the Rules and Regulations or falsifies documents, the Committee will recommend to the Board of Directors that this applicant be disqualified from membership in the Top Producers Club for no less than one (1) year but not to exceed five (5) years and subject to the determination of the Board of Directors of the Western Upstate Association of REALTORS[®], Inc. In addition the name of violators will be published in the AAR News.
- l) Once a transaction has been entered into the Western Upstate MLS as "SOLD", the listing agent and selling agent will not be changed.

5. Those attaining new business in any qualifying year at the level of \$3,000,000 per year, and in other multiples of \$1,000,000 thereafter shall be recognized that they are Active Members of the Top Producers Club for that qualifying year and is in recognition of personal negotiations of sales during that qualifying year of a value in excess of the level achieved in multiples of \$1,000,000.

6. Members of the Top Producers Club shall be authorized to use: **"Member (year) Top Producers Club"** for use on calling cards and letterheads only during the year in which they are members of the Top Producers Club.

Life members of the Top Producers Club shall be eligible to use such seals as long as they live.

7. Following election to membership in the Top Producers Club, the members shall be recognized at a meeting of the Western Upstate Association of REALTORS[®].

8. There shall be three (3) classes of membership:

- a) Active Member is one who has been elected for the year (January 1st through December 31st) or immediately following his/her qualifying year.
- b) Life Member shall be one who has been elected to membership three (3) successive years or who has been elected for any five (5) years.
- c) Active Life Member is one who has been elected to Life Membership and is also an Active Member.

9. The effective date for credits for sales and leases shall be as follows:

- a) For sales, the date on which the title is passed or commission is received shall be the date of credit.
- b) For commercial leases, the date of credit shall be the day of occupancy or the date the first month's rent is paid, whichever is first. In the event of an advance lump sum commission settlement, the date of credit shall be the date such commission is received.

10. The President of the Association shall appoint the Top Producers Club Committee, which shall be composed of not less than three (3) members. It shall be the duty of this committee

to consider all applications during the month of January and submit a report to the Board of Directors of the Western Upstate Association of REALTORS® no later than January 31st, so as new members shall be announced in February giving their recommendations with regard to each applicant. An approval of any applicant by the Board of Directors shall automatically elect the Applicant to membership for the next “membership year”. All Life Members and all Active Life Members elections shall be automatic upon qualifications.

11. If for any reason, a member of the Top Producers Club ceases to be a member of the Western Upstate Association of REALTORS®; their Active Membership in the Top Producers Club is automatically terminated. Life Membership shall not be thus terminated by a Life Member who ceases to be a member of the Western Upstate Association of REALTORS®, but shall become an honorary member of the Top Producers Club.

12. The Top Producers Club of the Western Upstate Association of REALTORS® has been established and is sponsored by the Western Upstate Association of REALTORS®, and all actions of the Club shall be subject to approval of the Board of Directors.

13. Advertising – No advertising mentioning membership in the Top Producers Club is to be made prior to the presentation at the Western Upstate Association of REALTORS® Top Producers Awards Meeting. Use of the term “Top Producers Club” in advertising should designate the company or franchise “Top Producers Club” unless referring to the Western Upstate Association of REALTORS® Top Producers Club. The Broker-In-Charge is responsible for monitoring advertising of his/her agents. Each company is encouraged to be careful at all times to present a true picture of their advertising and representation to the public. Failure to do so could result in a violation of Article 12 of the Code of Ethics.

14. Information submitted is accessible only to the Top Producers Club Committee, President, and the Board of Directors and will be handled in a most confidential manner by the Top Producers Club Committee.

15. These rules of the Top Producers Club shall apply to business produced in 2006 and thereafter or until modified by the Board of Directors of the Western Upstate Association of REALTORS®.