

FORMS

1. Permitted users of NCAR's standard forms

Standard forms used in connection with a real estate sales or lease transaction by the parties to the transaction shall be considered "transactional" forms and designated as such by the addition of a "T" after each such form's number. All other forms shall be considered "non-transactional" forms. The following persons are allowed to use both transactional and non-transactional forms:

- REALTOR®, Affiliate, and Allied members of NCAR;
- REALTORS® from other states (upon satisfactory proof of such membership); and
- Non-member sales associates of REALTOR® member firms. However, a non-member is not allowed to purchase the forms directly or access the forms via the NCAR web site.

Members in good standing of the North Carolina State Bar are allowed to use NCAR's transactional forms only. In addition, owners of properties subject to the Vacation Rental Act may use the Vacation Rental Agreement (Standard Form #411).

The Executive Committee may, on a case-by-case basis, permit persons other than those listed above to use an NCAR form or forms on such terms and conditions as may be approved by the Executive Committee.

2. Revisions to format/pre-printed language of a standard form by user

- Revisions to the format or pre-printed content of any Transactional Form are prohibited.
- A member firm may obtain a license to make revisions to the format or pre-printed content of a Non-Transactional Form. Any such license shall be prepared by NCAR legal counsel. The form of the license shall be approved by the Executive Committee.
- Permitted users may insert the name, address and logo of their firms in the top margin of a standard form.

3. Continued use of old versions of updated forms

Use of a superceded version of either a Transactional or Non-transactional form is prohibited. Users are allowed a 60-day "grace" period to continue using an old version of a standard form following a modification of the form. NCAR's aspiration is to release forms updates on or about July 1st of each year, unless law, regulation or demonstrated need dictates otherwise. The grace period may from time to time be modified by the Executive Committee as it may deem appropriate.

4. Purposes for which forms may be used

- Permitted users may use NCAR's standard forms in connection with a transaction in which the permitted user is involved as a broker or a principal. Permitted users may not distribute blank NCAR's forms to clients, customers or others, either gratuitously or for a fee, except that they may distribute specimen copies of any NCAR form to their clients or customers for review purposes.
- Copies of all NCAR forms marked "Sample" shall be made available for review or printing on an NCAR publicly-accessible web site.
- Members may not display sample copies of NCAR forms on their own web sites, but they may link to NCAR's site where the sample forms are displayed.
- Local associations of REALTORS® engaged in sales of NCAR forms must conduct such sales in accordance with this Forms Policy.

5. Use of forms for educational purposes

Producers of textbooks and instructors of real estate-related courses (CE courses, courses offered through community colleges, etc.) are permitted to use NCAR forms in connection with their textbooks and/or courses, subject to their prior written agreement with NCAR to abide by certain restrictions, including, but not limited to, putting "Sample" on any form reproduced in a textbook or handout materials and placing an acknowledgement on any copies of the forms that they are the property of NCAR and are being reprinted with the permission of NCAR. In addition, if an instructor intends to instruct in the use of and/or sell additional forms not approved by NCAR, approval to use NCAR forms in the course shall be conditioned upon: (1) the instructor receiving specific approval to use the non-standard form(s) in the course from the Real Estate Commission (if the course is a CE course), and (2) the instructor agreeing to place a prominent notice on any non-NCAR form as follows: "This form has not been approved by the North Carolina Association of REALTORS®, Inc."

6. Reproduction of NCAR's standard forms by someone other than NCAR's printer or an approved forms software vendor

Local associations of REALTORS® and other permitted users are allowed to have printed versions of NCAR's Transactional and Non-transactional forms reproduced by their own printers, so long as the forms are reproduced directly from copies of the "official" versions produced by NCAR's printer or printed from NCAR's web site. Local associations and other permitted users are not allowed to have NCAR's forms reproduced in any other manner.

7. Logos on NCAR's standard forms

The block "R" logo and the Equal Housing Opportunity logo shall be used on all of NCAR's standard forms. The following statement should appear on the Vacation Rental Agreement (Standard Form #411): "Use of this form is not intended to identify the user as a REALTOR®." The REALTORS® Commercial Alliance (RCA) Brand Logo shall appear on those NCAR standard forms numbered in the commercial (500) series.

8. Legal Disclaimer

NCAR's forms shall contain a disclaimer in such form as may be approved by NCAR legal counsel. Such disclaimer shall include a statement that NCAR makes no representations concerning the legal validity or adequacy of the form in the transaction to which it relates.

9. Forms Licensing to Member Firms

Notwithstanding anything else appearing in this Forms Policy, a member firm may obtain a license to use NCAR forms in electronic format as part of a program provided by the firm for use by its agents in providing real estate brokerage services to their brokerage customers and clients. Any such license shall be prepared by NCAR legal counsel. The form of the license shall be approved by the Executive Committee.

[Amended by Executive Committee 6-4-12]