



National Center for Dispute Settlement
888.832.4792

Residential Real Property Arbitration: FAQ's

How Do I File for Arbitration?

- Complete either a NCDS Demand for Arbitration OR Submission to Arbitration Form.
- Attach a detailed description of the nature of your claim and detailed outline of the remedy you are seeking.
- Compile all paperwork, as listed on the NCDS Demand form.
- Submit to NCDS at 43230 Garfield Road, Ste. 130 Clinton Township, MI 48038



What NCDS Form Should I Submit?

- If more than two years have elapsed since the date of your closing...
- OR, if any party (Buyer, Seller, and their respective agents) failed to sign the Arbitration Agreement at the time of closing
- You would need to use the **SUBMISSION TO FINAL AND BINDING ARBITRATION form**
- If you are within the two-year time frame allowed (beginning on the date of your closing)...
- AND, all parties signed the Arbitration Agreement at the time of closing:
- You may use the **DEMAND FOR FINAL AND BINDING ARBITRATION form**



Where Can I Get the NCDS Forms?

- Call us! We would be happy to send you an Arbitration Packet. Case Administrators are available from 8:00 a.m. to 5:00 p.m. EST Monday-Friday at 888.832.4792
- Or you can download forms from www.ncdsusa.org



What Other Documentation Must I Provide?

- **FOUR SIGNED COPIES** of your completed Demand or Submission Form, along with four copies of all evidence to be presented
- **TWO COPIES** of your complete Purchase Agreement, including all Addendums
- **TWO COPIES** of your Residential Real Property Arbitration Agreement, if it is a separate form from your Purchase Agreement
- Your Administrative Fee, as determined by the NCDS Fee Schedule



NCDS Basic Fee Schedule For MI Real Property Arbitration Cases

For a review on documents only or for

Claims under

\$3,000.00: \$ 195.00

Claims under

\$10,000.00: \$ 650.00

Claims between

\$10,001.00 and

\$14,999.00: \$ 850.00

Claims over

\$15,000.00: \$1000.00



Are There Other Fees I Should Be Aware Of?

- If you plan on adding more than two parties to your dispute (for example, the Seller and the Seller's Agent) add: \$200.00
- If you would like to have your hearing conducted by a Three Arbitrator Panel, add: \$600.00
- If any party requests an adjournment (a delay of the hearing), they will incur an expense of:
\$250.00 if notice is given more than 48 hours before the hearing OR \$350.00 if less than 48 hours notice is received.



How Long Does This Process Take?

- After we receive your paperwork and no items are determined to be missing, the first mailing sent out by NCDS contains 90-Day calendars. It is our goal to have your hearing scheduled to be heard within this time frame.
- After your hearing, the Arbitrator has 30 days to return the decision to NCDS.
- Ideally, the process takes from 90-120 days from start to finish.
- Your time is important, and NCDS Case Administrators do all they can to ensure timely and efficient neutral administration.



Do I Need an Attorney?

- Arbitration participants are not required to retain counsel. However, many disputants have indicated that they have felt more comfortable having an attorney present. We simply ask that any party who retains an attorney provide NCDS with Notice of Representation at least five days prior to the hearing, as outlined in the Rules.



So, How Does Arbitration Work?

- After your case is filed, NCDS will assign an Arbitrator based on the preference expressed by the parties from the Arbitrator Selection forms.
- The Arbitrator is not an employee of NCDS and serves as a neutral third-party dispute Settler.
- The Arbitrator will schedule the hearing based on the parties' availability noted on the 90 day calendars, and the hearing will be conducted at the property in dispute.
- Each side will be given a chance to present their case, including witnesses, if desired, answer any questions (or ask questions of the other party) and offer to the Arbitrator the evidence to be presented.
- After the hearing, the Arbitrator will render a written decision and forward it to NCDS for delivery to all parties within 30 days of the hearing date.
- NCDS will notarize the Decision and forward it to all parties.



How is the Arbitrator Selected?

- NCDS will submit to all parties an identical list containing an odd-number of names chosen from our Arbitration Roster.
- Each party may strike any one name from the list and rank the others in order of preference.
- Your NCDS Case Administrator will appoint an Arbitrator based on the common preference as indicated by the parties.
- Under certain extraordinary circumstances, NCDS may assign an Arbitrator. This process is described in the Rules.



What Happens Once We Have the Arbitrators Decision?

- The Arbitrator's decision is considered final and binding. All parties **MUST** comply with the rulings and terms set forth in the Award.
- Arbitration Awards are enforceable in a court of competent jurisdiction.
- The Arbitration Award cannot be changed by NCDS.



What is the Relationship between NCDS and the Michigan Association of Realtors?

- National Center for Dispute Settlement (NCDS) is the preferred provider of arbitration services for the Michigan Association of REALTORS® (MAR).
- NCDS is not owned by the Michigan Association of REALTORS®, nor does it have any other exclusive relationship with the Michigan Association of REALTORS®.
- NCDS is a completely neutral, third party administrator of Dispute Resolution Processes.





Should you have any further questions, please don't hesitate to call. We are always glad to help!

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