

WHAT IS REMS

REMS is a provider of mediation services. The principal of REMS is Bernhard Behrend, Esq., who has been mediating in a variety of areas for more than 30 years

REMS provides qualified, knowledgeable, impartial individuals who serve as mediators to assist parties in resolving their differences.

REMS has contracted with the REALTORS® Association of Metropolitan Pittsburgh (RAMP) to administer their Dispute Resolution System. REMS pays a fee to RAMP for promotion of the program and/or reimburses RAMP for expenses.

What is the REALTORS® Association of Metropolitan Pittsburgh (RAMP)?

RAMP is a not-for-profit Pennsylvania Corporation comprised of thousands of real estate licensees in this Commonwealth. RAMP is a member board of the National Association of REALTORS. RAMP members are licensed or certified real estate brokers, salespersons, and appraisers.

RAMP is committed to the principle that the best way to resolve differences is in a non-hostile, impartial atmosphere.

RAMP takes no role in the administration of the Dispute Resolution System and does not participate in any way in the resolution of particular disputes.

Q. What happens if one party refuses to participate in the mediation?

A. Once the parties sign the standard agreement of sale, they are legally obligated to participate in a mediation session. Refusal to attend mediation may result in the party being held in violation of the agreement.

Q. What are the fees involved in electing to mediate?

A. Fees are based upon a three hour session and are split equally by the buyer and seller in advance of the mediation.

Disputes involving amounts less than \$4,000:

***\$400.00 (\$200.00 per party)**

Disputes involving \$4,000 to \$8,999.00:

***\$700 (\$350.00 per party)**

Disputes involving amounts of \$9,000 or more, or for Specific Performance:

***\$1,000.00 (\$500.00 per party)**

The party initiating the process will advance half of the fees with their Transmittal Form and REMS will bill the other side the additional fees due. All fees must be paid prior to conducting the mediation session.

If the mediation takes place outside of Allegheny County, a small travel fee may be required.

REMS

Real Estate Mediation Service

PROMPT AND CONVENIENT ALTERNATIVE TO

CIVIL LITIGATION

Home Buyers/Home Sellers

Dispute

Resolution System

Benefits:

**Provides a more efficient and cost-effective way to resolve disputes.*

**Protects and promotes the interests of clients while treating parties to the transaction with respect.*

**Provides an arena where disputes can be resolved in a manner that fosters healthy relationships between sellers, and buyers and REALTORS®.*

Q. What is the Home Sellers/Home Buyers Dispute Resolution System?

A. This Dispute Resolution System is a program for buyers, sellers, and REALTORS® to resolve disputes that arise in the purchase and sale of real estate. The service is an alternative to the more costly and time-consuming process of civil litigation in the courts.

****A Consumer Service administered by REMS and developed by REALTORS® Association of Metropolitan Pittsburgh (RAMP)**

**** For disputes arising under the PAR Standard Agreement for the Sale of Real Estate.**

Q. May I use REMS mediation service if there was no mediation clause in the sales agreement?

A. Yes, as long as the buyer and seller agree.

Additional Benefits to YOU:

****Impartial third party familiar with real estate mediates the dispute.**

****Non-threatening environment.**

****Prompt and Convenient.**

****Preserves continuing relationships between the parties.**

Q. How Do You Use the Program?

A. Any dispute arising from the sales agreement will be scheduled for a mediation session through REMS.

The buyer or seller who has the dispute will contact REMS by submitting a Transmittal Form available in your broker's office, the RAMP office, or directly from Real Estate Mediation Service, P.O. Box 90313, Pittsburgh, PA 15224, (412-337-9456)

email: mediaterealestate@gmail.com

Q. What is Mediation?

A. Mediation is a technique used to settle disputes informally without going to court. Mediation involves all sides to the dispute discussing the matter with an impartial person who creates a balanced and conciliatory environment for negotiation. The mediator helps the parties reach a mutually acceptable settlement. Mediation has a settlement rate of over 70% in real estate claims.

A mediator does not issue orders, find fault or make a determination. The goal is to have the parties reach their own settlement.

Q. How much time is involved in completing the mediation process with REMS?

A. Much less time than taking the matter to court. A mediation session can be scheduled quickly. The REMS mediator shall determine the date, time, and place. Mediation sessions typically take no more than three (3) hours. Special arrangements can be made for a people to participate by telephone if they are unable to attend for legitimate reasons.

Q. If third parties are relevant to the dispute, may they participate?

A. Yes, mediation attempts to bring all sides of the dispute together for the mediation session so that all issues can be settled in one meeting. Though only parties to the sales agreement are legally obligated to mediate, it is expected that attorneys, REALTORS®, insurers, and inspectors will cooperate.

Q. Is a settlement reached through mediation binding?

A. Yes. The mediator will have a form available to document the terms of the agreement and have all parties involved sign it. The settlement is legally enforceable through court processes should a party not live up to their end of the agreement. The parties involved may not re-litigate the issues in the civil courts that have been settled through mediation. Keep in mind, the mediation process is designed to create final settlements that will be adhered to by all parties.

Q. Is the mediation session confidential?

A. Yes. All settlement discussions and mediation communications are confidential under Pennsylvania law and cannot be used in future litigation if no settlement is reached.

Q. Are my legal rights preserved if the parties do not reach a settlement?

A. Yes. The parties are then free to either pursue resolution through arbitration or traditional court procedures, unaffected by an unsuccessful attempt at mediation.