**Outline of Content of Petition for Declaratory Relief**

**Form #E-18**

 Board of Realtors® (hereafter “plaintiff”)

Name

complains of defendant (hereafter “defendant”) and alleges:

Name

1. Plaintiff is a corporation duly organized and existing under the laws of the State of

State

and is a Member Board of Association and the NATIONAL ASSOCIATION OF RealtorS®.

State

# Note to Preparer: Choose either (a) or (b) (or [i] [ii]) in each section throughout this form as appropriate.

1. Plaintiff’s bylaws include, and at all times herein mentioned have included provisions
	1. governing qualifications, eligibility, and application for membership and admission to membership therein.

(b) relating to discipline of members for violation of their obligations as members. A true and exact copy of the bylaws is attached as Exhibit A.

1. (a) On or about defendant applied for membership in plaintiff. After duly considering defendant’s

Date

application in accordance with its bylaws, plaintiff has concluded that defendant is not eligible or qualified for membership and

that defendant’s application for membership should be rejected.

(b) Heretofore a complaint was filed with plaintiff against defendant charging violation of membership obligations. Disciplinary

proceedings were duly taken and had pursuant to the bylaws, and in consequence plaintiff has concluded that defendant

should be from membership and will unless the Court holds otherwise.

Suspended or expelled as the case may be Suspend or expel

1. An actual controversy exists between plaintiff and defendant in that defendant claims
	1. to be qualified and eligible for, and entitled to, membership in plaintiff and that plaintiff’s conclusion to the contrary is improper

and unlawful, and defendant threatens

(b) that defendant should not be suspended or expelled and that plaintiff’s decision to suspend or expel and the suspension or expulsion are and would be improper and unlawful and defendant has threatened to sue plaintiff, its officers, directors, members, or some of them for damages in the event plaintiff denies membership to defendant, praying that this court enjoin plaintiff from

 .

Denying defendant’s application for membership / Suspending or expelling defendant’s membership

Plaintiff disputes those contentions and contends that its conclusion

1. not to admit defendant to membership is entirely proper and lawful and that rejection of defendant’s application would be entirely proper and lawful.
2. that defendant should be suspended or expelled from membership and suspension or expulsion is and would be entirely proper and lawful.
3. Plaintiff is
4. holding defendant’s application for membership
5. not putting into effect its decision to suspend or expel defendant from membership until declaration of the rights of the parties in the premises is made in this case.
6. WHEREFORE, plaintiff Board of Realtors® prays

Name

1. judgment declaring and determining the rights and duties of the parties and in particular adjudicating that plaintiff’s decision to
	1. reject the defendant’s application for membership
	2. suspend or expel defendant

is lawful and proper that such will not give rise to any cause of

Rejection/ Suspension or expulsion

action in favor of defendant against plaintiff, its officers, directors, or members or any of them

1. for its costs of suit herein incurred, and
2. for such other and further relief as may be proper.

**Note:** (a) Relates to complaint based on intent to reject membership application.

(b) Relates to complaint based on intent to suspend or expel a member.

Petitions for declaratory relief must take the form established by local court procedure. **No petitions should be prepared except by**

# the Board’s legal counsel.

115 *Code of Ethics and Arbitration Manual*