

## Independent Contractor Agreement for Sales Associates

### INDEPENDENT CONTRACTOR:

- A. Contractor: Associate is an independent contractor and is not Broker's employee. Broker will not withhold any amounts for taxes from the fees paid to associate under this agreement. Broker will not pay any amounts for unemployment compensation or workers compensation for Associate.
- B. Term: This Agreement commences on \_\_\_\_\_ (commencement date) and continues until such time as either party terminates this agreement in accordance with paragraph H. If associate has an inactive or expired real estate license status this agreement will not commence until an active license status has become effective. This agreement will terminate immediately if associates license becomes inactive or expired.
- C. Statement of Understanding: On or about the first day of February of each calendar year this agreement is in effect, Associate will execute and deliver to Broker a Statement of Understanding, a copy of which is attached to this agreement.
- D. Files & Documents: In any transaction related to Broker's real estate business in which Associate is involved, Associate must provide, within 72 hours, fax or e-mail copies of all contracts, agreements, disclosures, correspondence, data, and other information related to the transaction. These copies will be maintained at Brokers office. All required Closing documents are required prior to Broker issuing "Commission Disbursement Authorization" [CDA]. Broker will provide a "Required Document – Checklist" to be used with every closing file. Upon receipt of closing file, Broker will provide Associate with a copy of the CDA sent to the Title Company.
- E. License and Membership Fees: Each party is responsible to pay all their respective license and membership fees. Associate must immediately reimburse Broker any fee, expense, or penalty that Broker incurs as a result of the parties association or Associates failure to maintain Associates license or realtor membership status.
- F. Broker License and Membership Status: Broker is a licensed real estate Broker in the state of Texas and is a member of the National Association of Realtors, the Texas Association of Realtors, and the following local associations of Realtors: HAR, METROTEX, ARLINGTON, CCAR, GFWAR, SABOR, ABOR, WCAOR, NBCLAR, GEPAR, and Brownville/South Padre Island. Broker will maintain Broker's and Realtor membership status active and in good standing at all times while this agreement is in effect.
- G. Associates License and Membership Status: Associate is a licensed real estate \_\_\_ Salesman \_\_\_ Broker in the state of Texas. Associate \_\_\_ is, or \_\_\_ will become a member of the National Association of Realtors, the Texas Association of realtors, and the following local Board(s) / Association (s) \_\_\_\_\_ - \_\_\_\_\_ of Realtors;  
\_\_\_\_\_  
Associate will maintain Associate's license and realtor membership status active and in good standing at all times while this agreement is in effect or this agreement will terminate immediately.
- H. Termination: Either party may terminate this agreement, with or without cause with written notice. This agreement will terminate immediately if Associate allows his/her license to expire or become inactive.
- I. Associate will retain all listings, clients and prospects.

**COMMISSION PLAN**

Choose A Plan

\_\_\_\_\_ **Annual Plan:** \$175.00 annually, \$99.00 per transaction per sale, \$50.00 per lease, \$50.00 on referral fees. Please provide checking or credit card information below for annual payment.

Checking Account Routing Number \_\_\_\_\_

Checking Account Number \_\_\_\_\_

OR

Credit Card Number \_\_\_\_\_

Expiration Date \_\_\_\_\_ Zip code of billing address \_\_\_\_\_

\_\_\_\_\_ **Branch Office Plan Monthly:** \$99.00 per month for the Branch Office due by EFT on the first of each month, \$124.00 per sale, \$50.00 per lease, \$50.00 on referral fees.

\_\_\_\_\_ **Branch Office Plan Annual:** \$299.00 Annually for the Branch due at sign up, \$199.00 per transaction per sale, \$50.00 per lease, \$50.00 on referral fees.

Checking Account Routing Number \_\_\_\_\_

Checking Account Number \_\_\_\_\_

Authorized Signature for monthly draft \_\_\_\_\_

**This is intended to be a legally binding agreement.**

Associates Printed Name \_\_\_\_\_

Associates Signature \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ City, State, Zip \_\_\_\_\_

Real Estate License Number & Expiration Date \_\_\_\_\_

Home Phone \_\_\_\_\_ Cell \_\_\_\_\_

Business Phone \_\_\_\_\_ Website \_\_\_\_\_

Fax \_\_\_\_\_ Email \_\_\_\_\_

Company DBA Name, or LLC \_\_\_\_\_

SSN/TIN \_\_\_\_\_

Brokers Printed Name: James C Valentino II, Texas Broker License 0451094

Address: 11222 Richmond Ave., Suite 235 City, State, Zip: Houston, Texas 77082

Office Phone: Toll Free: 866-205-4992 Fax: 866-532-6073

Email [JimmyV@NCRcompanies.com](mailto:JimmyV@NCRcompanies.com)

Broker Signature: \_\_\_\_\_

## **INSTRUCTIONS ON SENDING CLOSING FILE TO OFFICE:**

Files & Documents: In any transaction related to Broker's real estate business in which Associate is involved, Associate must provide, within 72 hours, fax or e-mail copies of all contracts, agreements, disclosures, correspondence, data, and other information related to the transaction. These copies will be maintained at Brokers office. All required Closing documents are required prior to Broker issuing "Commission Disbursement Authorization" [CDA].

When you fax the closing file to the office (866-532-6073) use the Master Check List as the cover sheet, page 2 will be the CDA filled out, then the closing file.

When emailing the closing file ([Fax@ncrcompanies.com](mailto:Fax@ncrcompanies.com)) it is OK to email the master check list and CDA separately if your documents have already been scanned and saved. If you are going to scan the closing file all together follow the same instructions as faxing.

Teresa Valentino is responsible for closing files and CDA's. you can contact her at 832-236-3265, or [tvalentino@ncrcompanies.com](mailto:tvalentino@ncrcompanies.com)

Eric Dhanes is the contact for any information regarding commission checks. His phone number is 281-857-7114, email address is [edhanes@ncrcompanies.com](mailto:edhanes@ncrcompanies.com)

**Master File “REQUIRED” Closing Check List**

**(Copies of all forms checked are required as part of your closing file and prior to issuance of CDA)**

**Master File Closing Checklist on \_\_\_\_\_**

**Agent \_\_\_\_\_**

**Date \_\_\_\_\_**

- \_\_\_\_\_ TAR 2501 - Information About Brokerage Services
- \_\_\_\_\_ TAR 1101 - Listing Agreement
- \_\_\_\_\_ TAR 1501 - Buyers Representation Agreement
- \_\_\_\_\_ TAR 1409 - Notification of Intermediary Relationship

**“REQUIRED” Contract and Addenda – [AS CHECKED]**

**RECEIVED**

- |   |     |
|---|-----|
| _____ TAR 1601 - Receipted 1-to-4 Family Residential Contract   | [ ] |
| _____ TAR 1903 - Amendment to the Contract                      | [ ] |
| _____ TAR 1902 - Third Party Financing Condition Addendum       | [ ] |
| _____ TAR 1922 - Addendum for Property Subject to Mandatory HOA | [ ] |
| _____ TAR 1906 - Addendum for Sellers Disclosure / Lead Paint   | [ ] |
| _____ TAR 1917 - Environmental Assessment Addendum              | [ ] |
| _____ TAR 1908 - Addendum for Sale of Other Property            | [ ] |
| _____ TAR 1910 or 1911 - Temporary Residential Lease            | [ ] |
| _____ TAR 1941 - Relocation Addenda                             | [ ] |
| _____ TAR 1913 - Removal of Contingency                         | [ ] |
| _____ Other Contracts _____                                     | [ ] |
| _____ Misc. Addenda _____                                       | [ ] |

**Disclosures and Forms**

- |  |     |
|--|-----|
| _____ TAR 2008 - Addenda Regarding Lead Based Paint                        | [ ] |
| _____ TAR 1406 - Seller’s disclosure signed/dated/initialed                | [ ] |
| Previous Inspections none _____ attached _____                             | [ ] |
| _____ TAR 2502 -Notice of Information From Other Sources                   | [ ] |
| _____ TAR 2507 - Mold Information for Homebuyers and Sellers               | [ ] |
| _____ TAR 1414 - Info on Special Flood Hazards                             | [ ] |
| _____ TAR 2508 - Info about Property Insurance                             | [ ] |
| _____ TAR 1928 - For Your Protection get a Home Inspection                 | [ ] |
| _____ TAR 1407 - Information About On Site Sewer Facilities                | [ ] |
| _____ Notice to Purchaser of Real Property in a Municipal Utility District | [ ] |

**Miscellaneous**

- |  |     |
|--|-----|
| _____ Tax Printout                                     | [ ] |
| _____ MLS Printout                                     | [ ] |
| _____ Copy of “Earnest Money” check                    | [ ] |
| _____ Copy of “Option Fee” check                       | [ ] |
| _____ Inspection Report                                | [ ] |
| _____ Copy of pre-approval letter                      | [ ] |
| _____ TAR 1925 Buyers walk through and acceptance form | [ ] |
| _____ Title commitment                                 | [ ] |
| _____ Survey   | [ ] |
| _____ HUD-1  | [ ] |

Form **W-9**  
(Rev. January 2005)  
Department of the Treasury  
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

Give form to the  
requester. Do not  
send to the IRS.

**Print or type**  
**See Specific Instructions on page 2.**

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box:  Individual/  
Sole proprietor     Corporation     Partnership     Other ▶ .....     Exempt from backup  
withholding

Address (number, street, and apt. or suite no.)    Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
or								
Employer identification number								

## Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶

## Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

**U.S. person.** Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

• Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

### Nonresident alien who becomes a resident alien.

Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

- The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
- The treaty article addressing the income.
- The article number (or location) in the tax treaty that contains the saving clause and its exceptions.