



A 20 de diciembre de 2023.

San José del Cabo, Municipio de Los Cabos, Baja California Sur, México.

## MEMORÁNDUM

### REGISTRATION OF LISTING AGREEMENTS IN THE REGISTRO DE CONTRATOS DE ADHESIÓN (“RCAL”).<sup>1</sup>

**DE:** Lex Advisors, S.C.

**REF. Effects of NOM-247-SE-2021,<sup>2</sup> *Prácticas comerciales-Requisitos de la información comercial y la publicidad de bienes inmuebles destinados a casa habitación y elementos mínimos que deben contener los contratos relacionados*** (hereinafter the “**NOM**”).

## EXECUTIVE SUMMARY

Chapter X of the Federal Consumer Protection Law and the NOM establish the critical guidelines of Adhesion Contracts. This Memorandum attempts to create a step-by-step guide that guides how to register Listing Agreements, should a brokerage choose to do so. **Exhibit A** is a true copy of a PROFECO authorized Listing Agreement for MLS BCS, S.A. de C.V. and its corresponding translation made by a court approved translator, and **Exhibit B** is an editable version of said **Exhibit A**. These attachments are included for reference of the reader.

It is critical to understand that the interests of the consumers have been reviewed and protected by the PROFECO by accepting the usage of the attached Listing Agreements.

This guide is merely illustrative and does not dive deep into the intricacies and procedures of adhesion contracts.

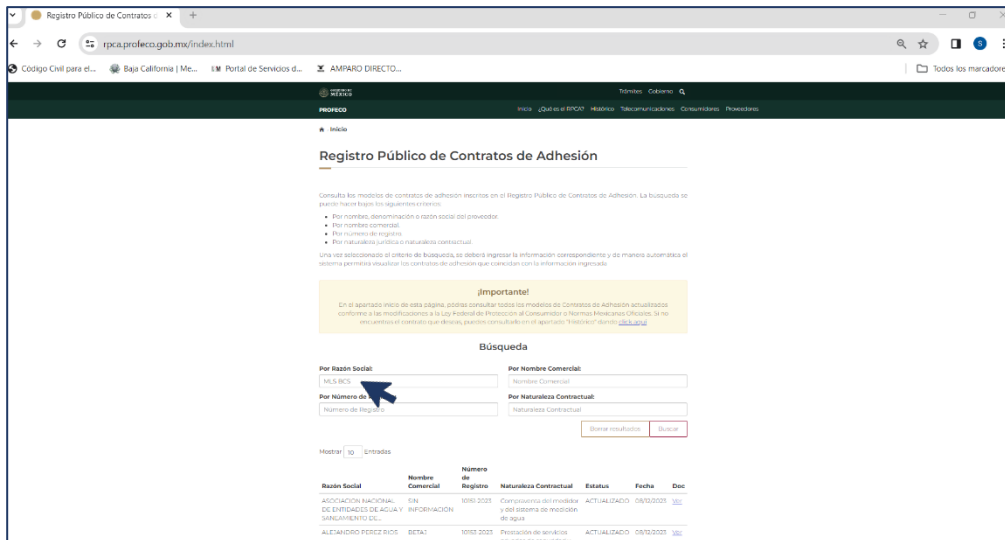
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<sup>1</sup> Strictly limited to Real Estate Agencies which act as promoters and marketers of real estate for private parties or individuals selling lots or finished and used homes. The content herein is not applicable for Developer-controlled Real Estate Agencies.

<sup>2</sup> Commercial Practices-Requirements for commercial information and advertising of real estate intended for residential use and minimum elements that related contracts must contain.

## I. REVIEWING THE EXISTING REGISTERED CONTRACTS.

Any person may access the public index of registered agreements in the following website: <https://rpca.profeco.gob.mx/index.html>



As an example, please see the attached image, in which a search for the corporate name of **MLS BCS** is made. Click on “**Ver**” to open the approved document.

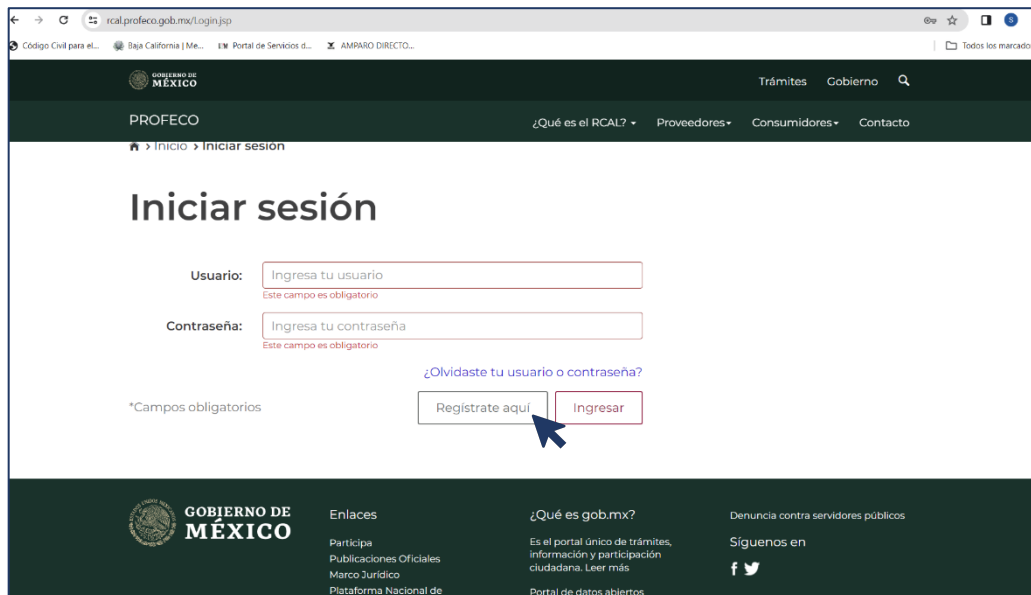


## II. REGISTERING YOUR OWN LISTING AGREEMENT.

The Listing Agreement must be registered by every brokerage and intermediary with their own personal information. Therefore, the **Exhibit B** must be edited only where the information subject to the brokerage is to be transcribed.

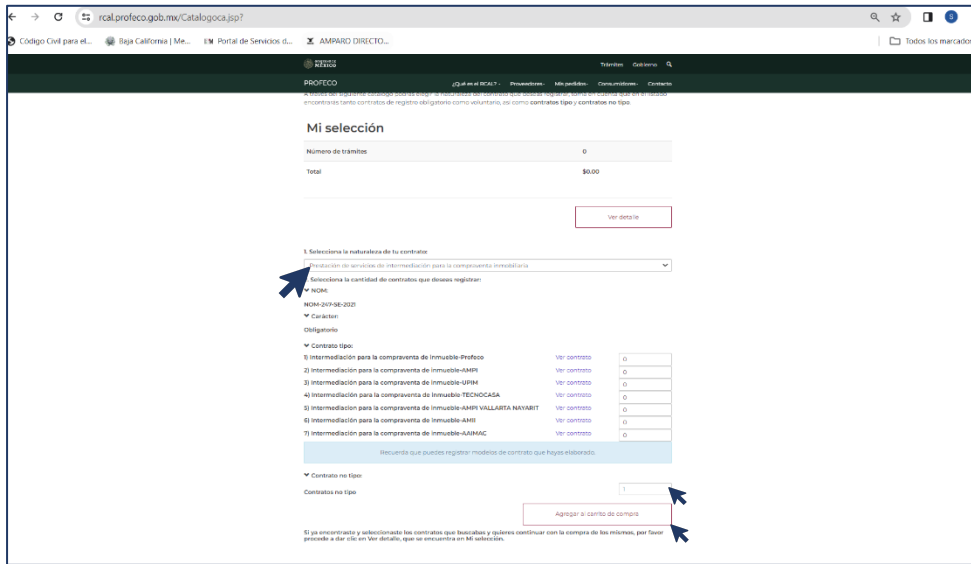
The brokerage must first be registered. <https://rcal.profeco.gob.mx/Login.jsp> The registration process may take a few minutes, or longer, to be verified.

It is necessary to have the basic documentation of the brokerage ready to be submitted to the RCAL. This information may include: a Recent Constancia de Situación Fiscal, Acta Constitutiva Registrada, Identifications of the shareholders or members of the entity, amongst others.

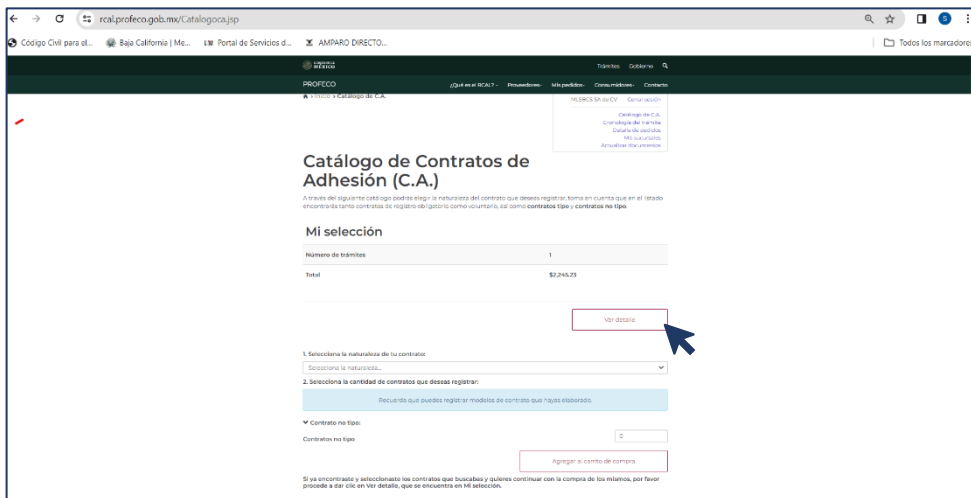


Once registered, the user must Login. After scrolling down, the nature of the contract to be registered must be chosen. Choose the option titled **“Prestación de servicios de intermediación para la compraventa inmobiliaria”**, and choose to add a number ONE (1) on the option titled **“Contratos no tipo”**.

Afterwards, click on the option titled **“Agregar al carrito de compra”**.



Click on **“Ver Detalle”**.



Click on the red “?” mark.

[Cronología del trámite](#)  
[Detalle de pedidos](#)  
[Mis sucursales](#)  
[Actualizar documentos](#)

## Detalle de pedidos

A continuación se muestran los contratos que agregaste desde el catálogo de C. A., puedes continuar con la compra de contratos de adhesión presionando en el botón "Agregar más contratos", así como "Eliminar" aquellos que no desees comprar o procede a pagar los contratos adquiridos presionando el botón "Procesar compra".

Si por el contrario, no seleccionaste ningún contrato desde el catálogo de C. A., presiona el botón "Agregar más contratos".

**Importante:** Si en datos adicionales aparece:

❗ Hace falta dar clic sobre el ícono correspondiente a ese contrato para llenar información adicional.  
✔ La información está completa para ese contrato, una vez que todos aparezcan con este símbolo, el botón "Procesar compra" se activará.

No.	Contratos	Número de expediente del contrato al que reemplaza	Precio	Datos adicionales	Opciones
920879	NT - Prestación de servicios de intermediación para la compraventa inmobiliaria		\$1,935.54	❗	Eliminar

### Cantidad a pagar

Subtotal	\$1,935.54
IVA	\$309.69
<b>Total</b>	<b>\$2,245.23</b>

Agregar más contratos
Procesar compra

Answer the questions prompted.

Question 1: If this is a new Agreement you are registering, please state that you are not modifying a pre-existing registered agreement.

Question 2: State your office address.

Question 3: Upload the MS Word version of the listing agreement; the only registered version shall be the one used in Spanish.

[Actualizar documentos](#)

## Detalle de pedidos

**Datos adicionales del C.A.**

1. ¿El presente contrato modifica algún contrato anterior?:

No     Sí

2. Sucursal donde se ofrece, vende, arrienda bienes, productos o servicios\*:

Domicilio... ▼

3. Información adicional

Envíanos tu contrato No Tipo:

Documento\*: Seleccionar archivo Ninguno archivo selec.

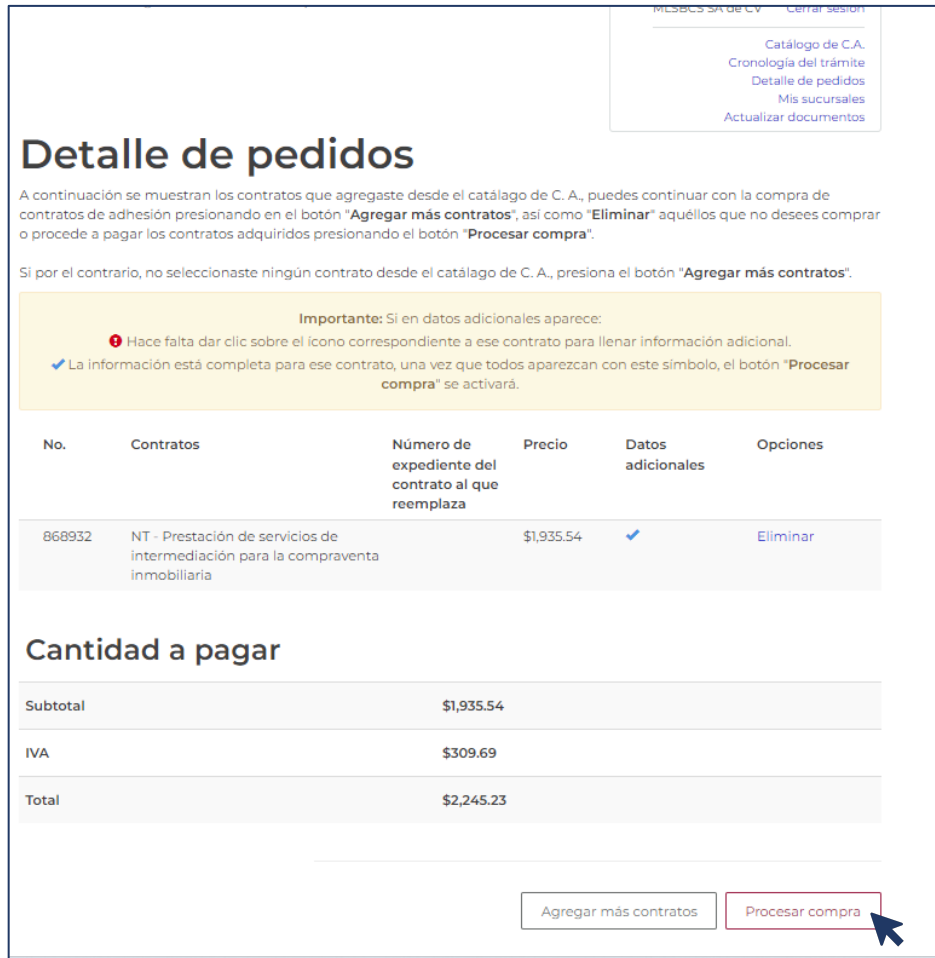
\* Campos obligatorios

Cerrar
Aceptar

Subtotal	\$1,935.54
IVA	\$309.69
<b>Total</b>	<b>\$2,245.23</b>

Agregar más contratos
Procesar compra

Once uploaded, a checkmark should appear next to the application, and you will be able to pay for the registration of your contract.



MLSBCS S.A. DE C.V. Cerrar sesión

- Catálogo de C.A.
- Cronología del trámite
- Detalle de pedidos
- Mis sucursales
- Actualizar documentos

## Detalle de pedidos

A continuación se muestran los contratos que agregaste desde el catálogo de C. A., puedes continuar con la compra de contratos de adhesión presionando en el botón "Agregar más contratos", así como "Eliminar" aquéllos que no desees comprar o procede a pagar los contratos adquiridos presionando el botón "Procesar compra".

Si por el contrario, no seleccionaste ningún contrato desde el catálogo de C. A., presiona el botón "Agregar más contratos".

**Importante:** Si en datos adicionales aparece:

- ⚠ Hace falta dar clic sobre el icono correspondiente a ese contrato para llenar información adicional.
- ✓ La información está completa para ese contrato, una vez que todos aparezcan con este símbolo, el botón "Procesar compra" se activará.

No.	Contratos	Número de expediente del contrato al que reemplaza	Precio	Datos adicionales	Opciones
868932	NT - Prestación de servicios de intermediación para la compraventa inmobiliaria		\$1,935.54	✓	Eliminar

### Cantidad a pagar

Subtotal	\$1,935.54
IVA	\$309.69
<b>Total</b>	<b>\$2,245.23</b>

In a few days, your legal entity's information will be verified, and you shall receive a notification stating whether the information was correctly uploaded.

The review of the registration of the contract shall begin afterwards.

The process of registration may be lengthy, so it is advised that it is stated in the cover page of the uploaded MS Word version of the contract that the uploaded Listing Agreement is a true copy of the MLS BCS S.A. de C.V. version under approval number **9473-2023**, in order to have the RCAL office refer to the precedents of other approvals.

### III. WHY SHOULD YOU PREFER TO USE THIS LISTING AGREEMENT?

It provides a higher level of legal certainty for the parties, as it includes the possibility of usage of trusts (fideicomisos) as a vehicle to alienate rights of ownership.

It states the moments upon which a commission should be deemed payable, even if the transaction has not yet been formalized.

It grants exclusivity and expressly authorizes for other members of the MLS network to market your property and be paid a commission as per the MLS Rules and Regulations.

It recognizes and accepts the usage of Escrow.

It has a staggered mediation and arbitration clauses.

It has been approved by the Federal Consumer Protection Attorneys Office, thus the interests of the consumer have been duly respected.

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LEX ADVISORS, S.C.

F. JAVIER MAZOY CAMARA<sup>3</sup>

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<sup>3</sup> Lawyer, Founding Partner, Arbitrator, Mediator, Appraiser.