

2810.9910 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION.

File No. _____

Date Approved _____

Date Denied _____

Examiner _____

Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION

This form is to be prepared and filed pursuant to Minnesota Statutes 1973, section 83.26 and mailed to:

State of Minnesota

Department of Commerce

Registration and Licensing Division

5th Floor, Metro Square Building

Saint Paul, Minnesota 55101

1. (a) State the name of the subdivision.

(b) State the exact location of the property identifying the closest community and the distance thereto.

(c) State the total number of lots, parcels, units or interests to be offered in this offering.

2. (a) State the name and address of the subdivider.

(b) State the form, date of organization and jurisdiction of the organization filing this registration.

(c) State the name and address of each of the organization's offices in this state.

(d) State the names and addresses of the organization's agents in this state.

3. (a) State the name, address and principal occupation for the past five years of each director, officer and partner of the subdivider and every person occupying a similar status performing similar functions.

(b) State the name and address of each owner of ten percent or more of the subdivider in the event that the subdivider is a corporation or partnership.

(c) If the response to subparagraph (b) above is in the affirmative, state the extent and nature of the interest identified in the subdivider or in the lands to be subdivided as a date 30 days prior to the filing of this application.

4. State the condition of title to the land to be subdivided, including but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to such title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY A LICENSED PRACTICING ATTORNEY WHO IS NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND SUCH ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT SAID ATTORNEY ENJOYS SUCH A STATUS; OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

5. (a) Append hereto copies of instruments which will be delivered to a purchaser evidencing the interest to be acquired in the subdivided lands.

(b) Append hereto copies of contracts and other agreements which a purchaser would be required to agree to or sign.

(c) State the range of selling prices, rates, or rentals at which it is proposed the subdivided lands, including lots, units, parcels, or other interests in said subdivided lands, will be disposed of, together with a list of mandatory fees the purchaser may be required to pay for membership in groups such as home owners' associations, country clubs, golf courses, and other community organizations.

6. Append thereto copies of the instruments by which the interest in the subdivided land was acquired by the applicant or the subdivider.

7. In the event that there is a lien or encumbrance affecting the subdivided land or any portion thereof as disclosed in paragraph 3 above append hereto a legal description of the lien or encumbrance. Further, if said lien or encumbrance exists, what efforts if any, the subdivider has taken to protect the purchaser in the case of failure to discharge the lien or encumbrance.

8. Append hereto copies of instruments creating, altering or removing easements, restrictions, or other similar encumbrances affecting the subdivided lands.

9. Append hereto, if applicable, a legal description of the lands to be subdivided verified by affidavit of an independent professional land surveyor which shall include a statement of the topography and a topographical map together with a map showing the division to be proposed or made, the dimension of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other off-site stakes have been placed in accordance with the land surveyed.

10. If such markers, monuments, or stakes have not been placed, state the estimated cost of accomplishing this result, if applicable.

11. Name the states or other jurisdictions in which an application for registration has been filed and whether any adverse order, judgment, or decree has been entered in connection with the sale of subdivided land by any regulatory authority, by any jurisdiction or by any court.

12. (a) State whether local zoning and other governmental laws, ordinances, and regulations affecting the use of these subdivided lands and adjacent properties have been complied with.

(b) State the dates of the most recent zoning changes indicating the nature of such changes, any additional proposed changes now pending which may affect the use of the lands to be subdivided.

(c) State whether there are any existing tax and existing or proposed special taxes or assessments which may affect land to be subdivided.

13. (a) State what provisions have been made for access to the subdivision.

(b) State the availability of sewage disposal facilities and other public utilities, including but not limited to, water, electricity, gas, and telephone facilities in the subdivision.

(c) State the proximity in miles of the subdivision to nearby municipalities.

(d) State the availability and scope of existing community fire and police protection.

(e) State the location of primary and secondary schools, if applicable.

(f) State the improvements to be installed, including off-site and on-site community and recreational facilities, including a statement identifying by whom such facilities are to be installed, maintained, and paid for and an estimated schedule for completion.

(g) Append hereto copies of performance and completion bonds covering all lots or parcels within the subdivision on which money is paid or advanced by a purchaser to assure that the planned improvements will be completed.

14. Append hereto a narrative description of the promotional plan for the sale, lease, option, assignment, or other disposition of the subdivided lands together with copies of all advertising material which will be employed in the public disposition of the subdivided lands.

15. Append hereto a copy of the proposed public offering statement.

16. Append hereto a financial statement of the subdivider, if required, as of the end of the subdivider's most recent fiscal year bearing a certification reflecting an audit by an independent certified public accountant. If the fiscal year end of the subdivider is in excess

of 90 days prior to the date of filing the application, a financial statement, which may be unaudited, is to be appended reflecting the financial condition of the subdivider as of a date within 90 days of the date of the application.

17. State the condition of the land to be subdivided as it existed in its natural state, prior to development, and state in narrative fashion any changes that have occurred through the subdivider's efforts current to the date of this application.

18. A statement asserting that the subdivision is in compliance with federal, state, and local environmental quality standards; if the subdivision is not in compliance, a listing of the steps to be taken, if any, to insure compliance.

19. State what permits are required to be obtained from federal, state, and local agencies having jurisdiction over the development or subdivision of the land to be subdivided. Indicate which permits have been obtained, which have been applied for and state whether any permit has been refused, including a statement of the reasons for the refusal and the effect such refusal will have on subsequent development of the subdivision.

20. State whether the subdivider or any of its officers, directors, partners, principals, or agents have been convicted of a crime involving land disposition or any aspect of the land sales business in this state, any other state, under the laws of the United States of America, or in any foreign country within the last ten years or has been subject to any injunction or administrative order entered within the past ten years enjoining or restraining any promotional plan or sales activity involving land disposition. If the response is in the affirmative, state the name of the person or company involved, the jurisdiction, and provide a complete statement of the offense and the dates on which the offense occurred.

21. Append hereto a statement subscribed to by the subdivider attesting to the capacity of the subdivider to convey or cause to be conveyed the interest in the subdivided lands offered for sale, lease, option, assignment, or other disposition when the purchaser has complied with and fulfilled the terms of the offer where applicable. The statement should include a description of release clauses, conveyances in trust, or other safeguards which the subdivider has provided for the protection of the purchaser.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS, OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR A DESIGNEE OF THE COMMISSIONER WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS THE COMMISSIONER MAY REQUIRE.

The undersigned certifies that .he has read the contents of the above form and the exhibits appended hereto and certifies that .he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

Subdivider

BY ITS _____

Subscribed and sworn to before me

this _____ day of _____

Statutory Authority: *MS s 83.23; 83.38*

History: *9 SR 1575; 17 SR 1279*

Published Electronically: *September 14, 2007*