

8110.0200 FINANCING INFORMATION REQUIRED.

Subpart 1. **Type of transfer.** The certificate of value must include data regarding the type of purchase or transfer and must require the buyer to indicate if:

A. the buyer and seller are natural persons related to each other (the relation may be by blood, marriage, or adoption) or are related business operations;

B. the transfer or purchase was of a partial interest in the property;

C. the property was transferred as part of a trade of properties;

D. the property was transferred or conveyed to a government or a charitable organization as defined in section 501(c)(3) of the Internal Revenue Code;

E. the transfer or conveyance was intended only to add or remove a coowner's name from the title of the property;

F. the property was transferred or conveyed as part of a forced sale such as foreclosure or condemnation;

G. the transfer was a result of a gift or inheritance; or

H. the property was transferred or conveyed in fulfillment of a contract for deed or other purchase agreement dated more than two years before the transfer.

Subp. 2. **Type of property; financing.** If none of the descriptions in subpart 1 apply, the buyer must provide the data required by items A to I.

A. Type of property transferred or conveyed, including, but not limited to: land only; land with buildings; buildings only; and information relating to any new construction, demolition, or additions to buildings which occurred between January 1 of the year of sale and date of the original agreement.

B. Whether the principal intended use of the property is:

(1) residential containing no more than three units;

(2) apartments containing four or more units;

(3) seasonal residential recreational property not used for commercial purposes;

(4) agricultural;

(5) commercial or industrial, including seasonal residential recreational property; or

(6) a use other than those listed in subitems (1) to (5) with a brief description of intended use.

C. Date of original agreement establishing the sales price of the property being transferred. Usually this will be the date of the earnest money agreement or other similar agreement requiring performance at an agreed price.

D. Total purchase price of all real, personal, or intangible property being transferred or conveyed as established by the original agreement.

E. Total down payment paid by buyer to include amounts paid prior to and at the time of closing.

F. Information regarding any preexisting financing for which the buyer will assume responsibility from the seller for repayment of the debt, which must include:

(1) unpaid balance on contract for deed, mortgage, and/or other financing assumed;

(2) current interest rate on assumed balance;

(3) remaining period over which the assumed loan balance is to be amortized;

(4) amount of monthly payment for reduction of principal and interest;

(5) if scheduled payments are not on a monthly basis, a description of the payment schedule including frequency and amount of each payment;

(6) if the interest rate is subject to change during the repayment period, a description of the anticipated change; and

(7) date of any lump sum payments required at or before the end of the amortization period.

If the buyer is assuming the seller's obligation to repay on more than one debt, the certificate must include full details on each debt.

G. Information regarding any new loans obtained by the buyer, including:

(1) principal amount being financed;

(2) interest rate;

(3) amortization period;

(4) amount of monthly payment for reduction of principal and interest;

(5) if scheduled payments are not on a monthly basis, a description of the payment schedule including frequency and amount of each payment;

(6) if the interest rate is subject to change during the repayment period, a description of the anticipated change;

(7) points paid and whether paid by the seller or the buyer (but not to include origination fees); and

(8) date of any lump sum payments required at or before the end of the amortization period.

If the buyer is financing the purchase of the property through more than one debt, full details will be required on each debt.

H. Value of all personal property included in total sales price, including, but not limited to:

(1) stoves, refrigerators, other appliances, drapes, tools, and accessories, as part of the transfer of residential property;

(2) crops, livestock, tools, machinery, or equipment as part of the transfer of agricultural property; and

(3) inventory, equipment, or fixtures as part of the transfer of commercial property.

I. Value of all intangible property included in total sales price, including, but not limited to, goodwill, licenses, franchises, patents, or business name as part of the transfer of a business operation.

Statutory Authority: *MS s 270.06; 270C.06; 272.115*

History: *9 SR 914; 27 SR 1603; L 2005 c 151 art 1 s 114*

Published Electronically: *November 14, 2006*