

1 Department of Commerce

2

3 Adopted Rules Relating to Subdivided Lands Registration

4

5 Rules as Adopted

6 2810.2100 PREPARING APPLICATIONS FOR REGISTRATION BY

7 QUALIFICATION.

8 The guidelines set forth hereafter are intended to indicate
9 the form and informational content of an application for
10 registration required by the commissioner of commerce. These
11 guidelines shall be applicable to applications filed for
12 registration by qualification pursuant to Minnesota Statutes,
13 section 83.23. The primary purpose of the application for
14 registration is to provide compliance with the requirements of
15 Minnesota Statutes, chapter 83 and the rules promulgated
16 thereunder. The information to be included in the application
17 for registration is set out in detail in this section. The
18 information requested is not to be viewed as determinative of
19 the entire obligation of disclosure. Disclosure and the manner
20 of disclosure will depend upon the particular facts and
21 circumstances involved. Disclosure means more than merely
22 compiling the information requested by the application form or
23 supplying the information suggested by the guidelines. This
24 obligation is the independent obligation of the subdivider, its
25 counsel, its accountant, and others contributing to the
26 disclosure to the extent of their contribution. Applications
27 for registration which are inadequately prepared and seriously
28 deficient in terms of compliance with the statute and rules will
29 be summarily denied.

30 2810.2150 FORM OF APPLICATION FOR REGISTERING SUBDIVIDED LAND BY

31 QUALIFICATION.

32 An application for registration of subdivided land by
33 qualification shall be typewritten and submitted on 8-1/2 inch
34 by 14 inch white bonded paper. The application shall state
35 verbatim the questions in this part, with the appropriate

1 answers underneath each question or attached as an addendum.

2 Such application shall be in the form in part 2810.9910.

3 This form is to be prepared and filed pursuant to Minnesota
4 Statutes, section 83.23, and mailed to: State of Minnesota,
5 Department of Commerce, 5th Floor, Metro Square Building, Saint
6 Paul, Minnesota 55101.

7 2810.2170 CHANGES SUBSEQUENT TO REGISTRATION.

8 Subpart 1. Amendment procedure. An application to amend
9 the registration shall be made by submitting a revised
10 application for registration or a revised public offering
11 statement with all alterations of the text previously filed
12 underscored and shall be accompanied by a verification sheet
13 manually signed and notarized.

14 Subp. 2. Exhibit. If required, a new exhibit must be
15 included.

16 Subp. 3. Fee. A \$25 fee must be filed with the amendment.
17 Make check payable to Treasurer, State of Minnesota.

18 2810.2610 GUIDELINES FOR PUBLIC OFFERING STATEMENT.

19 Subpart 1. to 4. [Unchanged.]

20 Subp. 5. Other offering statements. The commissioner may
21 accept, pursuant to application for registration under Minnesota
22 Statutes, chapter 83, any currently effective public offering
23 statement prepared for compliance with the registration
24 provisions of the subdivided land laws of other jurisdictions as
25 the commissioner may from time to time designate. The
26 commissioner reserves the right to require alterations in these
27 statements as he considers necessary to fulfill the requirements
28 of Minnesota Statutes, chapter 83.

29 2810.2700 APPLICATION FOR REGISTRATION BY NOTIFICATION.

30 An application for registration by notification shall be
31 typewritten and submitted on 8-1/2 inch by 14 inch white bonded
32 paper. This statement shall state verbatim the questions, with
33 the appropriate answers underneath each question, or attached as
34 an addendum. Such statement shall be in the format in part
35 2810.9940.

1 2810.9910 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY
2 QUALIFICATION.

3		File No.	_____
4		Date Approved	_____
5		Date Denied	_____
6		Examiner	_____
7		Commissioner	_____
8			

9 REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION

10 This form is to be prepared and filed pursuant to Minnesota
11 Statutes, section 83.23, and mailed to:

12 State of Minnesota
 13 Department of Commerce
 14 Registration and Licensing Division
 15 5th Floor, Metro Square Building
 16 St. Paul, Minnesota 55101

17 1. to 8. [Unchanged.]

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

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

30 11. and 12. [Unchanged.]

31 13. (a) to (d) [Unchanged.]

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

34 (f) and (g) [Unchanged.]

35 14. and 15. [Unchanged.]

36 16. Append hereto a financial statement of the subdivider,
 37 if required, as of the end of the subdivider's most recent
 38 fiscal year bearing a certification reflecting an audit by an

1 independent certified public accountant. If the fiscal year end
2 of the subdivider is in excess of 90 days prior to the date of
3 filing the application, a financial statement, which may be
4 unaudited, is to be appended reflecting the financial condition
5 of the subdivider as of a date within 90 days of the date of the
6 application.

7 17. to 21. [Unchanged.]

8 2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY
9 NOTIFICATION.

10	File No.	_____
11	Date Approved	_____
12	Date Denied	_____
13	Examiner	_____
14	Commissioner	_____
15		

16 REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

17 Minnesota Statutes, section 83.23

18 This form is to be prepared and filed pursuant to Minnesota
19 Statutes, section 83.23 and mailed to:

20 State of Minnesota
21 Department of Commerce
22 Registration and Licensing Division
23 5th Floor, Metro Square Bldg.
24 Saint Paul, Minnesota 55101

25 1. to 7. [Unchanged.]

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

37 9. to 15. [Unchanged.]

38 16. Attach an irrevocable appointment of the commissioner

1 to receive service of any lawful process, any civil proceeding
2 arising under this act against the subdivider, or his personal
3 representative, in accordance with part 2810.9920.

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

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

15 Dated this _____ day of _____

SUBDIVIDER
BY ITS _____

16
17
18 Subscribed and sworn to before me
19 this _____ day of _____

20 _____
21

22 A \$100 fee must be filed with this application. Make check
23 payable to Treasurer, State of Minnesota.

24 2810.9950 FORMAT OF ANNUAL REPORT.

25 STATE OF MINNESOTA

26 DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

27 5th Floor Metro Square Bldg.

28 ANNUAL REPORT -- SUBDIVIDED LAND

29 THIS REPORT MUST BE FILED NOT LATER THAN 120 DAYS AFTER THE
30 FISCAL YEAR END OF THE SUBDIVIDER.

31 1. to 13. [Unchanged.]

32 14. Attach the following exhibits.

33 A. (1) and (2) [Unchanged.]

34 (3) Financial statements consisting of a balance sheet, if
35 required, certified by an independent Certified Public
36 Accountant for the subdivider's last fiscal year end and an
37 income statement, if required, similarly certified for the 12
38 months next preceding the date of the balance sheet; and a
39 balance sheet dated within 90 days of the date of filing this

1 annual report together with an income statement for the period
2 from the subdivider's fiscal year end to the date of said
3 balance sheet.

4 Signed _____
5 By: _____
6 its _____
7

8 APPLICANT'S VERIFICATION

9 STATE OF _____)
10) SS.
11 COUNTY OF _____)

12 On this _____ day of _____, 19__,

13 _____, appeared before me, a Notary Public,
14 and being first duly sworn, says that it is the applicant; that
15 it has read the foregoing application and accompanying exhibits,
16 and that the contents thereof are true of its own knowledge.

17 _____

18
19 (NOTARIAL SEAL) Notary Public, _____ County _____

20
21 My Commission Expires _____

22 INDIVIDUAL VERIFICATION

23 STATE OF _____)
24) SS.
25 COUNTY OF _____)

26 On this _____ day of _____, 19__,

27 _____, appeared before me, a Notary Public, and
28 being first duly sworn, says that he is the
29 _____ of _____ and
30 that he is duly authorized and empowered to execute this
31 application on its behalf.

32 _____

33
34 (NOTARIAL SEAL) Notary Public, _____ County _____

35
36 My Commission Expires _____

37 2810.9960 FORMAT OF REQUEST FOR EXEMPTION FROM REGISTRATION.

38 STATE OF MINNESOTA

39 DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

40 5th Floor Metro Square Bldg.

41 REQUEST FOR EXEMPTION FROM REGISTRATION

42 SUBMIT NO LATER THAN TEN DAYS PRIOR TO THE FIRST OFFER, A
43 COVER LETTER STATING THE REASONS FOR THE REQUEST ALONG WITH AN

1 INFORMATION SHEET WHICH CONTAINS THE FOLLOWING:

- 2 1. Name of the subdivision.
- 3 2. Name, address, and telephone number of the subdivider.
- 4 3. Name, address, and telephone number of the escrow agent.
- 5 4. Attach as exhibits:
- 6 (a) Sales contract.
- 7 (b) In accordance with part 2810.2610, an offering
- 8 statement or fact sheet.

9 Dated this _____ day of _____

SUBDIVIDER
BY ITS _____

10
11
12 Subscribed and sworn to before me
13 this _____ day of _____

14 _____
15

16 A \$50 fee must be filed with this request. Make check
17 payable to Treasurer, State of Minnesota.