

STATE OF NEW HAMPSHIRE

**CONDOMINIUM ACT**

**APPLICATION FOR TWENTY-FIVE UNIT EXEMPTION**

**PURSUANT TO RSA 356-B:49, II AND JUS 1404.02**

- Section I. Declarant and Condominium Information
- Section II. Certificate of Resolution
- Section III. Certificate of Appointment
- Section IV. Applicant's Affidavit/Affirmation
- Section V. Attorney Affirmation
- Section VI. Enforcement Action Information

Applicant must answer all questions and complete all Sections. Any question which is not applicable shall be so designated. Additional pages may be added to permit complete and comprehensive answers. Applicant may provide such further information as is germane and material to describe the proposed offering fully. Please type or print clearly in ink.

A filing fee in the amount of two hundred dollars (\$200), payable to the State of New Hampshire, must accompany this application.

**EXEMPTION FROM REGISTRATION IS AVAILABLE ONLY FOR PROJECTS OF 25 OR FEWER UNITS. THE CONDOMINIUM MAY NOT BE A CONVERSION OR CONTAIN TIME SHARING INTERESTS. APPLICANTS MUST MEET THE REQUIREMENTS OF N.H. ADMIN. RULE JUS. 1404.02, INCLUDING THE POSTING OF A BOND PURSUANT TO RULE JUS. 1404.02(a) (6) (b), IN ORDER TO FILE THIS APPLICATION. FAILURE TO FILE A COMPLETE APPLICATION IS A VIOLATION AND MAY RESULT IN AN ENFORCEMENT ACTION INCLUDING THE IMPOSITION OF CIVIL PENALTIES AND CRIMINAL SANCTIONS.**

**APPLICANT MUST IMMEDIATELY NOTIFY THE BUREAU OF ANY MATERIAL CHANGE IN INFORMATION CONTAINED IN THE REGISTRATION APPLICATION.**

DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION AND ANTITRUST BUREAU  
33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301  
TEL. (603) 271-3641

SECTION I

A. IDENTIFICATION OF DECLARANT.

1. State Declarant's name, address, form, jurisdiction and date of organization, and address of each of its offices in this state.

2. State the name, address, date of birth, and main occupation for the past 5 years of every principal of the declarant. Attach as Appendix A. **NOTE:** Any institutional lender as defined in Jus 1401.05, which holds title to a condominium or any unit therein by foreclosure or pursuant to foreclosure deed or deed in lieu thereof, shall provide such information only for those employees, officers, or directors who are directly responsible for and who exercise actual authority over the development and/or marketing of interests within such condominium, whether or not such persons are principals of the institutional lender.

3. Is the Declarant properly registered with the New Hampshire Secretary of State to do business in New Hampshire? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, date of registration.

b. If no, explain.

4. Has the Declarant registered a trade name with the Secretary of State?  
Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, state trade name and date of registration.

5. Has the Declarant filed, or made arrangements to file, quarterly tax estimates relating to the business profits tax (RSA 77-A) with the New Hampshire Department of Revenue Administration?  
Yes \_\_\_\_\_ No \_\_\_\_\_

6. Has the Declarant been affiliated or associated with any other condominium or subdivision, existing or proposed, in New Hampshire or elsewhere? Yes \_\_\_\_\_ No \_\_\_\_\_.

a. If yes, identify all such subdivisions and condominiums by name, location and Attorney General file number (if any). Attach as Appendix B.

B. DESCRIPTION OF CONDOMINIUM

7. State the name and location (city or town, county, state) of the condominium that is the subject of this application.

Name:

City or Town:

County:

State:

8. State the number of acres in this filing:

9. State the number of acres in the condominium that may be added by reason of expansion or merger.

10. State the number of units in this filing, and list sequentially the unit numbers as they will appear on the site and floor plans.

11. State the maximum number of units that may be added by reason of expansion or merger.

NOTE: If the total number of units in the condominium is greater than 25, you may not receive an exemption and you must use a registration application.

12. Does the condominium contain any nonresidential units? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, state the number of such units and describe in detail the permitted use or uses.

13. Does this condominium involve conversion of rental property? Yes \_\_\_\_\_ No \_\_\_\_\_

14. Does the condominium involve time sharing interest? Yes \_\_\_\_\_ No \_\_\_\_\_

NOTE: If the condominium involves time sharing, you may not use this form.

15. Has the declarant, its principal, or agents, or any other person offered or disposed of any interest in a condominium unit before obtaining exemption or registration? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, submit as Appendix C the name and address of each purchaser and date of offer or disposition. Attach copies of all sale agreements.

16. Is the declarant currently the holder of legal title to the property upon which the condominium will be created? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Will the declarant be the holder of legal title to the condominium property at the time the condominium is created? Yes \_\_\_\_\_ No \_\_\_\_\_ Submit as Appendix D a statement of assurance in the form of a title opinion by a licensed attorney not under salary to the declarant that the declarant will be able to convey or cause to be conveyed good and marketable title to the interest in the units offered for disposition.

C. PLAN OF DEVELOPMENT FOR THE CONDOMINIUM

17. Have all applicable federal, state and local approvals been obtained, other than the exemption sought by this application? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, attach copies of such approvals as Appendix E.

18. Submit as Appendix F1 a copy of the condominium declaration.

19. Submit as Appendix F2 a copy of the bylaws.

20. Submit as Appendix F3 copies of any other rules and regulations.

21. What are the existing provisions for access, sewage disposal water and other public utilities in the condominium?

22. a. Does the condominium contain convertible land? Yes \_\_\_\_\_ No \_\_\_\_\_

b. Does the condominium contain withdrawable land? Yes \_\_\_\_\_ No \_\_\_\_\_

c. Does the condominium contain additional land? Yes \_\_\_\_\_ No \_\_\_\_\_

d. Is the condominium a leasehold condominium? Yes \_\_\_\_\_ No \_\_\_\_\_

D. IMPROVEMENTS (Complete information must be entered)

23. Improvements which have been completed

<u>Description</u>	<u>When Completed</u>
Buildings Graded	_____
Roads Paved	_____
Roads	_____
Water System	_____
Sewerage System	_____
Drainage	_____
Sidewalks, Curbs, Street Lighting	_____
Electrical Supply	_____
Gas Supply	_____
Telephone Service	_____
Amenities/Recreational Facilities	_____

24. Improvements which are promised in this phase:

<u>Description</u>	<u>Percent Complete</u>	<u>Estimated Cost To Complete</u>	<u>Completion Date</u>
Buildings	_____	_____	_____
Graded Roads	_____	_____	_____
Paved Roads	_____	_____	_____
Water System	_____	_____	_____
Sewerage System	_____	_____	_____
Drainage	_____	_____	_____
Sidewalks, Curbs, Street Lighting	_____	_____	_____
Electrical Supply	_____	_____	_____
Gas Supply	_____	_____	_____
Telephone Service	_____	_____	_____
Amenities/Recreational Facilities	_____	_____	_____

25. Has the declarant obtained a financing commitment satisfying the standards set forth in JUS. 1405.10? Yes \_\_\_\_\_ No \_\_\_\_\_. Submit copies of all financing documents as Appendix G.

26. Has the lender agreed to provide unit purchasers partial releases from the mortgage? Yes \_\_\_\_\_ No \_\_\_\_\_

E. RIGHTS AND OBLIGATIONS OF PURCHASERS

27. Is there any blanket encumbrance or lien, other than that identified in 21 or 22 above, affecting any unit or any common or limited common area in the condominium? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, state the consequences for a purchaser of the declarant's failure to discharge such encumbrance or lien.

a. State the consequences for a purchaser of the declarant's failure to discharge such encumbrance or lien.

28. Has any existing tax, special tax, or assessment which affects the condominium been levied by any governmental entity? Yes \_\_\_\_\_ No\_\_\_\_\_. Are any such taxes proposed to be levied by any governmental entity? Yes \_\_\_\_\_ No\_\_\_\_\_. If the answer to either is yes, describe in detail and explain whether current use taxation (RSA 79-A) applies to the condominium

29. Describe any initial or recurring fee or charge the purchaser is required to pay because of his purchase or use of any unit in the condominium, or from the maintenance and management of the condominium.

30. Have arrangements other than collection of assessments been made to provide maintenance for the condominium? Yes \_\_\_\_\_ No\_\_\_\_\_.

a. If yes, specify those arrangements for maintenance and submit a copy of any contract for maintenance as Appendix H.

31. State the relationship, if any, between the declarant and managing agency.

32. Has any governmental entity agreed to accept maintenance of roads or other improvements? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, describe in detail:

33. Have provisions been made in the budget for capital expenditures or major maintenance reserves? Yes \_\_\_\_\_ No\_\_\_\_\_. Submit as Appendix I a projected budget for at least the first year of the condominium's operation. Include the projected monthly common expense assessments for each unit.

34. Submit as Appendix J a copy of the unit purchase and sale agreement. Please note, the purchase and sale agreement must contain the notice of cancellation rights set forth in RSA 356-B:50, II, identify the escrow agent by name and address, and provide for delivery of the warranty deed to the purchaser within 180 days from the date the agreement is signed.

F. PROMOTIONAL PLAN

33. Will all persons offering or selling units be either the declarant or its employees?  
Yes \_\_\_\_\_ No \_\_\_\_\_. If no, a real estate license must be obtained by each such person pursuant to RSA 331-A.

34. Name and address of escrow agent having responsibility for holding deposits pursuant to RSA 356-B:57:

Name:

Address:

g. ENFORCEMENT ACTION

35. Has the declarant or any principal of the declarant been convicted of a crime within the last 10 years that, if committed in New Hampshire, would constitute a felony? Yes \_\_\_\_\_ No \_\_\_\_\_

36. Has the declarant or any principal of the declarant been the subject of a cease and desist order, revocation, injunction or similar enforcement order relating to illegal condominium or land sales activity in New Hampshire or elsewhere? Yes \_\_\_\_\_ No \_\_\_\_\_

37. Has any person or entity who is a principal of the declarant been a principal in an entity that has been convicted of a crime that, if committed in New Hampshire, would constitute a felony or been the subject of an enforcement order as set forth in question 34? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer to any question in this section is yes, the applicant must complete Section VI of this application.





PARTNERSHIP OR OTHER BUSINESS ORGANIZATION  
CERTIFICATE OF RESOLUTION

I, \_\_\_\_\_ of \_\_\_\_\_  
(Name/Title) (Declarant)  
\_\_\_\_\_ hereby certify that the following  
(Address)

vote was adopted unanimously by the partners or the owners or principals, if  
other form of business organization, at a meeting held on \_\_\_\_\_  
(Date and Year)  
at \_\_\_\_\_  
(Address)

Voted: To authorize \_\_\_\_\_ to make and file an application  
for Registration with the Office of the Attorney General, Consumer Protection and Antitrust  
Bureau, State of New Hampshire, pursuant to the provisions of RSA 356-B.

Voted: To authorize the Irrevocable Appointment of the Office of the Attorney General,  
Consumer Protection and Antitrust Bureau, State of New Hampshire, to receive service of any legal  
process in any non-criminal proceeding arising under RSA 356-B against the Declarant or any of its  
personal representatives.

I, \_\_\_\_\_, also hereby certify that the above vote has  
not been amended or altered and that it is presently in full force and effect.

Witness my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Name/Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Justice of the Peace/Notary Public

(Seal)

SECTION III

CERTIFICATE OF APPOINTMENT

Pursuant to RSA 356-B:68, \_\_\_\_\_  
(Declarant)

hereby irrevocably appoints the Consumer Protection and Antitrust Bureau, Office of the Attorney General, State of New Hampshire, agent to receive service of any lawful process in any non-criminal proceeding arising under RSA 356-B against the declarant or any of his personal representatives.

Witness my hand and seal, if any, of the grantor, on this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Name/Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace/Notary Public

(Seal)

SECTION IV

APPLICANT'S AFFIDAVIT/AFFIRMATION

I, \_\_\_\_\_, of \_\_\_\_\_  
(Address)

being duly sworn, depose and say that I am authorized to make and file this application for registration with the Office of Attorney General, Consumer Protection and Antitrust Bureau, State of New Hampshire, and that I have examined said application and the information contained herein, including the documents attached hereto, and certify that the same is, to the best of my knowledge and belief, true, correct and complete in all respects.

\_\_\_\_\_  
(Date) (Signature)

\_\_\_\_\_  
(Title)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
(Seal) Justice of the Peace/Notary Public

SECTION V

ATTORNEY AFFIRMATION

I, \_\_\_\_\_, of \_\_\_\_\_  
(Name) (Business Address)

hereby certify that I am an attorney licensed to practice law in New Hampshire, and that the  
condominium instruments and other legal documents for \_\_\_\_\_  
(Condominium name)

located in \_\_\_\_\_  
(City, State)

comply with the provisions of RSA 356-B and the administrative rules thereunder, and that I have  
advised declarant \_\_\_\_\_ of the obligations under RSA 356-B  
(Declarant's Name)

and the administrative rules adopted thereunder.

\_\_\_\_\_  
(Date) (Name)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace/Notary Public

SECTION VI

ENFORCEMENT ACTION INFORMATION

Please describe in detail any criminal convictions, civil injunctions, cease and desist orders or other administrative orders issued against the declarant or any principal or the declarant, within the past 10 years. Attach additional pages in necessary.