

STATE OF NEW HAMPSHIRE

LAND SALES FULL DISCLOSURE ACT

APPLICATION FOR URBAN SINGLE FAMILY RESIDENCE AND DUPLEX EXEMPTION

- Section I. Application for exemption from registration pursuant to RSA 356-A:3, II and JUS 1304.03, Urban Single Family Residence and Duplex Exemption
- Section II. Applicant's Affidavit/Affirmation
- Section III. Certificate of Resolution
- Section IV. Certificate of Appointment
- Section V. Requirements for Purchase and Sales Agreements

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

Applicant may add such further information as is germane and material to fully describe the proposed offering.

THIS APPLICATION MAY BE FILED ONLY IF THE TOTAL NUMBER OF LOTS, PARCELS, UNITS OR INTERESTS FOR WHICH EXEMPTION IS PRESENTLY SOUGHT DOES NOT EXCEED 35 AND THE SUBDIVISION WILL NOT HAVE MORE THAN 50 LOTS, PARCELS, UNITS OR INTERESTS AT ANY TIME IN THE FUTURE. NO PERSON SHALL FILE AN APPLICATION THAT IS INCOMPLETE IN ANY RESPECT, NOR SHALL ANY PERSON SEEK A WAIVER OF ANY REQUIREMENT UNDER JUS 1304.03 – 1304.06. THE BUREAU MAY IMPOSE ANY CONDITION OF EXEMPTION THAT IT DEEMS REASONABLE OR APPROPRIATE.

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

APPLICATION FOR EXEMPTION FROM REGISTRATION
PURSUANT TO RSA 356-A:3, II AND JUS 1304.03,
URBAN SINGLE FAMILY RESIDENCE AND DUPLEX EXEMPTION

Date: _____

1. Applicant

a. Applicant's name and address:

b. Form, date and jurisdiction or organization:

c. Address of each of the organization's offices in the State of New Hampshire.

d. The following information is required for each director, officer or partner in the organization and each person having ownership interest in the organization (attach additional pages as necessary). NOTE: Any institutional lender as defined in Jus 1301.04, which holds title to subdivided land 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 subdivided land, whether or not such persons are principals of the institutional lender.

:

Name: Maiden family name:

Date of birth: Place of birth:

Current residence address:

Principal occupations for the past five years:

Name: Maiden family name:

Date of birth: Place of birth:

Current residence address:

Principal occupations for the past five years:

e. Relationship of applicant to subdivision, i.e., owner, developer or agency. If applicant is not the owner, list name and address of owner.

f. Name and address of the person to whom correspondence is to be directed:

g. State whether applicant, owner, developer or agent is affiliated with any other subdivision or condominium, existing or proposed, in New Hampshire

Yes _____ No _____

If yes, list names(s) and location(s) of such subdivision or condominium. Indicate if exempted from registration pursuant to RSA 356-A:3, II or RSA 356-B:49.

h. State whether the subdivider or any officer, director or partner of the subdivider or anyone with an ownership interest in the subdivider has been convicted of any felony in New Hampshire or elsewhere.

Yes _____ No _____

If yes, please identify the individual and explain in detail, giving the date, jurisdiction, and the crime of which the person was convicted:

i. State whether the subdivider or any officer, director or partner of the subdivider or anyone with an ownership interest in the subdivider has been the subject of a cease and desist order, revocation, assurance of discontinuance, injunction or similar enforcement order relating to illegal condominium or land sales activity in New Hampshire or elsewhere.

Yes _____ No _____

If yes, please identify the individual and explain in detail, giving the date, jurisdiction, and basis for each such revocation or order:

j. State whether the subdivision is registered to do business in New Hampshire and, if applicable, to use a trade name. Attach as Appendix A copies of any evidence of registration to do business and/or to use a trade name:

k. State whether the subdivider has filed, or has made arrangements to file, required quarterly tax estimates relating to the business profits tax (RSA 77-A) with the Department of Revenue Administration of the State of New Hampshire:

2. Subdivision

a. Common promotional name:

b. Location: _____
City or Town State

County

c. Number of lots, parcels, units or interests in this filing:

Lots: _____ Parcels: _____ Units: _____ Interests: _____

d. Sequential list of lots, parcels, units or interests for which exemption is being sought.

e. Total number of lots projected to be developed in the subdivision.

f. Identify the lots in this filing which consist of five (5) or more acres:

g. State whether any of the lots in this filing have been offered or disposed of, within the meaning of RSA 356-A:4. Disposition includes entry into a purchase and sale agreement.

Yes _____ No _____

If yes, identify each such lot, the name and address of the purchaser and date offered or sold.

h. State whether the subdivision's boundaries have been laid out by a registered land surveyor:

Yes _____ No _____

If yes, identify the surveyor by name and address.

- i. State whether all of the individual lots in this filing have been staked.

3. Subdivision – Phases

- a. Is the subdivision being developed in phases?

Yes _____ No _____

- b. If yes to “a”, state the number of phases and list sequentially the lots, parcels, units or interests in each phase.

- c. Projected date(s) of completion of each phase:

4. Subdivision- Title Restrictions

- a. Is there clear title to each lot for which exemption is being sought?

Yes _____ No _____

If no, please explain.

- b. Are there any financial liens or encumbrances on any lot for which exemption is being sought?

Yes _____ No _____

If yes, please explain and attach as Appendix B copies of the mortgage, lien or other document evidencing the financial encumbrance(s).

- c. If there are any financial liens or encumbrances on any lot for which exemption is being sought, explain how the subdivider will be able to convey or cause to be conveyed good and marketable title to the interests offered for disposition if the purchaser complies with the terms of the offer.

- d. Are there or will there be any covenants or restrictions affecting a purchaser’s use of his lot, parcel, unit or interest?

Yes _____ No _____

If yes, please attach as Appendix C a copy of such covenants or restrictions.

5. Subdivision – Homeowners’ Association, Fees, Charges

a. Is there now or will there be a homeowners’ association?

Yes _____ No _____

If yes, please explain and attach as Appendix D a copy of any documents pertaining to the homeowners’ association.

b. Describe any initial or recurring fees or charges the purchaser is required to pay arising from (a) his purchase or use of any lot, parcel, unit or interest in the subdivision or (b) the maintenance and management of the subdivision. Attach as Appendix E a copy of any proposed budget.

6. Subdivision – Streets – Roads

a. Are the lots for which exemption is being sought situated on accepted city or town streets?

Yes _____ No _____

7. Subdivision – Water, Sewerage Systems

a. Are the lots for which exemption is being sought serviced or to be serviced by a:

1. City or town water system? Yes _____ No _____

2. City or town sewerage system? Yes _____ No _____

3. Individual wells? Yes _____ No _____

4. Individual septic systems? Yes _____ No _____

b. Have those lots which will be served by individual septic systems received subdivision approval from the New Hampshire Department of Environmental Services?

Yes _____ No _____

Attach as Appendix F copies of all applicable subdivision approval.

No _____

8. Subdivision – Amenities/Recreation Facilities

a. Does the subdivision contain amenities/recreational facilities?

Yes _____ No _____

If yes, please explain in detail.

9. Improvements (Complete information must be entered)

a. Improvements which have been completed on the subdivided lands in this filing:

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

b. Improvements which are promised in this phase:

Description	Percent Completed	Estimated Cost To Complete	Expected Completion Date
Graded Roads			
Paved Roads			
Water System			
Sewerage System			
Drainage			
Sidewalks, Curbs, Street Lighting			
Electrical Supply			
Gas Supply			
Telephone Service			
Amenities/Recreational facilities			

c. Will water, a sewerage disposal system, and electricity be extended to each lot by the time of closing?

Yes _____ No _____

If no, will the town or city be obligated, please attach as Appendix G evidence of its obligation.

d. If the subdivision has no central water system does the subdivider assure an adequate supply of drinkable water available to the lot year round?

Yes _____ No _____

10. Assurances

a. If any promised improvement is not completed, state whether any surety bond, letter of credit or other financial assurances have been posted with any governmental entity to secure its completion.

Note: A copy of the assurance must accompany this application as Appendix H.

b. Is the total cost of the promised improvements fully covered by the assurance?

Yes _____ No _____

If no, please explain.

c. If any promised improvement is not completed and no assurances have been posted to secure completion, describe financing available for construction of such improvement:

11. Maintenance of Roads, Sewerage and Water Systems and Other Improvements

a. State whether any governmental entity has agreed to accept maintenance of the roads, and sewerage and water systems. If no such agreement has been reached, describe the alternate arrangements which have been made to provide such maintenance. Attach as Appendix I all documents showing that a governmental entity has agreed to accept maintenance of the roads and sewerage and water systems.

b. Describe the arrangements for maintenance and repair of all improvements other than roads and sewerage and water systems.

12. Platting

a. State whether the lots, parcels, units or interests in the subdivided lands in this filing are platted of record, and if so, please attach a copy of the subdivision plan as Appendix J.

b. State whether such platting required prior approval or acceptance by any governmental entity, and if so, please identify:

c. Has the Plan been recorded in the Registry of Deeds:

Yes _____ No _____ Plan # _____ Date of Recording _____

If no, please explain.

d. If the name on the Plan is other than that of the applicant, please explain.

13. Nature of Purchaser's Ownership Interest

a. Will purchasers be conveyed a fee simple interest?

Yes _____ No _____ If no, please explain.

b. Attach as Appendix K a copy of the sample Purchase and Sale Agreement. (Note that the Agreement must contain certain promises and disclosures outlined in Section V.)

c. Attach as Appendix L a copy of the sample Warranty Deed to be used in conveying interests in this subdivision.

14. Regulation by Governmental Entity

a. Is the subdivision regulated by any governmental entity?

Yes _____ No _____ If yes, identify.

Attach as Appendix M copies of all governmental approvals and permits.

Examples: City Engineer, Planning Board, Zoning Board, Building Inspector, NH Department of Environmental Services, and NH Wetlands Bureau.

b. Describe regulation(s):

c. Please indicate whether the town or city in which the subdivision is located has the following:

- i. A planning board established pursuant to RSA 673:1, I
Yes _____ No _____
- ii. A building code adopted pursuant to RSA 673:I, V
Yes _____ No _____
- iii. A building inspector appointed pursuant to RSA 673:I, III
Yes _____ No _____
- iv. A master plan or sections or parts of a master plan adopted pursuant to RSA 674:1, I and 675:6
Yes _____ No _____
- v. A zoning ordinance adopted pursuant to RSA 674:16
Yes _____ No _____
- vi. A population of at least 15,000 at the time of the filing of this application
Yes _____ No _____
- vii. A zoning ordinance restricting the lots in the subdivision to single-family residences or duplexes
Yes _____ No _____

IMPORTANT: The town or city must have items 1 through 7 in order for the subdivider to be able to file this application.

15. Time Sharing

a. Are “time sharing interests” (as defined below) involved?

“Time Sharing interest” means the exclusive right to occupy one or more lots, parcels, or units for less than 60 days each year for a period of more than 5 years from the date of execution of an instrument for the disposition of such right, regardless of whether such right is accompanied by a fee simple interest or a leasehold, or neither of them, in said lots, parcels or units. Time sharing shall include “Interval Ownership Interest,” “Vacation License” or any other similar term. (RSA 356-A:1, XVI).

SECTION II

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 III
CORPORATE
CERTIFICATE OF RESOLUTION

I, _____ of _____
(Name and Title) (Subdivider)

hereby certify that the following vote was adopted unanimously at a regularly (or specially) held and called meeting of the Board of Directors of said corporation held on _____
(Date and Year)

at _____ a quorum being present and voting throughout.
(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-A.

Voted: To authorize an Irrevocable Appointment of the Office of 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-A against the subdivider 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 and the seal of said corporation on this _____ day of _____, 20____.

(Name/Title)
(Seal)

Subscribed and sworn to before me this _____ day of _____, 20____.

Justice of the Peace/Notary Public
(Seal)

SECTION IV

CERTIFICATE OF APPOINTMENT

Pursuant to RSA 356-A:19 _____
(Subdivider)

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-A against the subdivider 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 V

REQUIREMENTS OF JUS. 1304.08 AND JUS. 1304.3 (7 – 16_ FOR PURCHASE AND SALE AGREEMENTS (DISCLOSURES MAY BE SET FORTH IN AN ADDENDUM TO THE AGREEMENT)

1. Describe any responsibility accepted by the town, city or homeowners' association for maintaining the road upon which the lot is located. If no such responsibility is assumed or accepted, it must be disclosed.
2. Describe any assurance made by the subdivider that potable water, sanitary sewage disposal, and electricity shall have been extended to the lot at the time of closing or whether the town or city is obligated to install the facilities within 180 days following closing. If no such assurance is made, it must be disclosed.
3. Describe any assurance made that an adequate potable water supply is available year-round and that the lot is approved for the installation of a septic tank if the subdivision has no central water or sewage disposal system. The description of the assurance shall include a statement that the assurance shall survive the passing of title. If no such assurance is made, it must be disclosed.
4. State that a warranty deed, free from monetary liens and encumbrances, shall be provided to the purchaser within 360 days after signing of the purchase and sale agreement or the agreement shall be voidable at the election of the purchaser.
5. State that the purchaser or purchaser's spouse has had an opportunity to conduct a personal on-site inspection of the lot prior to signing the purchase and sale agreement.
6. Describe any obligation of the subdivider to provide improvements, roads, sewers, water, gas or electric service or recreational amenities, which has been represented by the subdivider or agent. The description of the obligation shall include a statement that the obligation shall survive the passing of title.
7. Provide the following notice:

IMPORTANT NOTICE OF PURCHASER'S CANCELLATION RIGHTS

New Hampshire Law provides that you have an express and unqualified right to cancel your Purchase and Sale Agreement within five (5) calendar days from the date the agreement was deposited in the United States mail, return receipt requested, within the five-day period, to the subdivider or to any agent of the subdivider; provided, however, that if you elect to mail the notice of cancellation, you must also provide the subdivider with telephonic notice of cancellation within the five-day period. Such cancellation shall be without penalty and any deposit made by you must be refunded in its entirety no later than 10 calendar days from the subdivider's receipt of your written notice of cancellation.

8. Identify by name and address the person or institution holding deposits in escrow.

9. State that the purchaser has, prior to signing the agreement, been provided a copy of a good faith written estimate of the cost of carrying out the responsibility of maintaining the streets or roads upon which the subdivision is located, if a homeowners association will be obligated to accept such responsibility. The estimate must cover the first ten years of ownership.

