

STATE OF NEW HAMPSHIRE

LAND SALES FULL DISCLOSURE ACT

ABBREVIATED APPLICATION FOR REGISTRATION

PURSUANT TO RSA 356-A:5, II

- Section I. Application for abbreviated registration pursuant to RSA 356-A:5, II and Jus 1306.12 and 1306.13
- Section II. Applicant's Affidavit/Affirmation
- Section III. Certificate of Resolution
- Section IV. Certificate of Appointment

A filing fee in the amount of \$30 per lot, parcel, unit or interest, but no less than \$300 nor more than \$2,000, must accompany this application, See Rule Jus 1302.02. The filing fee should be calculated on the basis of the interests being registered in this application only. Subsequent phases will require separate filing fees, in the amount of \$30 per lot, parcel, unit or interest, but no less than \$200 nor more than \$2,000.

NOTE: All questions must be answered. Additional pages may be added if necessary to provide complete and comprehensive answers.

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

THIS APPLICANT MUST IMMEDIATELY NOTIFY THE BUREAU OF ANY MATERIAL CHANGE IN INFORMATION CONTAINED IN THE REGISTRATION APPLICATION. THIS APPLICATION MAY NOT BE FILED IF THE SUBDIVISION MAY HAVE MORE THAN 50 LOTS, PARCELS, UNITS OR INTERESTS ANY TIME IN THE FUTURE. APPLICATION FOR COMPREHENSIVE REGISTRATION, FORM CPLS100, SHALL BE FILED FOR ANY SUBDIVISION THAT, UPON INCLUSION OF THE TOTAL NUMBER OF LOTS, PARCELS, UNITS OR INTERESTS THAT MAY EVENTUALLY BE INCLUDED IN THE SUBDIVISION WOULD INCLUDE MORE THAN 50 LOTS, PARCELS, UNITS, OR INTERESTS.

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
CONSUMER PROTECTION AND ANTITRUST BUREAU
1 GRANITE PLACE SOUTH
CONCORD, NEW HAMPSHIRE 03301
TEL. (603) 271-3641

SECTION I

ABBREVIATED APPLICATION FOR REGISTRATION
PURSUANT TO RSA 356-A:5, II AND JUS 1306.13

1. Applicant

- a. Applicant's name and address:
- b. Form, date and jurisdiction of organization:
- c. Address of each of the organization's offices in the State of New Hampshire.
- d. Relationship of applicant to subdivision, i.e., owner, developer or agency. If applicant is not the owner, list name and address of owner.
- e. Name, address, and telephone of the person to whom correspondence is to be directed.
- f. State whether applicant, owner, developer or agent is affiliated with any other subdivision, existing or proposed, in New Hampshire.

Yes _____ No _____

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

g. Has application for registration or similar document been filed in other states or jurisdictions? If so, please identify where and when, and whether any adverse order, judgment or decree has been entered in connection with the subdivided lands by the regulatory authorities in each jurisdiction, or by any court.

h. State whether the subdivider 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:

i. List the name of each director, officer or partner in the organization and each person having ownership interest in the organization (including persons having beneficial interest in the trust, if applicable). Submit as Appendix B completed CPLS170 forms for each principal, director, officer or partner of the organization and for each person having ownership interest of 10 percent or greater.

j. Attach as Appendix C a financial statement of the subdivider. The statement must be as described by N.H. Admin. R. Jus 1306.09.

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. If no, please explain:

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 registration 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. Identify the minimum, average and maximum size of lots, parcels or units to be registered in this filing.

h. Identify (a) the number of acres to be registered in this filing, and (b) the total number of acres that may eventually be included in the subdivision:

i. 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.

j. 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 and a description of the method used to depict boundaries.

k. 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 registration is being sought?

Yes _____ No _____

If no, please explain.

b. Has the subdivider obtained a loan or mortgage from any lending institution or any person?

Yes _____ No _____

If so, identify the name and address of any such institution or person, the amount of the loan or mortgage, the amount of the loan outstanding as of the date of this filing and the real or personal property providing security:

c. Are there any financial liens or encumbrances on any lot for which registration is being sought?

Yes _____ No _____

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

d. If there are any financial liens or encumbrances on any lot for which registration 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, including arrangements for releases therefrom:

e. What are the consequences for a purchaser of failure to discharge the blanket encumbrance of lien? What steps have been taken, if any, to protect the purchaser in case of this eventuality?

f. 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 E a copy of such covenants or restrictions.

5. Subdivision – Homeowners' Association, Fees, Charges

a. Is there now or will there be a property owners' association?

Yes _____ No _____

If yes, please explain and attach as Appendix F 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 G a copy of any proposed budget.

6. Subdivision – Streets – Roads

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

Yes _____ No _____

7. Subdivision – Water, Sewerage Systems

a. Are the lots for which registration 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 H copies of all applicable subdivision approval.

8. Subdivision – Amenities/Recreation Facilities

a. Does the subdivision contain amenities/recreational facilities?

Yes _____ No _____

If yes, please describe 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 Streets	_____
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			

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. Attach as Appendix I.

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:

d. Describe estimated costs of improvements required to be made by the purchaser in order to use the lot, parcel or unit in the manner represented by the subdivider.

e. Provide financial information as defined by N.H. Admin. R. Jus 1306.05(b)(1) and (b)(2) regarding the financing plan relating to all promised improvements. Subdividers of time share subdivisions must include a statement as to the availability of end loan financing:

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 J 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. 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 notice of the purchaser's five day right to cancel as prescribed by RSA 356-A:4, II and the name and address of the escrow agent.)

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

d. Attach as Appendix M copies of other contracts or agreements that a purchaser will be required to sign, including any nonbinding reservation agreement that will be used.

13. Regulation by Governmental Entity

a. Is the subdivision regulated by any governmental entity, federal, state, or local?

Yes _____ No _____ If yes, identify.

Attach as Appendix N copies of all governmental approvals and permits including a signed site plan.

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

b. Describe regulation(s):

14. Time Sharing

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

Yes _____ No _____

“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:I, XVI)

15. Development and Marketing

- a. Please provide a description of the promotional plan for disposition of the subdivided land. Attach as Appendix O any promotional materials currently available.

b. State whether the persons offering or selling lots, parcels, units or interests are either the subdivider or regular employees of the subdivider and, if not, that a real estate sales or broker’s license has been obtained by each such person pursuant to RSA 331-A.

c. Provide information about development and marketing costs, including expenditures and estimates of projected costs of land acquisition, construction, marketing, advertising, sales, interest and any other costs related to development or disposition of lots, parcels, units or interests:

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, 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____.

Justice of the Peace/Notary Public

SECTION III
CORPORATE
CERTIFICATE OF RESOLUTION

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

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)

ata quorum being present and voting (Address)

throughout.

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 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 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)

PARTNERSHIP OR OTHER BUSINESS ORGANIZATION
CERTIFICATE OF RESOLUTION

I, _____ of _____,
(Name/Title) (Subdivider)
_____ 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 _____ 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 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-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 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

CERTIFICATE OF APPOINTMENT

Pursuant to RSA 356-A:5, I(a) _____
(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-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)