

Appendix A:

- Forms for Developer's Affirmation for Land Sale -§ 1010.13(a)(9)

Developer's Name_____

Developer's Address_____

Purchaser's Name(s)_____

Purchaser's Address(es) (including county)_____

Name of Subdivision_____

Legal Description of Lot(s) Purchased_____

I hereby affirm that all of the requirements of the MSA exemption as set forth in 15 U.S.C. 1702(b)(8) and 12 CFR 1010.13 have been met in the sale or lease of the lot(s) described above.

I also affirm that I submit to the jurisdiction of the Interstate Land Sales Full Disclosure Act with regard to the sale or lease cited above.

(Date) _____

(Signature of Developer or Authorized Agent)_____

(Title) _____

- Sample Lot Information Statement and Sample Receipt - § 1010.15(b)(11)

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SAMPLE FORMAT

(Use of the following headings and first paragraph are mandatory.)

Lot Information Statement

Important: Read Carefully Before Signing Anything

The developer has obtained a regulatory exemption from registration under the Interstate Land Sales Full Disclosure Act. One requirement of that exemption is that you must receive this Statement prior to the time you sign an agreement (contract) to purchase a lot.

Right To Cancel

(Under this heading the developer is to state the specific rescission rights provided for in the contract pursuant to 1010.15(b)(5)(i)).

Risk of Buying Land

(Under this heading the developer is to list the following information:)

There are certain risks in purchasing real estate that you should be aware of. The following are some of those risks:

The future value of land is uncertain and dependent upon many factors. Do not expect all land to automatically increase in value.

Any value which your lot may have will be affected if roads, utilities and/or amenities cannot be completed or maintained.

Any development will likely have some impact on the surrounding environment. Development which adversely affects the environment may cause governmental agencies to impose restriction on the use of the land.

In the purchase of real estate, many technical requirements must be met to assure that you receive proper title and that you will be able to use the land for its intended purpose. Since this purchase involves a major expenditure of money, it is recommended that you seek professional advice before you obligate yourself.

If adequate provisions have not been made for maintenance of the roads or if the land is not served by publicly maintained roads, you may have to maintain the roads at your expense.

If the land is not served by a central sewage system and/or water system, you should contact the local authorities to determine whether a permit will be given for an on-site sewage disposal system and/or well and whether there is an adequate supply of water. You should also become familiar with the requirements for, and the cost of, obtaining electrical service to the lot.

Developer Information

(Under this heading the developer is to list the following information:)

Developer's Name: _____

Address: _____

Telephone Number: _____

Lot Information

(Under this heading the developer is to list the following information:)

Lot Location: _____

(Enter a statement disclosing all liens, reservations, taxes, assessments, easements and restrictions applicable to the lot. A copy of the restrictions may be attached in lieu of recitation.)

Suppliers of Utilities and Issuers of Permits

(Under this heading the developer is to list the name, address and phone number of the appropriate governmental agency or agencies, if any, that will provide information on permits or other requirements for water, sewer and electrical installations. The information will also contain the name, address and telephone number of the suppliers of such utilities which can provide information to the purchaser on costs and availability of such services. A chart similar to the one below may be used to supply this information.

Listed below are contact points for determining permit requirements, if any, and to obtain information on approximate costs and availability for the listed services:

	Name, Address and Telephone Number of	
	Governmental agency	Supplier
Water		
Sewer		
Electricity		

If misrepresentations are made in the sale of this lot to you, you may have rights under the Interstate Land Sales Full Disclosure Act. If you have evidence of any scheme, artifice or device used to defraud you, you may wish to contact: Office of Nonbank Supervision, Interstate Land Sales Registration Program, Bureau of Consumer Financial Protection, 1700 G Street, NW, Washington DC 20006.

(The Receipt is to be in the following form:)

SAMPLE RECEIPT FOR LOT INFORMATION STATEMENT

Purchaser (print or type): _____

Date: _____

Signature of purchaser: _____

Street Address: _____

City: _____

State: _____

Zip: _____

Name of salesperson (print or type): _____

Signature of salesperson: _____

- Request for Multiple Site Subdivision Exemption - § 1010.15(c)(1)

REQUEST FOR MULTIPLE SITE SUBDIVISION EXEMPTION

Developer:

Name: _____

Address: _____

Telephone No.: _____

Agent:

Name: _____

Address: _____

Telephone No.: _____

(Insert a general description of the developer's method of operation.)

I affirm that I am, or will be the developer of the property and/or method of operation described above.

I affirm that the lots in said property will be sold in compliance with all of the requirements of 12 CFR 1010.15.

I further affirm that the statements contained in all documents submitted with this request for an Exemption Order are true and complete.

Date: _____

Signature: _____

Title: _____

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willingly makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

- Request for Regulatory Exemption Order - § 1010.16(c)

REQUEST FOR EXEMPTION ORDER

Subdivision_____

Location (including county)_____

Developer_____

Address_____

Authorized Agent or President of Developer_____

Address_____

Number of Lots Subject to Exemption Request_____

Description of Lots (list lot and block number or other identifying designation)_____

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an exemption order are true and complete.

(Date)

(Signature of Developer, Owner or Authorized Agent)

(Title) _____

WARNING: Section 15 U.S.C. 1717 provides: “Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to this title, makes any untrue statement of a material fact shall upon conviction be fined not more than \$10,000.00 or imprisoned not more than 5 years, or both.”

- Developer’s Affirmation for Advisory Opinion - § 1010.17(b)(3)

Developer’s Affirmation

Name of Subdivision_____

Location (Including County and State)_____

Name of Developer_____

Address of Developer_____

Name of Agent_____

Address of Agent_____

Number of Lots in Subdivision_____

Number of Acres in Subdivision_____

I affirm that I am the developer or owner of the property described above or will be the developer or owner at the time the lots are offered for sale to the public, or that I am the agent authorized by the developer or owner to complete this statement.

I further affirm that the statements contained in all documents submitted with the request for an Advisory Opinion are true and complete.

(Date)

(Signature)

_____ (Title) _____

WARNING: 15 U.S.C. 1717 provides: “Any person who willfully violates any of the provisions of this title or of the rules and regulations or any person who willfully, in a Statement of Record filed under, or in a Property Report issued pursuant to this title, makes any untrue statement of a material fact shall upon conviction be fined not more than \$10,000.00 or imprisoned not more than 5 years, or both.”

- Property Report for Statement of Record - § 1010.100(b)

PROPERTY REPORT

Heading and Section Number

Cover Sheet.....1010.105

Table of Contents.....1010.106

Risks of Buying Land, Warnings.....1010.107

General Information.....1010.108

Title and Land Use.....1010.109

 (a) General Instructions

 (b) Method of Sale

 (c) Encumbrances, Mortgages and Liens

 (d) Recording the Contract and Deed

 (e) Payments

 (f) Restrictions

 (g) Plats, Zoning, Surveying, Permits, Environment

Roads.....1010.110

Utilities.....1010.111

 (a) Water

 (b) Sewer

 (c) Electricity

 (d) Telephone

 (e) Fuel or other Energy Source

Financial Information.....	1010.112
Local Services.....	1010.113
Recreational Facilities.....	1010.114
Subdivision Characteristics and Climate.....	1010.115
(a) General Topography	
(b) Water Coverage	
(c) Drainage and Fill	
(d) Flood Plain	
(e) Flooding and Soil Erosion	
(f) Nuisances	
(g) Hazards	
(h) Climate	
(i) Occupancy	
Additional Information.....	1010.116
(a) Property Owners' Association	
(b) Taxes	
(c) Violations and Litigation	
(d) Resale or Exchange Program	
(e) Unusual Situations	
1. Leases	
2. Foreign Subdivision	
3. Time Sharing	
4. Membership	

(f) Equal Opportunity in Lot Sales

(g) Listing of lots

Cost Sheet.....1010.117

Receipt, Agent Certification and Cancellation Page..1010.118

ADDITIONAL INFORMATION AND DOCUMENTATION

General Information.....1010.208

Title and Land Use.....1010.209

Roads.....1010.210

Utilities.....1010.211

Financial Information.....1010.212

Recreational Facilities.....1010.214

Subdivision Characteristics.....1010.215

Additional Information.....1010.216

Affirmation.....1010.219

The Bureau’s OMB control number for this information collection is: 3170-XXXX.

- Language for Warning on Cover Page of Property Report - § 1010.105(c)

This Report is prepared and issued by the developer of this subdivision. It is *not* prepared or issued by the Federal Government.

Federal law requires that you receive this Report prior to your signing a contract or agreement to buy or lease a lot in this subdivision. However, NO FEDERAL AGENCY HAS JUDGED THE MERITS OR VALUE, IF ANY, OF THIS PROPERTY.

If you received this Report prior to signing a contract or agreement, you may cancel your contract or agreement by giving notice to the seller any time before midnight of the seventh day following the signing of the contract or agreement.

If you did not receive this Report before you signed a contract or agreement, you may cancel the contract or agreement any time within two years from the date of signing.

Name of Subdivision_____

Name of Developer_____

Date of This Report_____

- Sample Entry in Table of Contents for Statement of Record - § 1010.106(a)

Title and Land Use # Page #

Method of Sale

Encumbrances, Mortgages and Liens

Recording the Contract and Deed

Payments

Restrictions on the Use of Your Lot

Plat Maps, Zoning, Surveying, Permits and Environment

- Sample Entry in Table of Contents for Statement of Record - § 1010.106(a)

Title and Land Use # Page #

Method of Sale

Encumbrances, Mortgages and Liens

Recording the Contract and Deed

Payments

Restrictions on the Use of Your Lot

Plat Maps, Zoning, Surveying, Permits and Environment

- Format for General Information - § 1010.108

“This Report covers ___ lots located in _____ County, (*State*). See Page ___ for a listing of these lots. It is estimated that this subdivision will eventually contain ___ lots.”

“The developer of this subdivision is:

(Developer’s Name)

(Developer’s Address)

(Developer’s telephone number)

“Answers to questions and information about this subdivision may be obtained by telephoning the developer at the number listed above.”

- Road Chart - § 1010.110(b)(3)

Unit	U Estimated starting date (month/year)	Percentage of construction now complete	Estimated completion date (month/year)	Present surface	Final surface

- Nearby Communities Chart - § 1010.110(b)(6)

Nearby Communities.....

Population.....

Distance Over Paved Roads.....

Distance Over Unpaved Roads.....

Total

- Water Chart Form - § 1010.111(a)(1)(ii)(B)

Water

Unit	Estimated starting date (month and year)	Percentage of construction now complete	Estimated service availability date (month and year)

- Comfort Station Chart - § 1010.111(b)(1)(ii)

COMFORT STATIONS

Unit _____

Estimated Starting Date (month-year) _____

Percentage of Construction now complete _____

Estimated Service Availability Date (month and year) _____

- Sewer Chart - § 1010.111(b)(1)(iii)(B)

SEWER

Unit Estimated Starting Date (month/year) _____

Percentage of Construction now complete _____

Estimated Service Availability Date (month/year) _____

- Electric Service Chart - § 1010.111(c)(2)

Electric Service

Unit	U Estimated starting date (month and year)	Percentage of construction complete	Estimated service availability date (month and year)

- Recreational Facility Chart - § 1010.114(b)

Facility	Percentage of construction now complete	Estimated date of start of construction (month/year)	Estimated date available for use (month/year)	Financial assurance of completion	Buyer's annual cost or assessments

- Cost Sheet Format - § 1010.117(a)

COST SHEET

In addition to the purchase price of your lot, there are other expenditures which must be made.

Listed below are the major costs. There may be other fees for use of the recreational facilities.

All costs are subject to change.

Sales Price

Cash Price of lot.....	\$.....
	..
Finance Charge.....	\$.....
	.
	<hr/>
Total.....	\$.....
	.

Estimated one-time charges

1. Water connection fee/installation or private well.....	\$.....
	.
2. Sewer connection fee/installation of private on-site sewer system.....	\$.....
	.
3. Construction costs to extend electric and/or telephone services.....	\$.....
	.
4. Other (Identify).....	\$.....
	.
	<hr/>
	\$.....
	.
Total of estimated sales price and one-time charges	\$.....
	.

Estimated monthly/annual charges, exclusive of utility use fees

City _____ State _____ Zip ____

If any representations are made to you which are contrary to those in this Report, please notify the:

Bureau of Consumer Financial Protection
1700 G Street, NW
Washington, DC 20006

AGENT CERTIFICATION

I certify that I have made no representations to the person(s) receiving this Property Report which are contrary to the information contained in this Property Report.

Lot _____ Block _____ Section _____

Name of salesperson _____

Signature _____ Date ____

PURCHASE CANCELLATION

If you are entitled to cancel your purchase contract, and wish to do so, you may cancel by personal notice, or in writing. If you cancel in person or by telephone, it is recommended that you immediately confirm the cancellation by certified mail. You may use the form below.

Name of subdivision _____

Date of contract _____

This will confirm that I/we wish to cancel our purchase contract.

Purchaser(s) signature _____ Date ____

- Affirmation of Senior Executive Officer - § 1010.219

I hereby affirm that I am the Senior Executive Officer of the developer of the lots herein described or will be the Senior Executive Officer of the developer at the time lots are offered for sale or lease to the public, or that I am the agent authorized by the Senior Executive Officer of such developer to complete this statement (if agent, submit written authorization to act as agent); and,

That the statements contained in this Statement of Record and any supplement hereto, together with any documents submitted herein, are full, true, complete, and correct; and,

That the developer is bound to carry out the promises and obligations set forth in this Statement of Record and Property Report or I have clearly stated who is or will be responsible; and

That the fees accompanying this submission are in the amount required by the rules and regulations of the Bureau of Consumer Financial Protection.

(Date)

(Signature)

(Corporate seal if applicable)

(Title)

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statement of a material fact shall upon conviction be fined not more than \$10,000.00 or imprisoned not more than 5 years, or both.”

- Form for Certification for Disclosure Documents - § 1010.504(a)(2)

The (indicate the State Department of Real Estate or other appropriate entity) has reviewed the attached materials and finds they are true copies of (1) the (indicate Property Report or other similar state accepted document or amendment to such document) for (indicate the name of the subdivision), made effective by the State of _____ on _____ (give date) and still in effect; and (2) the supporting documentation upon which such (indicate the document or amendment) is based.

Signature