



NORTH DAKOTA REAL ESTATE COMMISSION
1110 College Dr. Suite 207 * P.O. Box 727
Bismarck, ND 58502-0727
701-358-9749
(07/14)

Received: _____
Registered: _____
Original application: _____
Amendment: _____
Receipt no. _____

Application for Registration under North Dakota Subdivided Lands Act

Fee: \$100

All fees must be in the form of certified cashier's check or money order.

No other checks will be accepted.

TO APPLICANTS:

Under the Subdivided Lands Disposition Act, Chapter 43-23.1, North Dakota Century Code, registration is required of all lands located outside North Dakota offered for sale in North Dakota (1) which are subdivided or proposed to be subdivided for the purpose of disposition, into five or more lots, parcels, units, or interests, and (2) whether contiguous or not, if five or more lots, parcels, units or interests are offered as a part of a common promotional plan of advertising and sale. (See exemptions as provided in Section 43-23.1-05 NDCC.) No interests in such subdivided lands shall be offered for disposition until such time as the North Dakota Real Estate Commission has notified the subdivider of registration.

The following questions must be answered fully with the use of additional sheets of paper for full answers to the questions or explanations of answers given. Attach the required documents specified and file at the office of the North Dakota Real Estate Commission with an initial registration fee of \$100.00. Total investigation fee shall be determined depending upon the area and distance subdivision is located from that office.

1. Full name of Applicant (Subdivider): _____
2. State whether applicant is sole proprietorship, partnership, corporation, joint venture, or other:

3. Home office address of applicant: _____
Street _____ City _____ State Zip Code _____

4. Name, address and telephone number to whom notices and communications regarding applicant may be sent:

5. Give addresses of all North Dakota offices indicating, if any the principal North Dakota office:

6. Attach a separate sheet showing full legal description of all lands for which registration is desired, together with a map showing the division proposed or made, the dimensions of the lots, parcels, units, or interests, and the relation of the subdivided lands to the existing streets, roads, waterways, schools, churches, shopping centers, public transportation facilities, and other off-site improvements.

7. Have any of the described lands been offered for registration in any other state? ____ If yes, give dates and states where offered:

- a. Has there been any adverse order, judgment or decree entered by the regulatory authority of such state or states, or by a court in connection with the subdivided lands? ____ If yes, explain on separate sheet.

- b. In what states are the described lands presently offered for sale:

8. If applicant is other than an individual, give date and state in which the corporation, partnership, or whatever, as formed:

9. Attach a separate sheet showing the name, address and principal occupation for the past five years of every director and officer of applicant, or person of similar status or performing similar functions, and state the extent and nature of the interest of all such persons in the applicant or in the subdivided land, as of the date of this application.

10. Attach a statement, in a form acceptable to the Commission, of the condition of title to the subdivided land, including encumbrances as of the date of filing and with a Title Opinion by a licensed attorney, not a salaried employee, official, or director of the applicant or owner, nor on a retainer thereto.

11. Attach copies of all contracts, deeds and other instruments to be used in sales to purchasers in North Dakota, including copies of the instruments to be delivered to a purchaser that evidences his interest in the subdivided land and all papers that a purchaser will be required to sign or agree to.

12. Furnish and attach hereto copies of instruments by which the interest in the subdivided lands was acquired by applicant, a statement of any lien or encumbrance upon the title, and copies of the instruments creating the same, if any, with data as to recording.

13. Attach a statement of the consequences to the purchaser for failure to discharge a lien or encumbrance affecting more than one lot, parcel, unit of interest, and the steps taken to protect the purchaser in case of such an eventuality.

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14. Attach copies of instruments creating easements, restrictions, or other encumbrances affecting the subdivided lands.
15. Attach a statement of the zoning and other governmental regulations affecting the use, occupation and development of the subdivided lands and, also of any existing or proposed special taxes or assessments, which affect or will affect the subdivided lands.
16. Attach a statement of the existing provisions for legal and physical access to the said subdivided lands or a statement to that effect.
17. Attach a statement of the existing or proposed provisions for sewage, water and other public utilities in the subdivision.
18. Attach a statement of the improvements to be installed, a schedule for their completion and a statement as to the provisions for the maintenance of such improvements.
19. Attach a narrative description of the promotional plan for the disposition of the subdivided lands, including the range of selling prices or rents which is proposed to dispose of the lots in said subdivision, together with copies of all advertising material which has been prepared for public distribution by any means of communication.
20. Attach copies of the Articles of Incorporation, with all amendments, if applicant is a corporation; copies of all instruments by which a trust is created or declared, if applicant is a trust; copies of the articles of partnership or association and all other papers pertaining to its organization, if applicant is a partnership, unincorporated association, or any other legal or commercial entity; and if the holder of legal title is a person other than applicant, copies of the above documents for such person.
21. Copy of the proposed public offering statement should be attached. (Refer to Section 7)
22. Attach a statement certified by a CPA showing assets and liabilities and an income and expense statement of applicant as of the end of its last fiscal year, together with an unaudited balance sheet and income and expense statements for a period within 30 days of the date of this application. Where necessary to determine the full financial structure and condition of applicant, similar information for parent, subsidiary and affiliated companies must also be supplied.
23. Furnish a copy of agreement between applicant and brokers representing the applicant in North Dakota.
24. Give names and addresses of all licensed real estate brokers and other agencies representing, or intending to be representing, applicant in the State of North Dakota. (Use separate sheet.)
25. Has applicant, or any of its officers, directors or principals, been convicted of a crime involving land disposition or any aspect in land sales business in any state of the United States or any foreign country within the past ten years, or been subject to any injunction or administrative order within the past ten years restraining any action involving land disposition? _____
If yes, explain on separate sheet to be attached.
26. List names and addresses of all parent, subsidiary, or affiliated companies on a separate sheet.
27. State the total number of lots or parcels offered, or to be offered, for sale in North Dakota.
28. Indicate the percentage of broker's commission to be paid upon the sales of lands in North Dakota. _____
29. Will buyers be charged any expenses in addition to the purchase price at the time of closing? _____ If yes, explain on separate sheet.
30. Furnish a plat of subdivision, topographical map, copies of zoning or other governmental regulations affecting the subdivided land and photographs of subdivision and a typical subdivision lot.
31. Are sales to be financed by installment contract, trust debenture or a mortgage? _____ If so, attach proposed copy of each if not already attached.
32. Will an escrow agent be used? _____ If so, state name and address of such agent:

33. State any terms of sale not revealed in answers or exhibits required in the foregoing.

The applicant hereby applies for registration of the above described subdivided lands under the North Dakota law cited above, and if registration be granted, applicant agrees in consideration therefore, that for as long as the registration remains in effect, applicant will:

- (a.) Immediately advise the North Dakota Real Estate Commission of any change in any of the information contained herein or of any change in any of the exhibits submitted with or as a part of this application.
- (b.) No broker or salesman shall in any manner refer to the North Dakota Real Estate Commission or any member or employee thereof, in selling, offering for sale, or advertising, or otherwise promoting the sale, mortgage or lease of any such real estate, nor make any representation whatsoever that such real estate has been inspected or approved or otherwise passed upon by said commission or any state official, department or employee.

Dated: _____

Name of Applicant

(Corporate Seal)

By: _____
(President, Vice President, Partner)

Attest:

(Secretary, Asst. Secretary)

(Individuals merely sign name - partnerships enter name and signature of partner)

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State of _____) : ss.
County of _____)

The undersigned, _____ being first duly sworn, deposes and says:

That he has executed the foregoing application for and on behalf of the applicant named therein; that he is the

(_____ of such) applicant and is fully authorized to execute and file such application; that he is familiar with such application and that to the best of his knowledge, information and belief the statements made in such application are true and the documents submitted herewith are true and complete copies of the originals thereof.

Subscribed and sworn to before me this _____ day of _____, 2_____.

NOTARY PUBLIC for the State of _____
Residing at _____
My commission expires _____

(NOTARIAL SEAL)

