

**57-11-6 Application for registration -- Required documents and information -- Filing fee and deposit -- Consolidation of registration of additional lands -- Reports of changes.**

- (1) The application for registration of subdivided lands shall be filed as prescribed by the division's rules and, unless otherwise provided by the division, shall include, but is not limited to, the following documents and information:
- (a) an irrevocable appointment of the division to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;
  - (b) a legal description of the subdivided lands offered for registration, together with a map showing the division proposed or made, the dimensions of the units, and the relation of the subdivided lands to existing streets, roads, and other off-site improvements;
  - (c) the states or jurisdictions, including the United States, in which an application for registration or similar document has been filed, and a copy of any adverse order, judgment, or decree entered in connection with the subdivided lands by the regulatory authorities in each jurisdiction or by any court;
  - (d) the applicant's name and address, and the form, date, and jurisdiction of organization; the address of each of its offices in this state; and the name and address of the individual to whom the applicant wishes to have the division direct all communications;
  - (e) the name, address, and principal occupation for the past five years of every director, officer, or general partner of the applicant or person occupying a similar status or performing similar functions; the extent and nature of his interest in the applicant or the subdivided lands as of a specified date within 30 days of the filing of the application;
  - (f) a statement, in a form acceptable to the division, of the condition of the title to the subdivided lands, including encumbrances, as of a specified date within 30 days of the date of application, which statement:
    - (i) if the subdivided lands are situated in this state, shall be in the form of a title opinion from a title insurer qualified to engage in the title insurance business in this state or an opinion of an attorney, licensed to practice in this state and who is not a salaried employee, officer, or director of the applicant or owner;
    - (ii) if the subdivided lands are situated in another jurisdiction, shall be in the form of an opinion of an attorney licensed to practice in the jurisdiction where the lands are situated and who is not a salaried employee, officer, or director of the applicant or owner; or
    - (iii) may be substituted by other evidence of title acceptable to the division;
  - (g) copies of the instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts and other agreements which a purchaser will be required to agree to or sign;
  - (h) copies of the instruments by which the interest in the subdivided lands to be disposed of to the purchaser was acquired and a statement of any lien or encumbrance upon the title and copies of the instruments creating the lien or encumbrance, if any, with recording data, but if any of these instruments contain any information relating to the consideration paid upon the prior acquisition of the subdivided lands, this information may be blocked out;
  - (i) if there is a lien or encumbrance affecting more than one unit, a statement of the consequences to a purchaser of failure to discharge the lien or encumbrance and the steps, if any, taken to protect the purchaser in case of this eventuality;
  - (j) copies of instruments creating easements, restrictions, or other encumbrances affecting the subdivided lands;

- (k) a statement of the zoning and other governmental regulations affecting the use of the subdivided lands and of any existing or proposed taxes or special assessments which affect the subdivided lands;
  - (l)
    - (i) if the subdivided lands are situated in this state, and unless all lands to be disposed of are included on a subdivision plat map which has been filed and approved pursuant to Title 17, Counties, an opinion by an attorney, licensed to practice in this state and who is not a salaried employee, officer, or director of the applicant or owner, that:
      - (A) the division proposed or made does not or will not violate any existing state statute or local ordinance; and
      - (B) all permits or approvals have been obtained from the applicable state or local authorities necessary for the subdivided lands to be put to the use for which they are offered, except for those permits or approvals which will not be granted until the subdivided lands are registered under this chapter if this registration is the only condition precedent to the granting of the permits or approvals; or
    - (ii) if the subdivided lands are situated in another jurisdiction, an opinion by an attorney licensed to practice in that jurisdiction and who is not a salaried employee, officer, or director of the applicant or owner, that the division proposed or made does not violate any existing statute, ordinance, or other law;
  - (m) a statement of the existing provisions for access, sewage disposal, water (including a supply of culinary water), and other public utilities in the subdivision and, if they are not presently available but are feasible, the estimated cost to the purchaser of their procurement;
  - (n) a statement of any improvements to be installed, the schedule for their completion, any provisions for maintenance of those improvements, and estimated costs to the purchaser;
  - (o) a statement declaring whether or not the applicant is or will be representing, in connection with an offer or disposition of land, that culinary water service will be available to or on the subdivided lands, and if the applicant is or will be so representing:
    - (i) a statement as to what entity will be providing the culinary water service and the nature of the entity; and
    - (ii) if the entity providing the service is not a municipal system, a certificate from the Public Service Commission that the entity providing the culinary water service either holds a certificate of convenience and necessity from the commission, or has been found by the Public Service Commission to be exempt from its jurisdiction;
  - (p) a narrative description of the promotional plan for the disposition of the subdivided lands together with copies of all advertising material which has been prepared for public distribution by any means of communication;
  - (q) the proposed public offering statement;
  - (r) a copy of every public report or public offering statement or similar document filed with or issued by any agency of the United States or any state or jurisdiction; and
  - (s) any other reasonable information, including any current financial statement, which the division by its rules requires for the protection of purchasers.
- (2) Each application for registration of subdivided lands shall be accompanied by a filing fee of \$500 for up to 30 units, plus an additional \$3 per unit for each unit over 30 units up to a maximum of \$2,500 for each application, and a deposit of \$300 to cover all on-site inspection costs and expenses incurred by the division. If the \$300 deposit is insufficient to meet the estimated costs and expenses of the on-site inspection, the applicant or owner shall make an additional deposit sufficient to cover the estimated costs and expenses before the division

will inspect the subdivided lands. The deposit shall be refunded to the extent it is not used, together with an itemized statement from the division of all amounts it has used.

- (3) In the event the subdivider registers additional subdivided lands to be offered for disposition, he may consolidate the subsequent registration with any earlier registration offering subdividing lands for disposition under the same promotional plan by filing an application for consolidation accompanied by an additional fee of \$200, plus \$3 for each additional unit, up to a maximum of \$1,250 for each application, if at the time the subdivider makes the application all of the information required by Subsection (1) of this section has been brought current and covers the additional subdivided lands.
- (4) The subdivider shall report any material change in the information contained in an application for registration or consolidation within 15 days from the time that change becomes known to him.

Amended by Chapter 199, 1990 General Session