

NOTICE OF INTENTION

INSTRUCTIONS TO SUBDIVIDER, SERIES PARTITIONER OR DEVELOPER

Please complete and return the attached combined notice of intention and request for further information form. Be certain that all questions are answered and all requested documentation is attached before submitting the form. The required filing fees must accompany the notice of intention when filed. Current fees are as follows:

- A. For subdivisions or series partitions containing 10 lots, parcels or interests, or less: \$100;
- B. For subdivisions or series partitions containing over 10 lots, parcels or interests: \$100 for the first 10 lots, parcels or interests and \$25 for each additional lot, parcel or interest. Maximum filing fee is \$2,500;
- C. For material change to a public report, the Real Estate Agency requires a deposit of \$100. The hourly charge for review and issuing a revised public report is \$46. When the public report is issued, the Agency may require fees in excess of the deposit.

Submit the completed form, all requested documentation and the filing fee to:

Land Development Section
Oregon Real Estate Agency
530 Center Street NE, Suite 100
Salem, OR 97301-3740
Phone: (503) 378-4630

Subdividers, series partitioners and developers may not use an assumed business name when advertising the offer and sale of a subdivision or series partition, unless such name is filed with the Oregon Secretary of State. If you have any questions about the filing and use of assumed business names, please contact the Corporation Division of the Oregon Secretary of State.

No sales or leases may be made by the subdivider, series partitioner or developer until the subdivision or series partition is filed with the Real Estate Commissioner and the Commissioner has issued a public report, waived the requirements of issuing a public report, or issued a certificate of exemption. The subdivider, series partitioner or developer must have the Commissioner's public report, waiver or certificate in his physical possession.

If a public report is issued by the Commissioner, the attached Combined Notice of Intention and Request for Further Information form will be used as the basis for the public report.

DIFFERENCE IN SUBDIVISION AND SERIES PARTITION DEFINITION:

Subdividers, series partitioners and developers should acquaint themselves with the definitional differences between City-County administered ordinances and state statutes on land partitions (see ORS 92.010 and ORS 92.305). Although minor and major partitions may be created at the local level, creation of two or more contiguous partitions requires a filing with the Real Estate Commissioner, as a series partition, under the Oregon Subdivision and Series Partition Control Law. If more than three lots or parcels are created, the partitioning must be filed with the Real Estate Commissioner as a series partition.

FOUR OR MORE LOTS, PARCELS OR INTERESTS MUST FILE WITH THE REAL ESTATE COMMISSIONER:

Subdivisions and series partitions containing four or more lots, parcels or interests must be filed with the Real Estate Commissioner on this form or on a Request for Exemption form. Similar filing is required in creating eleven or more undivided interests.

A subdivider, series partitioner or developer may request an exemption from ORS 92.345 and 92.385, if the subdivisions and series partitions are "Fully Serviced". A "Request for Exemption" form must be submitted to the Real Estate Commissioner as provided under ORS 92.337.

MATERIAL CHANGES TO BE REPORTED

Any material change, affecting a subdivision and series partition or the sub- divider, series partitioner and developer, and occurring after the Real Estate Commissioner has issued a public report or has issued a waiver of the required public report for a subdivision or series partition, must be reported to the Commissioner within 10 days after the change occurs.

A developer who acquires less than 11 lots, parcels or interests during a six consecutive month period may revise the report issued to him by the subdivider or series partitioner to include those changes created by his purchase and issue the revised report to the purchasers without notifying the Real Estate Commissioner. If the developer acquires 11 or more interests in a consecutive six month period, the developer must report any material change to the Commissioner. In addition to those changes made by the developer, a public report revision is necessary when changes occur in zoning, sewage disposal and water supply.

However, in the case of a subdivider or series partitioner all material changes must be submitted by the subdivider or series partitioner to the Real Estate Commissioner and will result in a revision of the original public report.

AUTHORIZATION TO INSPECT ESCROWS

Subdividers, series partitioners and developers must submit written authorization allowing the Commissioner to inspect all escrow deposits established pursuant to ORS 92.425, and OAR 30-015. The authorization must be submitted with the Combined Notice of Intention and Request for Further Information.

RECORDING REQUIREMENTS

Oregon law requires that all instruments contracting to convey fee title to any real property at a time more than 12 months from the date that the instrument is executed and the parties are bound, shall be acknowledged by the owner of the title being conveyed and that the instruments, or a memorandum thereof, must be recorded by the conveyor not later than 15 days after the instrument is executed and the parties are bound.

CANCELLATION RIGHTS

Under ORS 92.430 subdividers, series partitioners or developers are required to provide to the purchaser a "Notice to Purchaser" with the first written offer or contract to purchase (or as a separate attached addendum), advising the purchaser of the right to cancel the sales contract within a period of three business days from the signing of the contract. The "Notice to Purchaser" must be in at least 8-point type. Exemptions from this requirement are described in ORS 92.427 (7).

ADVERTISING RESTRICTIONS

The Commissioner's public report may not be used for advertising purposes unless the report is used in its entirety. No portion of the report may be underscored, italicized or printed in larger or heavier type than the balance of the report unless the report as issued by the Commissioner so emphasizes such portion.

Copies of the original public report, as issued by the Commissioner and any notification of material change requiring revision of the report, must be prepared at the expense of the subdivider, series partitioner or developer.

RECEIPTS SUBJECT TO INSPECTION FOR THREE YEARS

At or prior to the time of signing by the purchaser of the first agreement for the sale of a lot, parcel or interest in a subdivision or series partition, the subdivider, series partitioner or developer must obtain a signed receipt from the purchaser acknowledging that the purchaser has read or has received a copy of the public report on the subdivision or series partition. The receipt must be retained by the subdivider, series partitioner or developer in his files in Oregon under ORS 92.405 (2) for a period of three years. These records are subject to inspection by the Real Estate Commissioner.

PENALTY

In addition to any other penalties provided by law, the Commissioner may impose a civil penalty for violation of the provisions of ORS 92.305 to 92.495. No civil penalty may exceed \$1,000 per violation.

**CHECKLIST OF
DOCUMENTS REQUIRED TO BE SUBMITTED**

1. Consent to Service Form. A properly executed Consent to Service form if the subdivider, series partitioner or developer is resident of another state. "Out of state developers should be aware that their legal rights to enforce business transactions with Oregon purchasers under the Oregon court system may be limited if they have not properly filed under the foreign corporation statutes (ORS 60.701 to 60.744) or the assumed business name statutes (ORS Chapter 648) and they should consult with their attorney regarding their legal rights in those areas. Additional information can be obtained from the Corporation Division of the Oregon Secretary of State.
2. If required, statement signed by all parties of interest in the subdivision or series partition and authorizing the subdivider, series partitioner or developer to sign all legal documents in their behalf. (If subdivider, series partitioner or developer is a corporation and the officer signing for the corporation is not the president of the corporation, a properly executed resolution from the board of directors authorizing the signature for the corporation must be submitted.)
3. A current title report or a subdivision guarantee that has been issued within fifteen days preceding its receipt by the Agency.
4. Copies of all recorded and unrecorded encumbrances and any partial release agreements for all such encumbrances. (mortgages, trust deeds, contracts.)
5. Recorded copies of restrictive covenants, reservations, owner's association bylaws, easements and other documents which would create an encumbrance or obligation, or limit the use of the property to be sold.
6. A copy of written instructions to an escrow company; and a letter from the escrow company agreeing to participate, as required under ORS 92.425 and Oregon Administrative Rule 30-015.
7. An executed form authorizing the Commissioner to inspect all escrow deposits. (A copy of the form is available from the Real Estate Agency.)
8. Proof of financial ability to complete improvements and facilities which are required by the appropriate state, city and county authorities, or promised by the subdivider or series partitioner to prospective purchasers.
9. Copies of all construction performance bonds for improvements to be built.
10. A letter of approval from your local health department if operating a private water system or a statement of the commitment by a water company to serve all lots, parcels or interests in the subdivision or series partition. In lieu of either of these, a disclosure statement endorsed by local government that no domestic water system is to be provided by the subdivider, series partitioner or developer. (Form included with filing information)
11. If the subdivision or series partition is on public sewers, a letter of agreement from a municipality or sewerage district to serve all lots, parcels or interests. In lieu of such letter from a municipal or district sewerage facility, a disclosure statement, endorsed by local government, that no sewer system is to be provided by the subdivider, series partitioner or developer. (Form included with filing information)
12. Completed and signed Department of Environmental Quality Evaluation Report of suitability for proposed sewage disposal system.
13. Letters of commitment for services from all utilities including electricity, telephone and natural gas, if available.

14. Copies of land sales contracts, deeds, leases, assignments, mortgages, trust deeds, or other documents you intend to use in selling the lots, parcels or interests.
15. A certified copy of the plat or map which bears the date, book and page numbers of recordation and the county clerk's seal.
16. For other land subject to ORS 92.305 to 92.495, a map defining the interests involved and a statement by the city or county governing body that the proposal depicted has received all necessary approvals or that no local approval is required.
17. Copies of all sales pamphlets and literature intended to be used in connection with the proposed subdivision or series partition. If these materials have not been developed, or you do not intend to use such materials, please advise this office.
18. An area map showing the proposed layout in relation to existing streets or roads.
19. Documents creating an association or other entity and the bylaws of the proposed entity which will be formed for the construction and/or maintenance of any water system for the subdivision or series partition; or for the maintenance of any private sewerage system.
20. If no water system is available under 10 above, a statement by the subdivider, series partitioner or developer on how he intends to provide an adequate and potable domestic water supply and what remedies he proposes in the event the water supply that he installs, fails to provide the service promised.
21. A copy of any H.U.D. report and a copy of any foreign state public report that has been issued for the property.
22. Any other information, pictures or documents you may wish to present.

Upon receipt in this office of the fully executed Combined Notice of Intention and Request for further Information form, accompanied by the required documents and fee, a thorough review will be made. If the Real Estate Commissioner determines that further information or documentation is required to be submitted, you will be advised

**COMBINED NOTICE OF INTENTION
AND
REQUEST FOR FURTHER INFORMATION**

PLEASE PROVIDE ANSWERS TO ALL QUESTIONS.

NOTIFICATION OF INTENT TO SELL OR LEASE LANDS WITHIN THE STATE OF _____ IS
HEREBY SUBMITTED UNDER ORS 92.305 TO 92.495.

1. Name of subdivision or series partition as shown on plat or plan:

located in _____ County, consisting of _____ lots, parcels or interests.

2. Full name of subdivider, series partitioner or developer:

Business address _____ Phone _____
(Use street address not P.O. Box) ZIP

Residence address _____ Phone _____
(Use street address not P.O. Box) ZIP

3. Full name of owner of record: _____

Business address _____ Phone _____
(Use street address not P.O. Box) ZIP

Residence address _____ Phone _____
(Use street address not P.O. Box) ZIP

4. Full name of legally authorized agent: _____

Business address _____ Phone _____
(Use street address not P.O. Box) ZIP

Residence address _____ Phone _____
(Use street address not P.O. Box) ZIP

5. List below names and address of all persons who will be actively engaged in selling or leasing lots, parcels or interests in the subdivision or series partition:

Name	Business address	Real Estate Licensee (Yes or No)
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6. Is the owner, subdivider, series partitioner or developer or their agents going to advertise, sell or lease the proposed subdivision or series partition outside the State of Oregon: _____YES _____NO
(Applicable only to subdivisions or series partitions located in the State of Oregon)

7. If the subdivider, series partitioner or developer is a corporation, partnership or other entity, state the names and the residence addresses of the officers and directors or the partners or the members:

8. If the owner of record of the subdivision or series partition is a corporation, partnership or other entity, state the names and the residence addresses of the officers and directors or the partners or the members:

9. State the name and address where the Public Report should be mailed:

Name _____
Address _____ Phone _____
(Use street address not P.O. Box)

10. Location of Sales Records: (In this space state the address in Oregon at which the sales records and Public Report receipt will be kept)

Name _____
Address _____ Phone _____
(Use street address not P.O. Box)

11. Enter a brief description of the land, including its legal description, and give the geographical location of the subdivision or series partition, including distances and directions to nearest towns:

12. If other than permanent residential use, what is the intended use of the subdivision or series partition:

13. Give a complete statement of the terms and conditions under which you intend to dispose of the land and of the provisions for the release of individual lots, parcels or interests being sold, from the terms and provisions of all encumbrances. Indicate if the interest will be sold on a cash or contract basis:

14. If any sales are to be made on land sale contracts, list the name and address of the escrow agent where arrangements have been made for placing of required documents and collection escrows pursuant to ORS 92.425 and OAR 30-015:

Name of escrow agent _____

Address _____ Phone _____
(Use street address not P.O. Box)

If collection escrows are required of a subdivider, series partitioner or developer, submit a copy of the written escrow instructions, a letter from the escrow company agreeing to participate and a complete "Authorization to Inspect Escrow Accounts" form along with this "Notice of Intention and Request for Further Information" application.

15. Is there a recorded plat: ____YES ____NO
16. Are there any restrictive covenants or any documents limiting the use or occupancy of lots, parcels or interests in the subdivision or series partition: ____YES ____NO
17. Have you met the requirements of local ordinances for review and approval of the subdivision or series partition:
____YES ____NO
18. State the name of local planning commission or governing body within whose jurisdiction your subdivision or series partition is located:

Name _____

Address _____ Phone _____
(Use street address not P.O. Box)

19. Describe what financing plan was used by you in purchasing this property for subdivision or series partition purposes. Are all encumbrances recorded? ____YES ____NO (If secondary financing was used or provided for, give details).

20. Describe what financing has been used or will be used by you in providing the on-site improvements of individual lots, parcels or interests; (i.e. water, sewer, sidewalks grading, electricity, telephone, etc.)

21. Describe what financing has been used or will be used by you in constructing off-site improvements affecting construction of the subdivision or series partition as a whole: (i.e. streets, parks, storm sewers.)

22. Describe any other plan of financing or encumbrance that is not covered above in connection with the property:

23. TOPOGRAPHY

A. Describe the topography of the subdivision or series partition (i.e. level, rolling, hilly or rocky):

B. Does the elevation of the subdivision or series partition exceed 2,500 feet above sea level:
___ YES ___ NO

C. List all lots, parcels or interests cut by erosion: _____

D. List all lots, parcels or interests containing fill or to be filled:

E. Give maximum depth of fill for each lot, parcel or interest in "D" above:

24. DRAINAGE

- A. Are artificial drains or storm sewers to be installed: ___YES ___NO
- B. Is subdivider, series partitioner or developer (indicate who) responsible for construction costs of all such drains or storm sewers that are to be installed? ___YES ___NO If "NO", explain fully:

- C. Is the property subject to flooding? ___YES ___NO; If yes, is flood insurance obtainable for each lot, parcel or interest? ___YES ___NO

25. WATER SUPPLY

- A. Is a domestic water supply system now installed which will serve all lots, parcels or interests in the subdivision or series partition? ___YES ___NO
- B. If not, by what date will water service be available to the lot line of each lot, parcel or interest ___

- C. State whether water supply will be furnished by a municipality, water district, private water company, mutual water company, irrigation district or other supplier: _____

- D. Name and address of water supplier:
Name _____
Address _____ Phone _____
(Use street address not P.O. Box)
- E. Who will pay costs for installation of water to the lot line of each lot, parcel or interest:

- F. What costs, if any, will each lot, parcel or interest purchaser have to pay for service to his house (i.e. service connection fee)?

- G. If a mutual water company is to supply water, answer the following:
1. When was company formed? _____
 2. Does the owner of the property own shares of stock sufficient to supply each lot, parcel or interest?
___YES ___NO
 3. Are the owned shares appurtenant to land? ___YES ___NO
 4. What costs, if any, will a lot, parcel or interest purchaser have to pay for a share of stock? _____

5. Has the water system been approved by the local health department?
 ____YES ____NO; and the state health division? ____YES ____NO
- H. Will an association or other similar entity be formed for the purpose of construction and/or maintenance of the proposed water system? ____YES ____NO If "YES", explain fully:

- I. What provision has the subdivider, series partitioner or developer made to assure an adequate quantity and purity of domestic water supply to serve all the lots, parcels or interests in the subdivision or series partition:

- J. If a water system will not be provided by the subdivider, series partitioner or developer, will wells be necessary? ____YES ____NO
- K. Who will pay for the cost of drilling of a well and installation of the water system?

26. SANITATION

- A. Are public sewers now installed? ____YES ____NO
- B. If not, will public sewers be installed? ____YES ____NO
- C. Give the approximate date for completion of the sewer system:

- D. Into what public sewer system will subdivision or series partition sewers discharge:

- E. Who will pay the cost of installation of the sewer system to each lot line?

- F. Are lots served by public sewers subject to a periodic service charge? ____YES ____NO;
 Are the lots subject to a connection fee? ____YES ____NO; Amount of connection fee?

- G. Will an association or other similar entity be formed for the purpose of construction and/or maintenance of the proposed sewer system?
 ____YES ____NO If "YES", explain fully: _____

- H. If public sewers are not to be installed, are cesspools or septic tanks or other approved systems to be used?
 ____YES ____NO

- I. Is the cost of a septic tank, or other system to be paid by the lot, parcel or interest purchaser?
 YES NO
- J. Have all lots, parcels or interests been approved for subsurface sewage disposal systems by the Department of Environmental Quality? YES NO

27. UTILITIES

A. Electricity

- 1. Is electric power service now available in the subdivision or series partition? YES NO
- 2. Is electric power service now available to each lot, parcel or interest? YES NO
- 3. If electric power service is not now available to the subdivision or series partition, does the subdivider, series partitioner or developer have a commitment from an electric power company to extend the facilities to the subdivision or series partition? YES NO
- 4. If electric and power service is not now available, where are present power facilities in relation to the subdivision or series partition? _____
- 5. If not now available to each lot, parcel or interest, by what date will electric power service be installed? _____
- 6. What costs will a lot, parcel or interest purchaser have to pay for extension of electric power facilities in order to receive service? _____
- 7. Give name, address and telephone number of company supplying electric power service:
 Name _____
 Address _____ Phone _____
 (Use street address not P.O. Box)

B. Telephone

- 1. Is telephone service now available in the subdivision or series partition? YES NO
- 2. Is service now available for immediate installation to each lot, parcel or interest?
 YES NO
- 3. If telephone service is not now available to the subdivision or series partition, does the subdivider, series partitioner or developer have a commitment from a telephone company to extend facilities to the subdivision or series partition? YES NO
- 4. If not now available, where are present telephone facilities in relation to the subdivision or series partition? _____
- 5. If telephone service is not now available to each lot, parcel or interest, by what date will service be installed? _____
- 6. What costs will a lot, parcel or interest purchaser have to pay for extension of telephone facilities in order to receive telephone service? _____
- 7. Give name, address and telephone number of company supplying telephone service:

Name _____

Address _____ Phone _____
(Use street address not P.O. Box)

C. Gas

1. Is natural gas service now available in the subdivision or series partition? _____ YES
NO
2. Is gas service now available to each lot, parcel or interest? ____ YES ____ NO
3. If gas service is not now available to the subdivision or series partition, does the subdivider, series partitioner or developer have a commitment from a gas company to extend the facilities to the subdivision and series partition? ____ YES ____ NO
4. If gas service is not now available, where are present gas facilities in relation to the subdivision or series partition? _____
5. If not now available to each lot, parcel or interest, by what date will service be installed? _____
6. What costs will a lot, parcel or interest purchaser have to pay for extension of gas facilities in order to receive natural gas service? _____
7. Give name, address and telephone number of company supplying gas service:

Name _____

Address _____ Phone _____
(Use street address not P.O. Box)

28. FIRE PROTECTION

- A. Is residential fire protection presently available to the subdivision or series partition? __YES __NO
- B. If not presently available, what provision will be made for residential fire protection to serve the subdivision or series partition? (Explain fully) _____

- C. Give name, address or telephone number of fire district, if any, serving the subdivision or series partition.

Name _____

Address _____ Phone _____
(Use street address not P.O. Box)

29. PUBLIC TRANSPORTATION

- A. State what type of public transportation system presently offers service to, from and within the subdivision or series partition, if any:

- B. If public transportation is not available to, from and within the subdivision or series partition, state type, location and distance of any existing service from subdivision or series partition.

30. PUBLIC SCHOOLS

- A. Elementary School

Give name, location and distance from furthest lot, parcel or interest in the subdivision or series partition:

- B. Junior High School

Give name, location and distance from furthest lot, parcel or interest in the subdivision or series partition:

- C. High School

Give name, location and distance from furthest lot, parcel or interest in the subdivision or series partition:

- D. Does free public school bus service serve the subdivision or series partition for:

- | | |
|-----------------------|----------------|
| 1. Elementary School | ___ YES ___ NO |
| 2. Junior High School | ___ YES ___ NO |
| 3. High School | ___ YES ___ NO |

31. SHOPPING, MEDICAL AND HOSPITAL FACILITIES

- A. Give approximate distance or driving time to nearest community shopping center

- B. Give approximate distance or driving time to, and name of nearest community offering full shopping, medical and hospital facilities:
