

NEBRASKA STATE REAL ESTATE COMMISSION

APPLICATION

FOR

REGISTRATION TO SELL SUBDIVIDED LAND

AS DEFINED IN NEB. REV. STAT. SECTION 81-885.01(9) OF

THE NEBRASKA REAL ESTATE REAL ESTATE LICENSE ACT

State Use Only
Receipt # _____

Date Issued _____

INSTRUCTIONS

Enclosed herewith find a pamphlet containing the Nebraska Real Estate License Act. The sale of subdivided lands as defined in Neb. Rev. Stat. Section 81.885.01(9) of this Act is governed by Sections 81.885.33 to 81.885.42, inclusive, and 299 NAC Chapter 4. Before making out application these sections should be thoroughly studied and applicant fully informed on the contents thereof.

Each application must be accompanied by a filing fee of \$100.00 plus \$25.00 for each one hundred lots or fraction thereof to be offered for sale. Fee must be by certified check, bank draft, or money order made payable to the NEBRASKA REAL ESTATE COMMISSION.

Upon receipt of application the Commission will make an estimate of the probable expenses to be incurred in the investigation of the application, which may include the personal inspection of the property by a person or persons designated by it, and the applicant will be required to make a deposit in the amount so determined which must be by certified check, bank draft, or money order. Developer will be charged actual expenses incurred in the investigation and inspection. After such expenses have been paid, the deposit will be returned.

APPLICATION FOR REGISTRATION TO SELL SUBDIVIDED LAND

1. Name of Applicant _____

2. Address _____
(Please do not use Box Number)

_____ Telephone Number _____

3. Applicant is: Individual () Limited Liability Co. ()
Firm () Corporation ()
Partnership () Association ()
Other ()

4. If Applicant is other than an Individual, a Corporation or a Limited Liability Company, give name, residence address and business address of each person having an interest therein. If Corporation, give name and residence address of all officers, directors, and controlling stockholders, and place of incorporation. If Limited Liability Company, give name and residence address of each individual member and, if applicable, the manager.

5. If Applicant is a Foreign Corporation or Foreign Limited Liability Company, has it qualified to do business in Nebraska?

YES _____ No _____

6. Name, address and business of title holder of land in this development if other than Applicant.

7. Name and business address of all brokers who will be conducting sales in Nebraska.

8. Complete legal description and the area of the real estate to be offered for sale. (Attach copy of deed by which title was acquired).

9. Statement of the Condition of the Title to the real estate, particularly including all liens and encumbrances thereon. (Attach copy of mortgages.)

10. Can merchantable or insurable title in the said lands be conveyed to the purchasers, free and clear of all defects, on date hereof?

YES _____ NO _____ If no, why not?

11. What form of instruments will be used to convey interest to the purchasers initially and title when full purchase price is paid? (Attach copies of all forms to be used.)

12. Has an attorney's opinion or policy of title insurance been obtained?
YES _____ NO _____ If yes, attach copy.

13. Are purchase monies and deposits held in trust pending actual delivery of title?
YES _____ NO _____. If no, give Name and Address of Bank or Depository.

14. In case of default by owners or developers on their obligations what provisions have been made to assure that the purchasers will receive clear title to land purchased, or in the alternative, a full refund of all monies paid? (Attach copies of all applicable instruments. Subdivider must show by documentary evidence that any mortgagee or trustee of a deed of trust has subordinated his/her interest in the real estate to the interest of a purchaser of the real estate.)

15. Are these lands platted of record?
YES _____ NO _____ If yes, attach copy of plat.

16. Did the platting of these lands require prior approval of any governmental agency?
YES _____ NO _____ If yes, name the Agency.

17. Under normal conditions are the lands, or any portion thereof, covered by surface waters in any portion of the year?
YES _____ NO _____ If yes, describe.

18. Has any draining, or filling, of said lands been necessary, or will it be necessary, to render them usable?
YES _____ NO _____ If yes, explain.

19. If lands are vacant, describe briefly the natural topographical characteristics and the type of shrubs, trees, or other plants found on the lands in their natural state.

20. Are all the lots, or parcels of land, in this subdivision presently accessible by conventional automobile over existing roads?

YES _____ NO _____.

If no, is any portion of the subdivision accessible by automobile over existing roads?

YES _____ NO _____.

If yes, give name of road and describe briefly its condition. If no, how is access to said subdivision obtained?

21. What improvements have been installed, promised, or proposed by the owner, or developer, on said lands? () Paved Streets () Street Lighting () Sanitary Sewer () Storm Sewer () Sidewalks () Electric Service () Water Mains () Graded Roads () Recreational Facilities (list):

Others (list):

22. What is the estimated total cost of constructing all improvements listed? _____ . State source of estimate.

23. State the percentage of completion of each improvement listed on date hereof and anticipated completion date of each.

24. Has the plan for the improvements listed been approved by the city or county wherein the lands are located?

YES _____ NO _____ If no, why not?

25. What undertakings or obligations have the owners, or developers, entered into with a governmental agency or for the benefit of purchasers to assure the completion of the improvements* listed? (Attach copies of performance bonds or other security agreements.) (*Corporate Bonds of the Firm will not be accepted.)

26. Has the city or county wherein the lands are located agreed to accept maintenance of the improvements listed, other than recreational facilities?

YES _____ NO _____

27. What provision has, or will be, made for maintenance of facilities listed which will not be maintained by city or county?
28. If sanitary sewers are not proposed, have percolation tests to determine suitability for use of septic tanks on lands been made?
- YES _____ NO _____.
- If yes, state results of test. (Attach copy of the certificate of the Board of Health or the licensed Sanitary Engineer.)
29. If city or county has not agreed to furnish water, state source of potable water supply. (Attach copy of the certificate of the Board of Health or the licensed Engineer as to the quality of the water.)
30. Will purchasers be required to pay any sum other than the actual purchase price in connection with their purchase, or ownership, of lots in the subdivision, except taxes and assessments validly imposed by governmental authority?
- YES _____ NO _____. If yes, state briefly the nature of the same.
31. Are the lands subject to zoning laws?
- YES _____ NO _____.
- If yes, state governmental agency imposing same and the uses for which the lands are presently zoned.
32. Will any subsurface improvement, or special foundation work be necessary to construct one story commercial or residential structures on the property?
- YES _____ NO _____ (Applicable only if offered as building sites.)
33. Is the owner or developer dependent upon proceeds from sale of these lands to retire liens and mortgages and construct improvements listed?
- YES _____ NO _____
34. Are there any restrictions against the lands other than zoning laws, or will any such restriction be imposed?
- YES _____ NO _____
- If yes, attach copy of existing or proposed restrictions.

35. Said lands, in their present condition, without further improvement, draining, or filling can be used for:
 Residential Buildings Ranching
 Commercial Buildings Other (Specify) _____
 Farming _____
36. State source of fire and police protection presently available to purchasers of lots.
37. Has the subdivision been approved, or disapproved, by any mortgage lending institutions or agencies for mortgage loans.
YES _____ NO _____
If yes, state name(s) of those approving and those disapproving.
38. Has the Real Estate Commission, or other similar board or agency of a state or country, other than the State of Nebraska, either approved or disapproved, the advertising, or sale, of this subdivision within such state.
YES _____ NO _____
If yes, state name(s) of each such agency that has approved and disapproved.
39. Have the parcels in this subdivision been offered for sale by any media of advertising, or sales promotion plan, either within the State of Nebraska, or elsewhere, at any time prior to the date thereof.
YES _____ NO _____ If yes, state briefly the details.

In addition to the above information, please furnish: 1) a current audited certified financial statement in accordance with 299 NAC 4-003; and 2) a copy of an offering statement or property report. Requirement 2 may be met by attaching a copy of the property report filed with the Office of Interstate Land Sales Registration, U. S. Department of Housing & Urban Development.

The foregoing statements are made for the purpose of procuring registration for the sale of the real estate described herein and consent is hereby given that these statements may be used as evidence by the Real Estate Commission of the State of Nebraska, or in any court in Nebraska where a violation of the laws of Nebraska regulating the sale of subdivided real estate is claimed.

It is also expressly agreed that the Real Estate Commission of the State of Nebraska has the right to go outside this application for information in investigating this application. We also agree to furnish a cashier's check or

bank draft in an amount to be determined by the Real Estate Commission of the State of Nebraska in an amount sufficient to allow the personal inspection of said real estate by a representative of the Commission.

Dated this _____ day of _____, _____.

I, _____, in submitting this document, state as follows that I am _____

(applicant, partner, member/manager L.L.C., president of corporation, or other officer authorized to verify the application)

_____, that I have read the above and foregoing application, and that the same is true to the best of my knowledge and belief.

APPOINTMENT OF AGENT FOR SERVICE OF PROCESS

(To be used only where the applicant is a non-resident or a foreign corporation or foreign limited liability company).

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, an individual, firm, partnership, limited liability company, association, corporation (Strike out words not applicable) authorized by proper resolution of its Board of Directors (Strike out words if not a corporation) pursuant to the provisions of Sub Section 3 Section 81-885.35, Nebraska Real Estate License Act, does hereby constitute and appoint the Director of the State Real Estate Commission of the State of Nebraska, and his/her successors in office, its or his/her true and lawful agent in Nebraska, upon whom all judicial and other process or legal notice directed to such registrant may be served and service upon the agent so designated shall be equivalent to personal service upon said registrant. The undersigned registrant agrees that any lawful process against such registrant which is served upon such agent shall be of the same legal force and validity as if served upon the registrant, and that such authority shall continue in force so long as any liability remains outstanding in the State of Nebraska. It is expressly agreed that this appointment or power of attorney covers not only the present application and registration but extends to and covers all future or renewal applications and renewal registrations issued by the State Real Estate Commission of the State of Nebraska.

_____, in submitting this document, state as follows that he/she signed the foregoing Appointment of Agent for Service of Process as _____ of the above-named registrant, having full

(State Official Capacity)

authority to sign such appointment in said capacity; that he/she has read said instrument and that the execution thereof is his/her voluntary act and deed and the voluntary act and deed of said registrant.

Date _____

Signature of Applicant and Title