

ARIZONA DEPARTMENT OF REAL ESTATE (ADRE)

[www.azre.gov](http://www.azre.gov)

**SUBDIVISION DISCLOSURE REPORT (PUBLIC REPORT) AMENDMENT INFORMATION**

**OWNER QUALIFICATIONS:** This amendment procedure is available for use by an owner (person or organization) to amend its existing **Subdivision Disclosure Report (Public Report)**. Below are references to pertinent statutes and rules relating to amendment information and pre-application notices.

**R4-28-101.11 “Material change”** means any significant change in the size or character of the development, development plan, or interest being offered, or a change that has a significant effect on the rights, duties, or obligations of the developer or purchaser, or use and enjoyment of the property by the purchaser.

**R4-28-B1203. Material Change; Public Report Amendments**

A. The developer shall notify the Department of all material changes in the information required by A.R.S. Title 32, Chapter 20, Articles 4, 7, 9, and 10, or 4 A.A.C. 28, Article 12, Part A.

B. According to material changes reported in subsection (A), the Department may require the developer to amend the public report.

C. Completion Date Extension.

1. A developer may apply to the Department for an amendment to a public report to extend the completion date of any improvement by providing an affidavit from the developer attesting that each purchaser, owner, and the city or county officials responsible for improvements were provided written notice of the completion status of the improvement, including a list of all people who were provided notice.

2. The Department may deny the application to extend the completion date beyond the first extension if a purchaser, owner, or city or county official opposes issuance of an amended public report to extend a completion date.

3. If an extension is denied, the developer shall provide the Department with a written agreement to suspend sales until the improvement is complete or the Department may issue a summary suspension order as provided in A.R.S. § 32-2157(B).

D. To amend a public report, a developer shall submit payment of the applicable amendment fee and the following information:

1. The name and registration number of the development;

2. The name and signature of the developer;

3. A list of the changes to the development and sales offering or in the information previously provided to the Department;

4. Status of sales as prescribed in subsections (C) and (E); and

5. A purchase contract addendum, to be signed and dated by both seller and purchaser, acknowledging that the sale is conditioned upon issuance of the amended public report and purchaser’s receipt and acceptance of the amended public report.

E. Suspension of sales.

1. If necessary for the protection of purchasers, the Department may suspend approval to sell or lease pending amendment of the report.

2. In lieu of issuing a suspension order under A.R.S. § 32- 2157, the Department may accept a developer’s written agreement to suspend sales until the amended public report has been issued by the Department.

F. If the Department determines that a suspension of sales is not necessary for the protection of purchasers and approves the proposed disclosure of the change, sales may continue if the prospective purchaser is provided a copy of the current public report and disclosure of all changes before signing a contract. Completion of sales is conditioned upon the developer obtaining and delivering to each purchaser under contract the amended public report.

G. Upon obtaining the amended report, the developer shall provide a copy to prospective purchasers in place of the earlier public report and obtain a receipt for the amended public report.

H. If an application to amend a public report is denied, the Department shall notify the developer in writing of the statutory basis for the denial and of the developer’s right to a fair hearing.

**POSSIBILITY OF DISQUALIFICATION TO OBTAIN AN AMENDMENT:** THE ADRE GIVES NO ASSURANCE THAT THE FOLLOWING APPLICATION CAN BE USED FOR THE TYPE OF NOTICE OF CHANGE BEING SUBMITTED. Although owners are required to provide notice of changes, the ADRE may not deem issuance of an Amended Subdivision Disclosure Report necessary unless there are changes that will cause information in the Public Report to be incomplete, incorrect or misleading. To avoid any delay in processing or forfeiture of the application fee, you may wish to contact the ADRE representative for direction on how to proceed prior to filing the application through the ADRE Message Center by click [here](#) or visiting the ADRE website home page at [www.azre.gov](http://www.azre.gov).

**COMPLIANCE:** It is unlawful for anyone, after submitting to the Commissioner the development and sales plan under which lots, parcels or interests are to be offered for sale or lease and securing approval, to change that plan without first notifying the Commissioner in writing of the intended change. Upon the filing of any notice of change and pending amendment of the Public Report, if an amendment to the public report and suspension of sales is required by ADRE the Owner/Applicant must agree to suspend sales or, with ADRE approval, continue sales by providing the purchaser a copy of the current Public Report and written disclosure of all changes prior to signing a contract. If an amendment to the public report and suspension of sales is required, prior to continuing sales, the Owner/Applicant must obtain ADRE approval of the form and content of the disclosure of changes. If an amendment to the public report is required, sales after the notice of the material change must be conditioned upon purchaser receiving the Amended Subdivision Disclosure Report for which a Public Report receipt shall be taken. **NON-COMPLIANCE MAY RESULT IN VOIDABLE SALES AND THE RIGHT OF RESCISSION FOR PURCHASERS. FURTHER, THE DEPARTMENT MAY IMPOSE ADMINISTRATIVE PENALTIES.**

## SUBDIVISION DISCLOSURE REPORT (PUBLIC REPORT) AMENDMENT FILING INSTRUCTIONS

1. File the SUBDIVISION DISCLOSURE REPORT AMENDMENT APPLICATION (Page 3), after completing the application in its entirety and be sure to include the correct filing fee. If a site inspection is deemed necessary, the Applicant will receive a bill for inspection costs. When submitting the application to ADRE, place a large label on the outside of envelope marked **“ATTN: AMENDMENT SUBDIVISION FILINGS”** to help expedite initial processing time.
2. Provide supporting documentation related to the change(s) as necessary. Follow the **DOCUMENT CHECKLIST** below for guidance.
3. Provide a purchase contract addendum, to be signed by both seller and purchaser, acknowledging that the sale is conditioned upon issuance of the Amended Subdivision Disclosure Report and purchaser’s receipt and acceptance of the Amended Subdivision Disclosure Report.

Note: The ADRE is required by law to process the application in accordance with established time frames. Review A.A.C. R4-28-102 for a description of the time frames and procedures which the Department and applicant must comply.

### DOCUMENT CHECKLIST (documentation necessary to support the change(s) requested with this application)

Standard Document List for All Filings	Other Pertinent Documents Pertaining to Type of Change (If Applicable)
<input type="checkbox"/> Completed Subdivision Disclosure Report Amendment Application	<input type="checkbox"/> Updated Title Report
<input type="checkbox"/> Detailed List of Change(s) being requested	<input type="checkbox"/> Health Certificate
<input type="checkbox"/> Clean copy of proposed amended Subdivision Disclosure Report on CD-RW (or Flash Drive) in Microsoft Office Word 2010	<input type="checkbox"/> Proof of Water Provider
<input type="checkbox"/> Red-line copy of current Subdivision Disclosure Report	<input type="checkbox"/> Flood and Drainage Update
<input type="checkbox"/> Copy of Recorded Documents (Schedule B’s)	<input type="checkbox"/> Soils Report
<input type="checkbox"/> Addendum to Purchase Contract to be used A.A.C. R4-28-B1203(D)(5)	<input type="checkbox"/> Proof of Ownership Interest
<input type="checkbox"/> Updated Title Report, if last amendment was <b>more than thirty (30) days ago</b>	<input type="checkbox"/> Updated financial arrangements acceptable to the ADRE for completion of improvement
<input type="checkbox"/> Applicable Fee (click <a href="#">here</a> or visit the ADRE website home page at <a href="http://www.azre.gov">www.azre.gov</a> to view Fee Schedule)	<input type="checkbox"/> Permanent Access Statement A.R.S. § 32-2185.02
<b>Extend Improvement Completion Date(s) List</b>	<input type="checkbox"/> Deeds of Trust(s) and Lot Releases for New Assurances
If improvements are not complete and completion dates have expired:	<input type="checkbox"/> Trust Agreement(s) and Trust Amendments for New Option Agreement(s) (prior(s) expire)
<input type="checkbox"/> Provide updated document extending date(s) plus three (3) months	<input type="checkbox"/> Amendment to Existing Plat (only)*
<input type="checkbox"/> Provide NEW assurances listed under A.A.C. R4-28-A1211 acceptable by the Commissioner	<input type="checkbox"/> Correction to Existing Plat (only)
<input type="checkbox"/> Affidavit of Written Notice from Developer A.A.C. R4-28-B1203(C)(1)	<input type="checkbox"/> CC&Rs: Copies of recorded liens and encumbrances, lot release provisions, recorded restrictions or amendments thereto, and any new easements
	<input type="checkbox"/> <b>If adding lots</b> and new lots were not part of the original documents, include flood/drainage update, updated health certificates, a soils update, proof of water provider, plat, CAGR Fee Notice (as applicable), title and recorded ownership interest <u>updated documents</u> must be provided, and any financial obligation to complete new lot additions
*Plat changes may require new filing	



**Arizona Department of Real Estate (ADRE)**  
 Development Services Division  
[www.azre.gov](http://www.azre.gov)

DOUGLAS A. DUCEY  
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**SUBDIVISION DISCLOSURE REPORT (PUBLIC REPORT)**  
**AMENDMENT APPLICATION (FORM A)**

Development Name:		Public Report Registration No.:	Amendment No.:	
Owner – Applicant Name:				
Owner – Applicant Address:				
City:	State:	Zip Code:	Telephone Number:	Email Address:
Name of Contact Person that Owner/Applicant authorizes the Department of Real Estate to accept and rely upon as accurate and complete all information and documentation provided by the named contact person in conjunction with this application:		Telephone Number:	Email Address:	

This form serves as Notice of the following changes to Owner – Applicant’s development/project and sales offering or information previously provided to the ADRE under the above Public Report Registration Number. **Attach a detailed list of each change requested.**

**SALES STATUS (Select applicable box):** The above Owner/Applicant agrees that sales of lots/interests in the above cited development/project will  be suspended, OR  continue with all purchasers being provided a copy of the current Public Report and disclosure of all changes prior to signing the purchase contract until such time as the Amended Subdivision Public Report is issued. It is understood that each sale is conditioned upon purchaser receiving the Amended Subdivision Disclosure Report.

**AFFIDAVIT OF OWNER/APPLICANT**

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)                      Subdivision Name: \_\_\_\_\_

The undersigned, \_\_\_\_\_ (Print Name), being duly sworn deposes and says:

1. The statements herein contained, and the documents submitted herewith, are full, true and complete;
2. I am duly authorized to prepare and am the person responsible for the content of this application and accompanying Amended Subdivision Disclosure Report;
3. There are no changes to our development; our sales offering or information previously provided to the Department, other than as listed on the attached detailed list of changes; and
4. Receipts will be obtained from purchasers for all subdivision disclosure reports and disclosures of changes.

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title or Office: \_\_\_\_\_

Signature: \_\_\_\_\_

This instrument subscribed to and sworn before me  
 this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by  
 \_\_\_\_\_, in witness

whereof I set my hand and official seal.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

APPLICATION MUST BE SIGNED AND SWORN TO BEFORE A NOTARY PUBLIC BY ALL SUBDIVIDERS PRIOR TO ISSUANCE OF THE AMENDED SUBDIVISION DISCLOSURE REPORT.