**ARIZONA**

**PHOENIX OFFICE:**

100 North 15th Avenue

Suite 201

Subdivisions Section

Phoenix, Arizona 85007

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

 **DEPARTMENT**

 **OF REAL ESTATE**

“An Equal Employment Opportunity Agency”

# APPLICATION FOR AMENDED

**CERTIFICATE OF AUTHORITY**

General Information

1. This amendment procedure is available for use by a holder of a certificate of authority in amending its certificate of authority**.**
2. It is unlawful for any owner or agent, after submitting to the commissioner the plan under which cemetery plots are to be offered for sale and securing approval, to change the plan materially without first notifying the commissioner in writing of the intended change. Upon the filing of any notice of change and pending amendment of the certificate of authority, the Owner/Applicant must agree to suspend sales or, with Department approval, continue sales providing the purchaser a disclosure of all changes prior to signing a contract. Prior to continuing sales, the Owner/Applicant must obtain Department approval of the form and content of the disclosure of changes.
3. The Department anticipates the following types of changes:
4. A material change to existing cemetery sections that changes either the location or the size of interment sites where sales have been made according to a notice previously submitted to the Department.

The Department may determine that suspension of sales is necessary for the protection of purchasers if there is a material change that changes either the location or size of interment sites that have been sold in an existing cemetery section. Prior to submitting this application, please contact the Department to discuss what notice the Department may require to provide purchasers in order to continue sales.

1. A modification or addition to the cemetery that does not materially change the size or location of spaces that have been sold in existing cemetery sections. This may include the addition of cemetery sections, niches, mausoleum crypts and other interment sites; the subdividing of existing unsold spaces and the platting of undesignated property within a section of the cemetery.

1. The filing fee to amend a certificate of authority is $250.00.

1. When possible, amendment applications will be processed by the Department representative who issued your certificate of authority. Applications will be directed immediately to the appropriate representative upon receipt and initial processing by staff.

**Filing Procedures**

1. File the attached Application for Amended Certificate of Authority to the Department of Real Estate with the correct filing fee. If on-site inspection is deemed necessary, you will receive a bill for inspection costs.
2. Provide supporting documentation related to the change(s) as necessary.
3. If this is a material change to existing cemetery sections where sales have been made according to a notice previously submitted to the Department, the applicant shall provide:
* A complete statement of the affect of the changes if any to the size or location of existing sold interment sites
* Maps and plats showing individual interment spaces, crypts, niches, or other interment sites
* If the application is for a material change and the applicant intends to continue sales during the processing of the application for the amendment, the applicant shall submit the written notice that will be sent by the applicant to each purchaser stating that the certificate of authority is currently being amended and the reason for the amendment. If the applicant does not intend to continue sales, the applicant shall file a statement voluntarily suspending sales in the affected cemetery section until approval of the amendment
* A statement detailing any changes to contract documents, rules and regulations or other documentation submitted with the original certificate of authority.
* A statement detailing any changes from the original certificate of authority in the status of the corporation or limited liability company or authorized signatories.
* If this material change includes an extension of the time period as indicated in the existing application for Certificate of Authority to complete any mausoleum, columbarium, or other improvement, assurance to the department that a holder of an interment right who objects to the extension of time period may obtain a refund or obtain other suitable resolutions.
* A statement that there are no valid liens against the property.
* If the property was not included in the title report for the original certificate of authority or if that title report indicated liens against the property, a title report showing that there are no valid liens against the property.
* A certification that the holder of the certificate of authority is incompliance with the provisions of A.R.S. §32-2194.28.
* A financial statement of the applicant
1. If this is a modification or addition to the cemetery without a material change to existing cemetery sections, the applicant shall provide:
* Maps and plats showing individual interment spaces, crypts, niches, or other interment sites
* If the property was not included in the title report for the original certificate of authority or if that title report indicated liens against the property, a title report showing that there are no valid liens against the property.
* A statement detailing any changes to contract documents, rules and regulations or other documentation submitted with the original certificate of authority.
* A statement detailing any other changes in the information provided on the last application for a certificate of authority or application for amendment of a certificate of authority.
* A certification that the holder of the certificate of authority is incompliance with the provisions of A.R.S. §32-2194.28.
1. The Department is required by law to process this application in accordance with established statutory time frames. The following is a description of the time frames and procedures with which the Department and applicant must comply.
2. **Overall time-frame.** The Department shall issue or deny an amendment to a certificate of authority within the overall time-frame after receipt of the complete application. The overall time-frame is the total of the number of days provided in the administrative completeness review and the substantive review.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | **Administrative** | Deficiency | **Substantive**  | Additional | **Overall** |
|  | **Completeness** | Completion | **Completeness** | Information | **Time-frame** |
|  | **Review** | Period | **Review** | Period |  |
| Original |  |  |  |  |  |
| Application | **40** | 40 | **60** | 40 | **100** |
|  |  |  |  |  |  |
| Amendment | **30** | 30 | **30** | 30 | **60** |

1. **Administrative completeness review.**
2. The administrative completeness review time-frame begins the date the Department receives the application. The Department shall notify the applicant in writing of deficiencies within the administrative completeness review time-frame. The notice shall specify what information is missing. If the Department does not provide notice to the applicant, the application shall be deemed administratively complete.
3. An applicant with an incomplete application shall supply the missing information within the completion period shown in the above table. The administrative completeness review time-frame is suspended from the date of the Department’s deficiency notice until the Department receives the information.
4. An applicant shall not supply missing information “piece-meal”. The receipt of any missing information will be interpreted as the applicant’s response to the Department’s deficiency notice and the Department will resume processing the application.
5. If the applicant fails to submit all of the missing information before the completion deadline, the Department will close the file. An applicant whose file has been closed and who later wishes to obtain a certificate of authority shall submit a new application.
6. **Substantive review.** The substantive review time-frames shown in the above table begin the day after the application is deemed administratively complete.
7. The Department may schedule an inspection.
8. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional time period shown in the above table. The substantive review time-frame is suspended from the date of the Department’s request until the information is received by the Department. If the applicant fails to provide the information identified in the request, the Department shall deem the application withdrawn and close the file.
9. An applicant shall not supply the requested additional information “piece-meal”. The receipt of any requested information will be interpreted as the applicant’s response to the Department’s request for additional information and the Department will resume processing the application.
10. Unless the file has been closed because the application was incomplete, the Department shall issue a written notice granting or denying the certificate of authority within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial, the applicant’s right to seek a fair hearing and the time period and manner in which the applicant may appeal the denial.
11. **Application filing.** All applications for certificate of authority filed with the Department shall be considered filed on the date received by the Department.
12. **Computation of time.** In computing any period of time, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday or a legal holiday in which event the period runs until the end of the next day which is neither Saturday, Sunday nor a legal holiday.

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**APPLICATION FOR AMENDED**

**CERTIFICATE OF AUTHORITY**

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*(Cemetery Name) (Department Representative)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereby provides

 *(Owner - Applicant)*

notice of the following changes to our cemetery and sales offering or information previously provided the Arizona Department of Real Estate under Registration No.

(Use separate sheet if necessary):

[ ]  This application is for **a material change** to an existing cemetery section where sales have been made according to the certificate of authority previously issued by the Department.

[ ]  The Applicant/Owner agrees to suspend sales in the area of the cemetery being changed until the application is approved.

[ ]  The Applicant/Owner requests permission to continue sales in the area of the cemetery being changed. Attached are stipulations to protect the interests of property owners in the cemetery.

[ ]  This application is for a modification or addition to an existing cemetery section **without a material change** to an existing cemetery section.

The undersigned,      , being duly sworn deposes and says:

1. I have the legal authority to execute and provide this notice on behalf of the above named Owner/Applicant;
2. The statements herein contained, and the documents submitted herewith, are full, true and complete; and
3. There are no changes to our cemetery; our sales offering or information previously provided the Department, other than as listed above.

State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 )ss.

County of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_