PHOENIX OFFICE:

100 North 15th Avenue

Suite 201

Phoenix, Arizona 85007

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

STATE OF ARIZONA

DEPARTMENT OF REAL ESTATE

“An Equal Employment Opportunity Agency”

**WORK SHEET AND**

**FILING INSTRUCTIONS**

**FOR**

**SUBDIVISION DISCLOSURE REPORT**

An application must be filed and a Subdivision Disclosure Report issued pursuant to Arizona Revised Statute (A.R.S.) 32-2181 et. seq. prior to the sale or lease of subdivided lands as defined in A.R.S. 32-2101(56), unless an exemption has been issued pursuant to A.R.S. 32-2181.01 or you are exempt pursuant to A.R.S. 32-2181.02 or 32-2181.03. The Development Services Manager or any Development Representative located in the Phoenix Office may be contacted for assistance.

**NOTE: Do not submit the Filing Instructions for Subdivision Disclosure Report as part of the Application for Subdivision Disclosure Report to the Department of Real Estate. The general information, instructions and file format have been created solely for the purpose of providing instructions regarding how to compile the Subdivision Disclosure Report. Section V, the Questionnaire/Worksheet, will provide the information that will be inserted into the Subdivision Disclosure Report Template provided on the Arizona Department of Real Estate website at** [**www.azre.gov**](http://www.azre.gov)**. The questionnaire/worksheet should not be submitted as part of the application.**

**Persons with disabilities may request reasonable accommodations such as interpreters, alternative formats or assistance with physical accessibility. Requests for accommodations must be made with 72 hours prior notice. If you require special accommodations, contact either office listed above.**

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### SECTION I. GENERAL INFORMATION

The applicant (subdivider) who plans to offer subdivided land (lots) for sale or lease must complete and file a Subdivision Disclosure Report application and obtain a Subdivision Disclosure Report prior to offering the lots for sale or lease. Upon issuance of the Subdivision Disclosure Report, the Department will also provide a Subdivision Disclosure Report Receipt form, which must be given to potential homebuyers of the Subdivision Disclosure Report according to A.A.C. R4-28-805. For more information, ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-805.pdf) to view A.A.C. R4-28-805 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-805.pdf>. The subdivider must make the report available to each prospective customer and furnish each purchaser with a copy and get a receipt for it before the purchaser signs a binding real estate sales contract. Further, buyers must be given an opportunity to read the Report prior to signing a binding contract.

1. The applicant for a Subdivision Disclosure Report must have a sufficient recorded interest in the subdivision. The Department will examine the applicant’s interest in the subdivision for sufficiency. Additionally, that interest must be reflected in a policy of title insurance or title report.
2. Pursuant to A.R.S. 32-2184, a change to the subdivision or the plan under which it is offered for sale or lease, may invalidate the Subdivision Disclosure Report and require application for and the issuance of an amended Subdivision Disclosure Report. Continuing sales or offers for sale after any change without notifying the Department and obtaining an Amended Subdivision Disclosure Report or an exemption may result in administrative action. This may include, but is not limited to, suspended sales, voidable contract(s) and/or administrative penalties.
3. Applications for Subdivision Disclosure Report must meet or exceed the guidelines set forth in **Section IV** of this document. Failure to submit the application in the requested format may result in the filing being returned or delayed.
4. One or more site inspections of the subdivision may be performed by the Department to verify, among other things, timely completion of improvements. Inspection costs, including travel and subsistence expenses, shall be paid by the applicant pursuant to A.R.S. 32-2182. See **Exhibit C** for the Inspection Fee Schedule.
5. For purposes of the application and Subdivision Disclosure Report only, the following terms are used throughout this document and are defined as follows:

* “Subdivision” is used generically throughout to refer to the property, which is the subject of the Application for Subdivision Disclosure Report. In part, “subdivision” means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels or fractional interests. We recommend that you review A.R.S. §32-2101(56) for the entire definition.
* “Facilities” is identified as any improvement offered by the applicant including, but not limited to, streets, electricity, telephone, natural gas, water, sewers, flood protection and drainage facilities, landscaping, perimeter walls, parking facilities, swimming pools, tennis courts, ramadas, clubhouses, parks, lakes, etc.

A facility will be deemed offered if it is represented as available or as a planned or future part of the subdivision by the applicant, any person working for the applicant, any marketing or advertising material, or any other documents or materials used in representing the subdivision to prospective purchasers.

* “Completion Date” is the date by which the applicant will have completed installation of facilities to federal, state, county, town or city standards, where applicable.
* “Completion” is the installation of working or usable facilities to each individual lot line or, in the case of condominiums, to each individual building site or upon the common areas, as applicable.

1. Upon review of the application, additional information and/or documentation may be required. Failure to submit all documents pertaining to the subdivision will delay processing of the application.
2. Within 10 days after request by the Department, the subdivider shall submit subdivision advertising material
3. The Department shall correct the errors in Subdivision Disclosure Reports at its own expense and notify the applicant of such error, except as stated hereafter. Additional or changed information that was known to the applicant before issuance of the report is not an error. No Subdivision Disclosure Report shall be corrected after it has been in effect for 10 days. After 10 days, the report shall only be changed through the amendment process, established in R4-28-B1203, with payment of the amendment fee of $250.00 pursuant to A.R.S 32-2184.
4. The Department is required by law to process the application in accordance with established time frames. The following is a description of the time frames and procedures that the Department and applicant must comply with:
   1. Overall time frame. The Department shall issue or deny a Subdivision Disclosure Report 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. Reference the below table.

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

1. Administrative completeness review
   * 1. 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.
     2. 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.
     3. 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.
     4. If the applicant fails to submit all of the missing information before the completion deadline, the Department may close the file. An applicant whose file has been closed and who later wishes to obtain a Subdivision Disclosure Report shall submit a new application.
2. Substantive review. The substantive review time frames shown in the above table begin the day after the application is deemed administratively complete.
3. The Department may schedule an inspection.
4. 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 Department receives the information. If the applicant fails to provide the information identified in the request, the Department may deem the application withdrawn and close the file.
5. 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.
6. Unless the file has been closed because the application was incomplete, the Department shall issue a written notice granting or denying the Subdivision Disclosure Report 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.
7. Application filing. All subdivision applications filed with the Department shall be considered filed on the date received by the Department.
8. 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.
9. In an expedited application, the Department only does a review to ensure that the file is administratively complete and the review time is 10 business days. Regular filings receive both an administrative and substantive review and may take 40 days or longer to process.

### SECTION II. INSTRUCTIONS

Applications for Subdivision Disclosure Report must meet or exceed the guidelines set forth in **Section IV**, Filing Format, attached hereto. Failure to submit the application in the requested format may result in the filing being returned or delayed.

1. Reference **Section V** – Subdivision Disclosure Report Questionnaire/Worksheet for use as a working document when preparing the Subdivision Disclosure Report. This document will not be submitted with the Application for Subdivision Disclosure Report.
2. Complete an Application for Subdivision Disclosure Report, which can be found at [www.azre.gov](http://www.azre.gov) located under Development Services.
3. Complete the Affidavit of Applicant (attached to the Application for Subdivision Disclosure Report) found at [www.azre.gov](http://www.azre.gov) (a copy is attached as **Exhibit F**) and have signed by an authorized representative of Applicant/Subdivider.
4. Compile the application together with the required documents as listed in **Section III**.
5. Reference **Section IV** – Filing Format instructions. File completed package with the Department of Real Estate. Applications are being accepted at the Phoenix location.
6. If applicant(s) is a person, complete **Exhibit E** – Form for Individual Applicants and submit with the Application for Subdivision Disclosure Report.
7. An initial fee of $450.00 must accompany the application, together with the initial inspection fee. Payment of all fees related to the application must be by check made payable to the Arizona Department of Real Estate.
8. A draft Subdivision Disclosure Report prepared using the Department’s Subdivision Disclosure Report template. The template can be found on the Arizona Department of Real Estate website at [www.azre.gov](http://www.azre.gov); located under “Information” then “For Developer”.
   1. The draft shall be prepared as a Word document in Microsoft Word and in accordance with **Section IV, (1c)**.
   2. The draft, including all exhibits that are referenced in the Report such as airport maps and title exceptions, shall be submitted on a CD-RW along with one (1) hard copy of the draft Subdivision Disclosure Report.
   3. The CD-RW should not be password or write protected.
   4. All references to leases should be deleted if no leasing is proposed.
   5. Statements on the Subdivision Disclosure Report must be provided in concise, plain language and must disclose all pertinent facts.
   6. **Do not make reference to an exhibit that cannot be imported into the Subdivision Disclosure Report draft.**
9. Filing Disclaimer. If the filing is expedited, the Expedited Registration Request letter, attached as **Exhibit D**, must be submitted with the application package.
   1. Regular Filings. For Regular Filings use this disclaimer on the front page of the Subdivision Disclosure Report:

This report is NOT A RECOMMENDATION NOR AN ENDORSEMENT by the State of Arizona of this land but is provided for informational purposes ONLY. The report reflects information provided by the subdivider and obtained by the Department in its review process in accordance with the provisions of Title 32, Chapter 20, Article 4, of the Arizona Revised Statutes, as amended.

NOTE that not all of the information in this report has been verified by the Department; certain information has been accepted by the Department as true and accurate based on attestation of the subdivider and/or the subdivider’s agents. You should verify all facts before signing any documents. The Department has not passed upon the quality or quantity of any improvement or structure and does not assume responsibility in either event.

* 1. Expedited Filings. For Expedited Filings use this disclaimer on the front page of the Subdivision Disclosure Report:

This report is NOT A RECOMMENDATION NOR AN ENDORSEMENT by the State of Arizona of this land. The application and Subdivision Disclosure Report have not been subjected to a detailed examination by the Department. The report was prepared by the subdivider and none of the information in this report has been verified by the Department. All the information has been accepted by the Department as true and accurate based on attestation of the subdivider/or the subdivider’s agents. The purchaser should verify all facts before signing any documents. The Department assumes no responsibility for the quality or quantity of any improvement in this development.

### SECTION III. REQUIRED DOCUMENTS

The following documents must accompany the application and shall constitute a part thereof:

1. A legible copy of the recorded subdivision map no larger than 11” x 17” showing book/ cabinet, page/slide and date of recording and approval by County and/or City.
2. Policy of Title Insurance or Title Report which is a true statement of the condition of title to the land issued after recordation of map, dated no more than 30 days prior to receipt by the Department of Real Estate. The Policy or Report must include the statement that “there are no further matters of record affecting the land” and must include the name and telephone number of the title examiner.[[1]](#footnote-1)
3. On a CD-RW, provide copies in PDF or Word format of all recorded and unrecorded documents listed in the title exceptions on Schedule B of the Title Report or Title Policy.
4. Provide a hard copy of the recorded subdivision restrictions (CC&Rs) and any amendments.
5. If title to the property is held in trust, a complete copy of the Trust Agreement and any amendments thereto.
6. If title to the property is subject to any option, contract of purchase, lien or encumbrance and the recorded document contains no lot release provisions, provide a separate lot release provision letter from the seller or lien holder, or relevant pages from the loan agreement if a Mortgage or Deed of Trust.
7. If the land is located within an Active Management Area (AMA), you must obtain a Certificate of Assured Water Supply from the Arizona Department of Water Resources (ADWR) or written commitment of water service from the city, town or private water company which has been designated by ADWR as having an assured water supply.
   1. If the land is located outside an AMA, you must obtain a Water Report from ADWR. See **Section VI, 5**.
8. If the land has enrolled as Member Land (ML) of the Central Arizona Groundwater Replenishment District (CAGRD) pursuant to A.R.S. §48-3772 and 48-3774, or if the land will be served by a municipal provider whose service area is currently enrolled as a Member Service Area (MSA) of the CAGRD pursuant to A.R.S. §48-3772 and §48-3780, you must file an application for a Fee Payment Notice with the CAGRD. Contact the CAGRD at (623) 869-2380 or visit the CAGRD at [www.cagrd.com](http://www.cagrd.com). Reference **Section V, 23**.
9. A copy of the real estate sales contract or lease to be used, describing conditions of sale or lease and type of deed, lease or other conveyance document to be used to convey property to purchaser. All real estate sales contracts shall contain substantially the language stated in **Section VI, 1** entitled Contract Disclosures. Your contract may need additional disclosures as set forth in **Section VI**.
10. A copy of the provisions, if any, limiting the use or occupancy of the lots or parcels, and any restrictive covenants affecting all or part of the subdivision. (Copies of recorded subdivision restrictions, recorded deed restrictions, contract restrictions or other restriction documents.)
11. A copy of the Articles of Incorporation and Bylaws for each operational property owner’s association. The Articles and Bylaws must show that the association(s) is legally formed.
12. If this filing is for a condominium, a copy of all documents that create the condominium and an attorney’s opinion letter asserting compliance with A.R.S. 33-1201, et seq.
13. Document(s) or statement demonstrating legal and permanent access.
14. A Certificate of Approval of Sanitary Facilities for Subdivisions from the Arizona Department of Environmental Quality (ADEQ), or its designee. The approval must include all lots listed in the Application for Subdivision Disclosure Report.
15. If bottled propane gas is used, a letter from the propane gas supplier stating that they provide service to the subdivision. The letter must also describe all requirements to be met and costs paid by lot purchasers in order to receive service.
16. A Certificate of Good Standing issued by the Arizona Corporation Commission. For each corporation (foreign or domestic) participating in the application as a principal, general partner, or joint venturer owning 10 percent or more. The date on the Certificate shall not be more than 1 year from the date of the application.
17. If applicant is a trust beneficiary, limited liability company, partnership or joint venture, a copy of the legal documents creating same (partnership/joint venture agreement, articles of organization, trust agreements, etc.). Limited partnerships must provide evidence of registration with the Arizona Secretary of State’s Office.
18. Authorization for any individual(s) signing on behalf of a corporation, limited liability company, partnership or owner (corporate resolution, partnership agreement, power-of-attorney, operating agreement, etc.), authorizing the signing of documents and correspondence related to the application.
19. A letter from a professional engineer detailing the effect of any flood zone designation or flood plain location, flood and drainage conditions, any apparent hazards, effect of a 100 year frequency storm and if flood insurance is required. The engineer’s professional seal must be affixed and legible on the letter. For more information, ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-A1203.pdf) to view A.A.C. R4-28-A1203 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-A1203.pdf>.
20. A letter from a professional engineer providing whether the lands are subject to subsidence or expansive soils. If lands are subject to subsidence or expansive soils, the letter should provide a description and remedy in plain language and disclosure shall be made in the Subdivision Disclosure Report.
21. A copy of documents, agreements or statements demonstrating that adequate financial or other arrangements acceptable to the Commissioner have been made for installation, completion and delivery of all improvements and facilities represented in the application.
22. If the application is to be processed pursuant to the certification agreement between the State of Arizona and the United States Department of Housing and Urban Development Office of Interstate Land Sales Registration (HUD/OILSR), check the HUD/OILSR Certification box on the first page of the Application for Subdivision Disclosure Report. Obtain and comply with the Arizona Department of Real Estate’s HUD Supplement to the application.
23. If the subdivision is located outside of Arizona, a copy of the domicile state’s or country’s Subdivision Disclosure Report, equivalent report or other approval document. Further, for those required documents that are not specific to Arizona land, submit the domicile state’s or country’s equivalent document pursuant to Arizona Administrative Code (A.A.C.) R4-28-A1220.

### SECTION IV. FILING FORMAT

All applications for Subdivision Disclosure Report must be submitted to the Department, at a minimum, in the format as referenced below.

All filings must be submitted in a legal size file folder with documents 2-hole punched at the top, placed on a two-prong ACCO fastener and delivered to the Department in an expanding file folder. Maps may be left off the fastener, folded and placed in the expanding file. **Do not submit notebooks of documents. You may submit your application using sectioned or multiple folders.**

1. On the left side of the folder, place:
   1. Index or Checklist of Exhibits.
   2. Hard copy draft of the Subdivision Disclosure Report using the Department’s Subdivision Disclosure Report Template. Statements on the report must be provided in concise, plain language and must disclose all pertinent facts.
   3. Draft Subdivision Disclosure Report (including all exhibits) on a CD-RW that has been formatted for Microsoft Word 2000. The CD-RW shall not be password or write protected. The Subdivision Disclosure Report draft must include all exhibits that are referenced in the Report such as airport maps and title exceptions. All references to leases should be deleted if no leasing is proposed. Statements on the Subdivision Disclosure Report must be provided in concise, plain language and must disclose all pertinent facts. **Do not make reference to an exhibit that cannot be imported into the Subdivision Disclosure Report draft**.
   4. H.U.D. Certification documents, if applicable.
   5. If subdivision is located outside of Arizona, copy of situs state’s Subdivision Disclosure Report, their equivalent report or other approval document.
2. On the right hand side of the folder, place the remaining required documents in the following order and ensure that they are tabbed with exhibit stickers to match the index or checklist:
   1. Fee payment (Application Fee of $450.00 plus Inspection Fee or Amendment Fee of $250.00). Payment must be by check made payable to the Arizona Department of Real Estate. Condominium Recovery Fund fee of $10.00 per unit, if applicable.
   2. Completed Application with Affidavit signed by an authorized representative of Applicant/Subdivider and notarized by a Notary Public
   3. If expedited, include the Expedited Registration Request attached as **Exhibit D**.
   4. Copy of Recorded Plat, 11x17.
   5. For Condominiums - Condominium Declaration (recorded) and Attorney’s Opinion Letter
   6. Title Report dated no more than thirty (30) days prior to receipt by the ADRE
   7. Title Report Schedule B items, except the CC&Rs, on a CD-RW.
   8. One hard copy of the CC&Rs
   9. Trust Agreement(s)
   10. Lot Release Provisions, if applicable.
   11. Permanent Access documentation, as needed
   12. ADEQ Certificate of Approval of Sanitary Facilities for Subdivisions
   13. ADWR Certificates or Reports, as required
   14. Flood and Drainage Report/Letter
   15. Engineer’s Soils Report
   16. Articles of Incorporation (Homeowners Association), stamped as filed with the Arizona Corporation Commission
   17. Bylaws (Homeowners Association)
   18. Corporate or Limited Liability Company Certificate(s) of Good Standing
   19. Corporate Resolution(s)
   20. Partnership Agreement(s)
   21. Limited Liability Company Articles, stamped as filed with the Arizona Corporation Commission
   22. Limited Liability Company Operating Agreement
   23. Sales contract and Addenda, if any
   24. Specimen Deed
   25. Financial Assurances for all improvements
   26. Proof of CAGRD payment, if applicable

The applicant/subdivider may delete items that are not applicable to the application.

After the Department has reviewed the application, corrections and/or modifications will be made to the report as required. The CD-RW which has the draft report on it and a hard copy of the issued report will be returned.

### SECTION V. SUBDIVISION DISCLOSURE Report Questionnaire/Worksheet

1. Complete name of subdivision, as shown in the Dedication of the recorded map:
2. Marketing or promotional name, if different from question 1:
3. List the lots or units included in the application:
4. APPLICANT (Subdivider):
   1. Name(s):
   2. Address:
   3. Telephone:       Fax:
   4. Email Address:
5. SUBDIVISION MAP:
   1. Recorded in Book/Cabinet      , Page/Slide      ,       County, State of       on       , 20     .
   2. Gross acreage in entire subdivision:      .
   3. Specify number of lots, units, parcels and/or tracts within entire subdivision:
6. SUBDIVISION LOCATION
   1. City, County and State:
   2. Address or Street location:
   3. If outside a city or town, miles and directions from the nearest city or town:
   4. Driving directions to the subdivision:
7. UTILITY AND SERVICE PROVIDER CONTACT INFORMATION
   1. State name, telephone number and website of company which will provide service for the following:

Electric:

Telephone:

Cable:

Internet/Fiber Optic:

Natural Gas:

Water:

Sewer:

Garbage Services:

* 1. Where are present facilities in relation to this subdivision? (Distance from farthest lot included in the application):

Electric:

Telephone:

Cable:

Internet/Fiber Optic:

Natural Gas:

Water:

Sewer:

1. UTILITY AVAILABILITY
   1. Are electric facilities available to this subdivision?  Yes  No
   2. Are street light facilities available within this subdivision?  Yes  No
   3. Are telephone facilities available to this subdivision?  Yes  No
   4. Are cable facilities available to this subdivision?  Yes  No
   5. Are Internet/fiber optic facilities available to this subdivision?

Yes  No

* 1. Are sewer facilities available to this subdivision?  Yes  No
  2. Are natural gas facilities available to this subdivision?  Yes  No

May bottled propane gas be used? [[2]](#footnote-2)  Yes  No

If yes, see footnote.

* 1. Is a domestic water supply available to this subdivision?  Yes  No

Will the water be supplied by a public water system, as defined by A.R.S. §49-352?

Yes  No If no, see **Exhibit A, No. 1** and **Exhibit B, No. 1**

* 1. Will fire hydrants be installed?  Yes  No

If yes, indicate when installation is anticipated (month-day-year).

* 1. State whether sewage collection, treatment and disposal will be provided by a municipality, improvement district, public utility, private company, individual on-site wastewater treatment system (septic tank system etc.) or other:[[3]](#footnote-3)

If no individual on-site wastewater treatment system will be used, see **Exhibit B, No. 2**.

* 1. Is the sewer treatment plant for this subdivision adequate to handle the addition of these lots[[4]](#footnote-4)?  Yes  No If no, see **Exhibit B, No. 3**.
  2. Are flood protection or drainage facilities available within this subdivision?

Yes  No

If yes, describe:

* 1. If located in a Master Planned Community, see **Exhibit B, No. 4.**

1. RESPONSIBLE PARTY FOR FACILITIES TO LOT LINE
   1. Electric Facilities:
   2. Street Lights:
   3. Telephone:
   4. Cable:
   5. Internet/fiber optic:
   6. Sewer:
   7. Natural Gas:
   8. Water:
      1. If the water provider is a public service corporation, does it possess a Certificate of Convenience and Necessity from the Arizona Corporation Commission allowing it to provide water to this subdivision?  Yes  No

If no, explain:

* + 1. What is the compliance status of the water provider with the Arizona Department of Environmental Quality as of the date of application?

If not in compliance, provide an explanation:

* 1. Sewer:
  2. Flood and Drainage: If the City or County is responsible for maintenance, when will the facilities be accepted for maintenance?

1. ESTIMATED COMPLETION FOR FACILITIES TO LOT LINE [[5]](#footnote-5) (Month-Day-Year)
   1. Electricity:
      1. If conduit only, explain how and when facilities will be completed and who is responsible for the costs:
      2. Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service i.e. current service charges, current hook-up fees, current turn-on fees, meter fees, wire pulling through conduit, etc?
   2. Street Lights:
      1. Who pays for the electricity?
      2. Estimated costs lot purchasers will be required to pay toward electricity:
   3. Telephone:

i) If conduit only, explain how and when facilities will be completed and who is responsible for the costs:

ii) Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service i.e. current service charges, current hook-up fees, current turn-on fees, meter fees, wire pulling through conduit, etc.?

* 1. Cable:
     1. If conduit only, explain how and when facilities will be completed and who is responsible for the costs:
     2. Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service i.e. current service charges, current hook-up fees, current turn-on fees, meter fees, wire pulling through conduit, etc.?
  2. Internet/Fiber Optic:
     1. If conduit only, explain how and when facilities will be completed and who is responsible for the costs:
     2. Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service, i.e., current service charges, current hook-up fees, current turn-on fees, meter fees, wire pulling through conduit, etc.?
  3. Natural Gas.
     1. If conduit only, explain how and when facilities will be completed and who is responsible for the costs:
     2. Upon completion of facilities, what other costs or requirements exist before lot purchasers can receive service i.e. current service charges, current hook-up fees, meter fees, current turn-on fees, etc?
  4. Water:
     1. Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service i.e. service charges, hook-up fees, turn-on fees, meter fees, development fees, etc?
     2. Who is or will be responsible for maintenance of the water lines **within** this subdivision other than from lot line to dwelling?
     3. Who is or will be responsible for maintenance of the water lines outside this subdivision?
  5. Flood and Drainage:

1. Estimated cost lot purchaser will have to pay for COMPLETION of the following utilities:
   1. Electricity
      1. to lot line:
      2. from lot line to dwelling:
   2. Telephone
      1. to lot line:
      2. from lot line to dwelling:
   3. Cable
      1. to lot line:
      2. from lot line to dwelling:
   4. Internet/Fiber Optic
      1. to lot line:
      2. from lot line to dwelling:
   5. Natural Gas
      1. to lot line:
      2. from lot line to dwelling:
   6. Sewer
      1. to lot line:
      2. from lot line to dwelling:
   7. Water
      1. to lot line:
      2. from lot line to dwelling:
   8. Flood and Drainage
      1. maintenance:
2. ACCESS STREETS AND ROADS [[6]](#footnote-6)
   1. Is legal and permanent access provided to the subdivision and lots within the subdivision, over terrain, which may be traversed by conventional 2-wheel drive automobiles and emergency vehicles?  Yes  No
   2. Exterior street(s) providing access to this subdivision from a dedicated federal, state, or city roadway.
      1. Is exterior street(s) public or private?
      2. If private, describe what provisions have been made to assure purchasers of a legal right to use the private access street(s).
      3. Is exterior street(s) complete? [[7]](#footnote-7)   Yes  No
      4. Who is responsible for completion?
      5. Estimated completion date?       (Month-Day-Year)
      6. What type of surfacing?
      7. Estimated costs lot purchaser will be required to pay toward street completion?
      8. Who is responsible for street maintenance?
      9. If the City or County is to maintain the street(s), when will it be accepted for maintenance?
      10. Estimated costs lot purchaser will be required to pay toward street maintenance?
   3. Interior street(s) within this subdivision:
      1. Are interior streets within this subdivision public or private?
      2. Are the interior streets complete?  Yes  No
      3. Who is responsible for completion?
      4. Estimated completion date?       (Month-Day-Year)
      5. What type of surfacing?
      6. Estimated costs lot purchaser will be required to pay toward street completion?
      7. Who is responsible for street maintenance?
      8. If the City or County is to maintain the interior streets, when will they be accepted for maintenance?
      9. Estimated costs lot purchaser will be required to pay toward street maintenance?
3. LOCAL SCHOOLS AND SERVICES
   1. Schools:
      1. What is the current location of and distance to the nearest public elementary, junior, and high schools available for the attendance of school age pupils residing in the subdivision?
         1. Elementary
         2. Junior High
         3. High School
      2. What transportation is available i.e. school bus or other?
      3. If not listed above, give the type and location of any other school located within a ½ mile radius of the exterior boundaries of the subdivision.
   2. Services:
      1. Shopping Facilities. What is the current location and distance from the subdivision of the nearest community shopping area where food, drink and medical supplies can be purchased?
      2. Public Transportation: State type, provider, , phone number, web site and location and distance to provider servicing the subdivision.
      3. Medical Facilities (Emergency Treatment): State type, provider, location and distance from the subdivision:
      4. Emergency:
         1. Fire Protection:
            1. Is fire protection available to the subdivision?  Yes  No

If yes, state name of provider and cost to lot purchaser:

* + - * 1. Is the Subdivision in a 911-service area which provides fire protection?

Yes  No If no, provide further information below.

* + - * 1. If not in a 911-service area, please answer:

(i). Is fire protection available to the subdivision?  Yes  No

(ii). If yes, state name of provider and cost to lot purchaser:

* + - 1. Ambulance Services:
         1. Is ambulance service available to the subdivision?  Yes  No

If yes, provide name, address and telephone number of ambulance service(s) available.

* + - * 1. Is the Subdivision in a 911-service area which provides ambulance service?  Yes  No If no, provide further information below.
        2. If not in a 911-service area, please answer:

Is ambulance service available to the subdivision?  Yes  No

If yes, provide name, address and telephone number of ambulance service(s) available.

* + - 1. Police Service:
         1. Is police service available to the subdivision?  Yes  No

If yes, state name of provider:

* + - * 1. Is the Subdivision in a 911-service area which provides fire protection, ambulance service and police service?  Yes  No If the answer to this question is No, please provide further information below.
        2. If not in a 911-service area, please answer:

Is police service available to the subdivision?  Yes  No

If yes, state name of provider:

* + 1. Refuse Collection: Have provisions been made for refuse collection?  Yes  No

If yes, state name of service provider and cost to lot purchaser:

If no, what must lot purchaser do to dispose of refuse? Include location of nearest authorized transfer station, landfill, dump, etc., and all costs involved.

1. ADDITIONAL SUBDIVISION FACILITIES:
   1. List all other subdivision facilities within this subdivision including, but not limited to, all common, community and/or recreational facilities.
   2. Who is responsible for the completion of the above facilities?
   3. Estimated completion date for the above facilities?       (Month-Day-Year)
   4. Estimated costs lot purchaser will be required to pay toward completion of the facilities?
   5. Who is responsible for maintenance of the facilities?
   6. Estimated costs lot purchaser will be required to pay toward maintenance of the facilities?
2. ASSURANCE FOR COMPLETION AND MAINTENANCE OF SUBDIVISION AND MASTER PLANNED COMMUNITY(IES) FACILITIES: [[8]](#footnote-8)
   1. What arrangements have been made to assure the completion and delivery of the following facilities:
      1. Utility Availability
      2. Street and Road Access
      3. Other Subdivision Facilities, including, but not limited to all common, community and/or recreational facilities
      4. Individual on-site Wastewater Treatment System
   2. What arrangements have been made to assure the continued maintenance of the following facilities:
      1. Utility Availability
      2. Street and Road Access
      3. Other Subdivision Facilities, including, but not limited to all common, community and/or recreational facilities
      4. Individual on-site Wastewater Treatment System
3. PROPERTY OWNER’S ASSOCIATIONS: [[9]](#footnote-9)
   1. Name of the Association, if any:
   2. Name of Master Property Owners Association(s) if any:
   3. Property Owners will be required to pay assessments in the amount of $      per      .
   4. Property Owners will be required to pay master association assessments in the amount of $      per      .
   5. Is the Association(s) legally formed and operational?  Yes  No
   6. When and under what conditions, if any, will control of the association(s) be turned over to lot purchasers?
   7. When and under what conditions, if any, will title to the common areas be transferred to the association?
   8. Are the common areas subject to any lien or encumbrance?  Yes  No

If yes, explain how purchasers’ use and enjoyment of common areas will be protected in the event of default:

* 1. Are all lot owners required to be members of the association(s)?  Yes  No

If no, explain:

* 1. Will non-members be liable for payments to the association(s)?  Yes  No

If yes, explain:

* 1. Will non-members be contractually authorized to use any association(s) amenities?

Yes  No If yes, explain:

1. SUBDIVISION CHARACTERISTICS AND ADJACENT LANDS:
   1. Describe the physical characteristics of the subdivision
      1. Topography
      2. Natural Hazards
      3. Flooding & Drainage
         1. Flooding or drainage problems?  Yes  No
         2. Near flood structure or dam?  Yes  No
      4. Soil Conditions (subsidence or expansive soils)
      5. Geological Conditions (fissures, sink holes, etc.)
      6. Environmental Conditions
         1. Soil remediation
         2. Within a FEDERAL SUPERFUND or STATE WQARF SITE?  Yes  No
   2. Provide the current zoning codes and their definitions for adjacent lands, including American Indian Reservation Lands. [[10]](#footnote-10)
   3. Describe existing and proposed land uses and conditions within, adjacent to and in the vicinity, such as apartments, schools, commercial development, churches, parks or other uses, including, but not limited to, any unusual safety factors and uses that may cause a nuisance or adversely affect lot owners within or near the subdivision such as shooting ranges, active or abandoned mines, freeways, sewer plants, railroads, canals, landfills, or any unusual or unpleasant odors, noises, pollutants, cultivation and related dust, agricultural burning, application of pesticides, irrigation and drainage, underground storage tanks, crop dusting fields, bombing test grounds or other effects: [[11]](#footnote-11)
   4. Is the subdivision located within 5 miles of an Indian reservation?  Yes  No

If yes, provide the tribal name and contact information of who to contact for information pertaining to tribal boundaries, land use, air quality and prohibitions of using tribal lands i.e. trespassing, dumping, archaeological laws, pot hunting and cultural resource laws.       See **Exhibit A, No. 2** for disclosure statement.

* 1. For the benefit of the public health, safety and welfare, are there any gas pipelines within the boundaries of the subdivision or within 500 feet of the subdivision boundary?[[12]](#footnote-12)

Yes  No

If yes, describe:

* 1. Are there any existing or proposed high voltage power lines or any existing or proposed substations within the boundary of the subdivision or within ½ miles of the subdivision boundary?  Yes  No

If yes, provide a description including the voltage, geographical location in relation to the subdivision identifying roads if any, and state the utility responsible for the operation or construction of the transmission lines and/or substation including utility’s contact information and website if available.       See also **Exhibit A, No. 3**.

1. SUBDIVISION USE AND RESTRICTIONS:
   1. Do you plan to sell or lease?

Improved lots (includes condominiums)  Unimproved lots

* 1. What is the use (zoning) for which subdivision lots will be offered?
  2. Is the subdivision or any lot(s) therein subject to adult occupancy or age restrictions?

Yes  No If yes, explain:

If yes, are you in compliance with the Federal Fair Housing Amendments Act of 1988 and any amendments or additions thereof?  Yes  No

* 1. State whether all or any portion of the subdivision is located in any open range or area in which livestock may roam at large under the laws of this State and what provisions, if any, have been made for the fencing of the subdivision to preclude livestock from roaming within the subdivision.
  2. Are any of the mineral rights reserved from the subdivision lots, or will they be?

Yes  No If yes, what will be the effect on lot owners if the mineral right holder exercises his rights to extract the minerals?

* 1. Give full disclosure of other conditions or provisions which may limit the use or occupancy of the property offered in the application. If none, so state:
  2. If a condominium, is the property a conversion from multifamily rental to condominiums?  Yes  No

If yes, what is the date original construction was completed?

1. AIRPORTS:
   1. Military Airports
      1. Is any portion of the subdivision located in territory in the vicinity of a military airport as defined in A.R.S. 28-8461?  Yes  No

If yes, provide the name, location and distance from the subdivision. See also **Exhibit A, No. 4**:

* + 1. Is any portion of the subdivision located in territory in the vicinity of an ancillary military facility as defined in A.R.S. 28-8461?  Yes  No If yes, provide the name, location and distance from the subdivision. See **Exhibit A, No. 5**:
    2. Is any portion of the subdivision located under a military training route as defined in A.R.S. 28-8461 and delineated in the military training route map prepared pursuant to A.R.S. 37-102?  Yes  No If yes, provide the name, location and distance from the subdivision. See also **Exhibit A, No. 6**:
    3. Is any portion of the subdivision located under restricted air space as delineated in the Restricted Airspace Map prepared pursuant to A.R.S. 37-102?  Yes  No

If yes, provide the name, location and distance from the subdivision. See also **Exhibit A, No. 7**:

* + 1. Is any portion of the subdivision located in a high noise or accident potential zone as defined in A.R.S. 28-8461?  Yes  No If yes, explain. See also **Exhibit A, No. 8**:
  1. Public Airports
     1. Is any portion of the subdivision located in territory in the vicinity of a public airport as defined in A.R.S. 28-8486?  Yes  No If yes, provide the name, location and distance from the subdivision:       See also **Exhibit A, No. 9**.
     2. If not provided above, provide the name, location and distance from the subdivision of the nearest public or private airport.

1. TITLE AND ENCUMBRANCES:
   1. Title to the property is vested with:
   2. If title is not vested with the applicant, explain applicant’s interest in the property:
   3. Are there any mortgages, deeds of trust, liens or other encumbrances recorded against the property?  Yes  No If yes, list and describe arrangements for protecting the interest of the purchaser or lessee in the event of a default. Further, describe arrangements for releasing individual lots or units from any blanket lien or encumbrance:
   4. Are there any unrecorded liens or encumbrances against the property?  Yes  No

If yes, explain.

1. SALES [[13]](#footnote-13)
   1. Describe how sales will be made and the manner by which title right or other interest contracted for is to be conveyed to purchaser?

When does purchaser take title?

* 1. Where will purchaser’s deposit and earnest monies be deposited and held?
     1. Can such monies be used prior to close of escrow?  Yes  No
     2. When and under what conditions will such monies be released?
  2. When will lot purchaser be permitted to use and occupy his lot?
  3. Will purchaser receive title free and clear of all liens?  Yes  No

If no, explain:

* 1. Will any of the property be leased?  Yes  No
     1. If yes, describe any provision for increase of rental payments during the term of the lease.
     2. If yes, are there any provisions in the lease prohibiting assignment and/or subletting?
     3. Does the lease prohibit the lessee from mortgaging or otherwise encumbering the leasehold?  Yes  No
     4. Will the lessee be permitted to remove improvements when the lease expires?

Yes  No

* 1. Name, address and telephone number of Arizona broker who will be responsible for sales.[[14]](#footnote-14) If none, explain why.
  2. Location of subdivision sales records. State of Arizona address at which records will be kept, name of custodian and telephone number.
  3. Are you now taking or do you intend to accept lot reservations?  Yes  No
  4. Have you obtained or do you plan to obtain a conditional sales exemption?

Yes  No

1. PROPERTY TAXES AND ASSESSMENTS:
   1. For the year 20     , the estimated property tax for an improved lot with dwelling, based on an average sales price of $     , is $     .
   2. For the year 20     , the estimated property tax for an unimproved lot without dwelling, based on an average sales price of $     , is $     .
   3. Are current real property taxes paid?[[15]](#footnote-15)  Yes  No
   4. Has a special assessment district been formed or proposed for the purpose of financing acquisition, construction, maintaining or operating improvements for the subdivision, or for the purpose of offering any other service?  Yes  No If yes, is the assessment included in the above estimated property tax?  Yes  No
2. CAGRD Fees: If the answer to either of the following questions is “yes”, include the Notice Confirmation of CAGRD Fee Payment from the Central Arizona Groundwater Replenishment District (CAGRD) confirming payment of all fees[[16]](#footnote-16).
   1. Is the property enrolled as a Member Land (ML) of the CAGRD pursuant to A.R.S. §48-3774?  Yes  No

(i) If Yes, include CAGRD FPN#: .

* 1. Will the property be served by a municipal provider whose service area is currently enrolled as a Member Service Area (MSA) of the CAGRD pursuant to A.R.S. §48-3780?

Yes  No

(i) If Yes, include CAGRD FPN#: .

1. INDIVIDUAL ON-SITE WASTEWATER TREATMENT SYSTEMS[[17]](#footnote-17)
   1. Describe the type of individual on-site wastewater treatment system lot purchasers will be required to install:
   2. Describe all requirements and costs involved to install an operational individual on-site wastewater treatment system. Include all governmental licensing/permitting requirements and their costs; equipment, construction, and all other necessary costs, including the estimated annual operation and maintenance costs:
   3. If an operational individual on-site wastewater treatment system cannot be installed, will lot purchaser be offered a refund of the purchase price?  Yes  No If yes, explain any conditions or restrictions involving the refund.

### SECTION VI. SALES CONTRACT DISCLOSURES

Listed below are standard disclosure statements that must be included in all real estate sales contracts or leases, in addition to information related to contract disclosures. Review and include the disclosures as they apply to this application. For more information, ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-803.pdf) to view A.A.C. R4-28-803 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-803.pdf>

1. Contract Disclosures

The following language must be included and annotated above the signature portion of any real estate sales contract or lease and shall be typed in large or bold type font:

THE DEVELOPER SHALL GIVE A PROSPECTIVE PURCHASER A COPY OF THE PUBLIC REPORT AND AN OPPORTUNITY TO READ AND REVIEW IT BEFORE THE PROSPECTIVE PURCHASER SIGNS THIS DOCUMENT.

1. Rescission of Contract
   1. The following language must be included and annotated above the signature portion of any real estate sales contract or lease for an unimproved (vacant) lot or parcel and shall be typed in large or bold type font:

THE PURCHASER OR LESSEE HAS THE LEGAL RIGHT TO RESCIND (CANCEL) THIS AGREEMENT WITHOUT CAUSE OR REASON OF ANY KIND AND TO THE RETURN OF ANY MONEY OR OTHER CONSIDERATION BY SENDING OR DELIVERING A WRITTEN NOTICE OF RESCISSION TO THE SELLER OR LESSOR BY MIDNIGHT OF THE SEVENTH CALENDAR DAY FOLLOWING THE DAY THE PURCHASER OR LESSEE EXECUTED THE AGREEMENT. IF THE PURCHASER OR LESSEE DOES NOT INSPECT THE LOT OR PARCEL BEFORE THE EXECUTION OF THE AGREEMENT, THE PURCHASER OR LESSEE SHALL HAVE SIX MONTHS TO INSPECT THE LOT OR PARCEL AND AT THE TIME OF INSPECTION SHALL HAVE THE RIGHT TO UNILATERALLY RESCIND THE AGREEMENT.

* 1. An adequate opportunity to exercise the seven (7) day right of rescission shall be provided by disclosing conspicuously the complete current name and address of seller on the face of all agreements and contracts.

1. Any real estate sales contract or lease shall conspicuously disclose the nature of the document at or near the top of the document.
2. Any real estate sales contract or lease of a lot in a subdivision where down payment, earnest money deposit or other advanced money, if any, is paid directly to the seller and not placed in a neutral escrow depository shall conspicuously disclose this fact within the document, and the purchaser shall sign or initial this provision indicating approval in the space adjacent to or directly below the disclosure in the real estate sales contract. The following disclosure shall be written in large or bold print and shall be included in the Subdivision Disclosure Report and real estate sales contract:

Prospective purchasers are advised that earnest money deposits, down payments and other advanced money will not be placed in a neutral escrow. This money will be paid directly to the seller and may be used by the seller. This means the purchaser assumes a risk of losing the money if the seller is unable or unwilling to perform under the terms of the sales contract.

1. In areas outside of groundwater active management areas established pursuant to Title 45, Chapter 45, Article 2, if the Director of Water Resources, pursuant to 45-108, reports an inadequate onsite supply of water to meet the needs projected by the developer or if no water is available, the State Real Estate Commissioner shall require that all promotional material and real estate sales contracts for lots in subdivisions approved by the Commissioner adequately display the Director of Water Resources’ report or the developer’s brief summary of the report as approved by the Commissioner on the proposed water supply for the subdivision.
2. For applications seeking HUD/OILSR Certification, see the HUD Supplement to the application for HUD’s rescission language and additional contract disclosures required by HUD.
3. For additional information relating to sales and contract disclosures, see A.R.S. [32-2185.01](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/32/02185-01.htm&Title=32&DocType=ARS),

[32-2185-06](http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/32/02185-06.htm&Title=32&DocType=ARS) and ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-804.pdf) to view A.A.C. R4-28-804 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-804.pdf>.

### Exhibit A. Section V. Questionnaire/Worksheet

Notes and Disclaimers:

1. **Section V 8 f**

If the property is served by a water supply other than a public water system, as defined by A.R.S. §49-352(B), make the following disclosure in your Subdivision Disclosure Report:

THE QUALITY OF THE WATER IS NOT REGULATED BY FEDERAL OR STATE AUTHORITIES AND MAY NOT BE SUITABLE FOR DOMESTIC USE.

Note: The answers within **Section V 8f, 9f, and 10f** must be in conformance with the findings and requirements of ADWR (See **Section III, No. 7**), ADEQ (See **Section III, No. 14**) and the Arizona Corporation Commission (ACC). You are advised to confirm that the water provider possesses a Certificate of Convenience and Necessity (CC&N) from the ACC, if required. Failure to comply with the requirements of ADWR, ADEQ and ACC will cause delays in processing the application. For information contact:

ADWR, Office of Assured and Adequate Water Supply (602) 771-8585

ADEQ, Engineering Review Department (602) 771-4677

ACC, Utilities Division (602) 542-4251

1. **Section V 17 d**

In addition to any prior information given relating to reservation lands and its use, the below information shall be included in the Subdivision Disclosure Report along with the following paragraph in bold capital letters.

THIS SUBDIVISION IS LOCATED WITHIN **ONE** MILE OF AN AMERICAN INDIAN RESERVATION. ACTIVITIES ON THE RESERVATION INCLUDE OR MAY INCLUDE OPEN RANGE, AGRICULTURAL OPERATIONS, AIRCRAFT OPERATIONS, INDUSTRIAL OPERATIONS AND DAIRY FARMS. A RESERVATION HAS ITS OWN LAWS GOVERNING THE LAND WITHIN ITS BOUNDARIES. THESE MAY INCLUDE TRESPASSING, DUMPING, ARCHAEOLOGY, HUNTING, FISHING, ETC. IN ADDITION, CERTAIN AREAS OF THE RESERVATION MAY BE NONPUBLIC-CLOSED AREAS WHICH REQUIRE SPECIAL PERMISSION TO ENTER. THOROUGHFARES AND ROADS ON THE RESERVATION MAY NOT BE AVAILABLE FOR PUBLIC USE.

1. **Section V 17 f**

If a yes answer is given, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters.

INFORMATION ON A PROPOSED OR EXISTING TRANSMISSION LINE AND SUBSTATION MAY BE AVAILABLE FROM THE ARIZONA CORPORATION COMMISSION OR FROM THE UTILITY COMPANY. IN ADDITION TO THE ABOVE DISCLOSED INFORMATION, BUYER SHOULD CONTACT THE UTILITY COMPANY FOR FURTHER AVAILABLE INFORMATION WHICH MAY INCLUDE STRUCTURE HEIGHTS, SCHEMATICS OF WHAT THE STRUCTURES WILL LOOK LIKE AND CONSTRUCTION SCHEDULES.

1. **Section V 19a(i)**

If yes, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters on the *front page* of the Subdivision Disclosure Report:

This development is located within territory in the vicinity of a military airport. The Department maintains a registry of information provided by the military airport. The registry includes maps of military flight operations and a map showing the exterior boundaries of each territory and high noise or accident potential zone. This information is available to the public on request.

The Subdivision Disclosure Report shall include the below information and the following paragraph *under the AIRPORT heading in the Subdivision Disclosure Report –* ***Section V 19***.

SUBDIVISION IS LOCATED WITHIN TERRITORY IN THE VICINITY OF [NAME OF MILITARY AIRPORT]. MILITARY FLIGHTS MAY PRODUCE AIRCRAFT NOISE AS A RESULT OF MILITARY FLIGHT OPERATIONS.

1. **Section V 19a(ii)**

Note: If yes, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters on the *front page* of the Subdivision Disclosure Report

This development is located within territory in the vicinity of an ancillary military facility. The Department maintains a registry of information provided by the ancillary military facility. The registry includes maps of military flight operations and a map showing the exterior boundaries of each territory and high noise or accident potential zone. This information is available to the public on request.

The Subdivision Disclosure Report shall include the below information and the following paragraph *under the AIRPORT heading in the Subdivision Disclosure Report –* ***Section V 19a(ii)***.

SUBDIVISION IS LOCATED WITHIN TERRITORY IN THE VICINITY OF [NAME OF ANCILLARY MILITARY FACILITY]. MILITARY FLIGHTS MAY PRODUCE AIRCRAFT NOISE AS A RESULT OF MILITARY FLIGHT OPERATIONS.

1. **Section V 19a(iii)**

Note: If yes, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters on the front page of the Subdivision Disclosure Report

THIS SUBDIVISION is located under a military training route. The State Land Department and the State Real Estate Department maintain military training route maps available to the public. The military training route map is posted on the State Real Estate Department’s web site. SUBDIVIDER HAS NO CONTROL OVER THE MILITARY TRAINING ROUTES AS DELINEATED IN THE MILITARY TRAINING ROUTE MAP OR THE TIMING OR FREQUENCY OF FLIGHTS AND ASSOCIATED LEVELS OF NOISE.

1. **Section V 19a(iv)**

Note: If yes, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters on the front page of the Subdivision Disclosure Report

THE PROPERTY IS LOCATED UNDER RESTRICTED AIR SPACE. THE STATE LAND DEPARTMENT AND THE STATE REAL ESTATE DEPARTMENT MAINTAIN RESTRICTED AIR SPACE MAPS AVAILABLE TO THE PUBLIC. THE RESTRICTED AIR SPACE MAP IS POSTED ON THE STATE REAL ESTATE DEPARTMENT’S WEB SITE.

1. **Section V 19a(v)**

Note: If yes, the Subdivision Disclosure Report shall include the below information and the following paragraph in bold capital letters on the front page of the Subdivision Disclosure Report

THE PROPERTY IS LOCATED IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE. THE STATE LAND DEPARTMENT AND THE STATE REAL ESTATE DEPARTMENT MAINTAIN MILITARY AIRPORT MAPS AVAILABLE TO THE PUBLIC. MILITARY AIRPORT MAPS ARE POSTED ON THE STATE REAL ESTATE DEPARTMENT’S WEB SITE.

Under the Airport heading in the Subdivision Disclosure Report -

SUBDIVISION IS LOCATED IN A HIGH NOISE OR ACCIDENT POTENTIAL ZONE.

Note: A yes answer to any of the military questions requires you to include the appropriate map(s) as an exhibit in your Subdivision Disclosure Report.

1. **Section V 19b(i)**

Under the Airport heading in the Subdivision Disclosure Report –

SUBDIVISION IS LOCATED WITHIN TERRITORY IN THE VICINITY OF [NAME OF PUBLIC AIRPORT]. FLIGHTS MAY PRODUCE AIRCRAFT NOISE AS A RESULT OF FLIGHT OPERATIONS.

### Exhibit B. Section V. Questionnaire/Worksheet

1. WATER:
   1. If a private or shared well is to be utilized, describe all requirements and costs involved to install an operational domestic water system: (Include all governmental licensing/permitting requirements and their costs; average depth to water; drilling requirements and costs; equipment costs; all other necessary costs)
   2. If the source of water is a private or shared well and potable water cannot be obtained from a private or shared well, will lot purchaser be offered a refund of the purchase price?  Yes  No If yes, explain any conditions or restrictions involving the refund:
   3. If water is to be transported/hauled to individual lots by lot purchasers for domestic use, provide name and location of the supplier; provide cost estimates to be computed on a monthly basis for a four-member family (include costs of water; cistern and other holding tanks necessary; pumps; and any other costs necessary to install an operational water system):
2. SEWER TREATMENT PLANTS [[18]](#footnote-18)
   1. Will a dry sewer system be installed for future connection to a central provider?

Yes  No

* + 1. Name of future provider:
    2. Estimated cost to connect:
    3. Date of connection:       (Month-Day-Year)
    4. Will individual on-site wastewater treatment systems be temporarily required?

Yes  No

* + 1. Estimated cost to remove the on-site wastewater treatment system:
  1. Name, telephone number and website of sewage collection, treatment and disposal system provider:
  2. What is the compliance status of the sewage collection, treatment and disposal provider with the ADEQ as of the date of the application?

If not in compliance, provide an explanation:

* 1. If the sewage collection, treatment and disposal system provider is a public service corporation, does it possess a CC&N from the Arizona Corporation Commission allowing it to provide service to this subdivision?  Yes  No

If no, provide an explanation:

* 1. Who will be responsible for completion of the sewage collection, treatment and disposal facilities to the lot lines:
  2. Estimated completion date of facilities to the lot lines:       (Month-Day-Year)
  3. Estimated costs lot purchaser will have to pay for completion of facilities to his lot lines:
  4. Estimated costs lot purchaser will have to pay for completion of facilities from lot line to his dwelling:
  5. Upon completion of facilities, what other costs or requirements exist before lot purchaser can receive service? (Service charges, hook-up fees, capacity fees, tap-in fees, development fees, etc.)
  6. Who is responsible for maintenance of the sewage collection, treatment and disposal facilities within this subdivision other than from lot line to dwelling?
  7. Who is responsible for maintenance of the sewage collection, treatment and disposal facilities outside this subdivision?
  8. What costs, if any, will lot purchasers be responsible to pay toward maintenance of sewage collection, treatment and disposal facilities?

1. SEWAGE COLLECTION, TREATMENT AND DISPOSAL
   1. Who is responsible for the completion/extension/addition of the sewer treatment plant that will service this subdivision?
   2. Estimated completion date of the sewer treatment plant:       (Month-Day-Year)
   3. Estimated costs lot purchaser will have to pay for the completion of the sewer treatment plant:
   4. Upon completion who is responsible for the maintenance of the sewer treatment plant?
   5. What arrangements have been made to assure the completion and delivery of the facilities?
2. MASTER PLANNED COMMUNITY
   1. Is this subdivision part of one or more master planned community(ies)?  Yes  No
   2. If yes, give name(s), describe and answer the following questions:
   3. List all common or recreational master planned facilities located outside of this subdivision but included in the above master planned community(ies), which are available for use by lot purchasers within this subdivision:
   4. Who is responsible for the completion of the above facilities?
   5. Estimated completion date for the above facilities?       (Month-Day-Year)
   6. Who is responsible for continuing maintenance and expenses of the above facilities?
   7. Estimated costs lot purchaser will be required to pay for the use of or for the maintenance of the above facilities?

### Exhibit C. INSPECTION FEE SCHEDULE

FOR PROPERTY LOCATED IN ARIZONA

One upfront inspection fee is to be submitted with your initial filing. If multiple inspections are necessary, additional inspection fees may be charged.

|  |  |
| --- | --- |
| ROUNDTRIP MILEAGE FROM PHOENIX ADRE | INSPECTION FEE[[19]](#footnote-19) |
| 1-25 miles | $10 |
| 26-50 miles | $20 |
| 51-75 miles | $30 |
| 76-100 miles | $40 |
| 101-125 miles | $50 |
| 126-150 miles | $60 |
| 151-175 miles | $70 |
| 176-200 miles | $80 |
| 201-250 miles | $100 |
| 251-300 miles | $120 |
| 301-350 miles | $140 |
| 351-400 miles | $160 |

### Exhibit D. Section IV. Filing Format

Arizona Department of Real Estate

Attn: Subdivision Division

2910 N. 44th Street

Phoenix, AZ 85018

Re: (Development Name); **Request for** **Expedited** **Registration for Improved Subdivision Lots**

Enclosed is our application for a Subdivision Disclosure Report, which we request be processed under the Expedited Registration Program. The Department’s Checklist for Administrative Completeness, copy attached, has been used to prepare the application. We affirm that the application, supporting documents and Subdivision Disclosure Report are full, true, complete and accurate. We understand and agree that:

1. Upon receipt of our application, the Department will assign a registration number to it and deposit the filing fees.
2. Within 10 business days, the Department may return the application with a deficiency letter if it is not administratively complete; or issue a Certificate of Administrative Completeness authorizing us to commence sales if the application appears to be complete and accurate; or deny the application.
3. If our application is returned to us, we will have 30 days to satisfy all deficiencies and return it to the Department administratively complete. If we fail to timely return the complete application, the application will be closed and our resubmission will require a new application and fees.
4. The Department may deny the certification if it appears that:
5. the application or development is not in compliance with all legal requirements.
6. the applicant has a background of violations of state or federal law.
7. the applicant or development presents an unnecessary risk of harm to the public.
8. Upon receipt of the Certificate of Administrative Completeness, we will place the registration number and effective date on each Subdivision Disclosure Report.
9. The Department may examine the applicant, development and the Subdivision Disclosure Report after the Certificate of Administrative Completeness is issued. Prompt responses to inquiries from the Department will assist in processing. In the event an examination reveals any omission, inaccuracy, misrepresentation, fraudulent statement, or failure to comply with statutory requirements, the Department may suspend sales and pursue administrative action.

|  |  |
| --- | --- |
| DATE: | DEVELOPER:  (Print Name) |

(Authorized Signatory) (Signatory’s Printed Name)

### Exhibit E. CONFIDENTIAL STATEMENT

SECTION II INSTRUCTIONS

CONFIDENTIAL STATEMENT

(Attached)

**CONFIDENTIAL**

***To be completed by individual developers who are not a LLC, a Corporation or part of any major development company***

1. A.R.S. 25-502(K) STATES: “Each licensing board or agency that issues professional licenses or certificates shall record the social security number of the licensee or certificate holder in its data base in order to aid the Department of Economic Security in locating non-custodial parents or the assets of the non-custodial parents.” You must provide the Department of Real Estate with your social security number, however, the number will not be disclosed to anyone other than a representative from another government agency in the course of the representative’s official duties.

2. LEGAL NAME:

1. SOCIAL SECURITY NUMBER:
2. I DECLARE THAT THE INFORMATION IS TRUE AND CORRECT.
3. SIGNATURE OF APPLICANT:

### EXHIBIT F. AFFIDAVIT OF APPLICANT

AFFIDAVIT OF APPLICANT

STATE OF

COUNTY OF RE:

Subdivision Name

I hereby certify under penalty that the statements contained in this application constitute notice of intention to sell or lease subdivided lands, and that the statements together with any documents submitted herewith are full, true, complete and correct.

I further affirm and swear that I will not, over any period of time or by any means, resubdivide any of the herein described lots or dispose of or offer to dispose of subdivided lands not contained in the Subdivision Disclosure Report, without first complying with the provisions of A.R.S. 32-2181 et seq., and that I will notify the Department of Real Estate of any change to the information in this application.

I hereby represent that as the owner of the above mentioned subdivision, I will not place or allow to be placed any mortgages or liens on the property other than those already in existence as of this date, copies of which have been furnished to the Arizona Department of Real Estate as a part of the application for the subdivision, unless the Department is notified of the placement of any new mortgage or lien.

I further certify that, if this application has not been submitted on the standard form prepared by the Arizona Department of Real Estate, applicant agrees that the Department may take any action deemed necessary to ensure compliance with the subdivision laws if, after issuing a Subdivision Disclosure Report, the Department discovers errors, omissions or deficiencies in the application or Subdivision Disclosure Report based on the application. The applicant further agrees to completely indemnify the Department, the State of Arizona, its agents and employees from any and all liability caused, in whole or in part, by use of a nonstandard form.

I am duly authorized to prepare and am the person responsible for the content of this application and accompanying Subdivision Disclosure Report.

Date

By:

Signature of Applicant

Printed Name

Title or Office

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant/Entity Name

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 SUBDIVISION DISCLOSURE REPORT.

1. Updated title reports may be required during the process of the application. Reports listing requirements may be rejected and updates required. [↑](#footnote-ref-1)
2. If propane gas is to be used, provide letter from supplier stating they will provide service to this subdivision. Further, supplier’s letter must describe all requirements to be met and costs to be paid by lot purchasers in order to receive service. [↑](#footnote-ref-2)
3. 4 Must be in conformance with the findings and requirements of the Arizona Department of Environmental Quality ADEQ and the Arizona Corporation Commission (ACC). You are advised to confirm that the sewer provider possesses a Certificate of Convenience and Necessity (CC&N) from the AFF, if required. Failure to comply with the requirements of ADEQ and ACC will cause delays in processing the application. Contact the Engineering Review Department at ADEQ (602-771-4677) or the Utilities Division of the ACC (602-542-4251). [↑](#footnote-ref-3)
4. [↑](#footnote-ref-4)
5. If the facilities listed in question 10 are to be completed for specific lots in phases, describe your phased schedule of completion giving the lots in each phase and the estimated completion dates on a separate sheet. Inspections will be made to verify completion in accordance with your schedule of completion. [↑](#footnote-ref-5)
6. Support letters from a title insurance company and professional engineer may be required to demonstrate permanent and legal access to the subdivision. For more information, ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-A1207.pdf) to view A.A.C. R4-28-A1207 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-A1207.pdf>. [↑](#footnote-ref-6)
7. Streets are not considered complete if any improvements to existing exterior streets are to be completed by subdivider or others. [↑](#footnote-ref-7)
8. Copies of documents, agreements or statements demonstrating that adequate financial or other arrangements acceptable to the Commissioner have been made for completion of all facilities are required. For more information, ctrl+click [here](http://www.azre.gov/Dev/Documents/R4-28-A1211.pdf) to view A.A.C. R4-28-A1211 or visit the Arizona Department of Real Estate website at <http://www.azre.gov/Dev/Documents/R4-28-A1211.pdf> for a list of acceptable financial assurance options. (See **Section III**, No. 21). [↑](#footnote-ref-8)
9. If property owners associations are to be provided, they must be legally formed and operational prior to issuance of the public report. A statement from an attorney, licensed in the state where the property is located, that the Articles of Incorporation and Bylaws are final and in effect may be required. [↑](#footnote-ref-9)
10. Information on the American Indian Reservation Lands may be obtained using the Intertribal Council of Arizona (ITCA) website, www.itcaonline.com/tribes.html [↑](#footnote-ref-10)
11. When answering this question, the Department recommends that you research within 2 miles of the subdivision for unusual safety factors and 5 miles for factors that may cause a nuisance or adversely affect lot owners. Your disclosures should not be limited to those examples listed in the question. [↑](#footnote-ref-11)
12. The intent of this question is to disclose hazardous liquid pipelines, propane pipelines and interstate gas pipelines. Having natural gas service available in the subdivision discloses that there exists natural gas infrastructure necessary to provide service in the community. Information on the location of these hazardous liquids, propane and interstate natural gas pipelines may be available from the Utilities Division of the Arizona Corporation Commission or title searches from Title Companies. Further, project engineers inspecting the subdivided and surrounding lands may identify above ground pipeline markers. [↑](#footnote-ref-12)
13. Sales documents must contain all contract disclosures required by rule and statute. Your answers must be in conformance with the documents submitted under **Section III** No. 9. [↑](#footnote-ref-13)
14. If subdivider is a broker or a salesperson, Commissioner’s Rule R4-28-1101 (E) provides, “A real estate salesperson or broker shall not act directly or indirectly in a transaction without informing the other parties in the transaction, in writing and before the parties enter any binding agreement, of a present or prospective interest or conflict in the transaction, including that the (1) Salesperson or broker has a license and is acting as a principal; (2) Purchaser or seller is a member of the salesperson’s, broker’s, or designated broker’s immediate family; (3) Purchaser or seller is the salesperson’s or broker’s employing broker, or owns or is employed by the salesperson’s or broker’s employing broker; or (4) Salesperson or broker, or a member of the salesperson’s or broker’s immediate family, has a financial interest in the transaction other than the salesperson’s or broker’s receipt of compensation for the real estate services.”, [↑](#footnote-ref-14)
15. Delinquent property taxes that have been sold on a Certificate of Purchase must be redeemed by subdivider prior to issuance of the Public Report. [↑](#footnote-ref-15)
16. If the land has enrolled as Member Land of the Central Arizona Groundwater Replenishment District (CAGRD) pursuant to A.R.S. §48-3772 and 48-3774, or if the land will be served by a municipal water provider whose service area is currently enrolled as a Member Service Area of the CAGRD pursuant to A.R.S. §48-3772 and §48-3780, you must file an application for Fee Payment Notice with the CAGRD. Contact the CAGRD at (623) 869-2380 or visit the CAGRD at [www.cagrd.com](http://www.cagrd.com).

    [↑](#footnote-ref-16)
17. Must be in conformance with the findings and requirements of the Arizona Department of Environmental Quality ADEQ and the Arizona Corporation Commission (ACC). You are advised to confirm that the sewer provider possesses a Certificate of Convenience and Necessity (CC&N) from the AFF, if required. Failure to comply with the requirements of ADEQ and ACC will cause delays in processing the application. Contact the Engineering Review Department at ADEQ (602-771-4677) or the Utilities Division of the ACC (602-542-4251). [↑](#footnote-ref-17)
18. Must be in conformance with the findings and requirements of the Arizona Department of Environmental Quality ADEQ and the Arizona Corporation Commission (ACC). You are advised to confirm that the sewer provider possesses a Certificate of Convenience and Necessity (CC&N) from the AFF, if required. Failure to comply with the requirements of ADEQ and ACC will cause delays in processing the application. Contact the Engineering Review Department at ADEQ (602-771-4677) or the Utilities Division of the ACC (602-542-4251). [↑](#footnote-ref-18)
19. These fees effective beginning January 1, 2006 [↑](#footnote-ref-19)