

**REAL ESTATE AGENCY
STATE OF OREGON**

**MANUFACTURED HOME PARK SUBDIVISION FILING
(ORS 92.830 to 92.845)**

**INSTRUCTIONS TO SUBDIVIDER, SERIES PARTITIONER OR
DEVELOPER
(ORS 92.305 to 92.495)**

PLEASE TYPE AND RETURN THE ATTACHED COMBINED NOTICE OF INTENTION AND REQUEST FOR FURTHER INFORMATION FORM. BE CERTAIN THAT ALL QUESTIONS ARE ANSWERED AND ALL REQUESTED DOCUMENTATION IS ATTACHED BEFORE SUBMITTING THE FORM. THE REQUIRED FILING FEES MUST ACCOMPANY THE NOTICE OF INTENTION WHEN FILED. CURRENT FEES ARE AS FOLLOWS:

- A. FOR SUBDIVISIONS OR SERIES PARTITIONS CONTAINING 10 LOTS, PARCELS OR INTERESTS, OR LESS: \$100;
- B. FOR SUBDIVISIONS OR SERIES PARTITIONS CONTAINING OVER 10 LOTS, PARCELS OR INTERESTS: \$100 FOR THE FIRST 10 LOTS, PARCELS OR INTERESTS AND \$25 FOR EACH ADDITIONAL LOT, PARCEL OR INTEREST. MAXIMUM FILING FEE IS \$2,500;
- C. THE COMMISSIONER REQUIRES A FEE BASED UPON AN HOURLY CHARGE OF \$35, AFTER RECEIPT OF A MATERIAL CHANGE NOTICE IF, BECAUSE OF THE CHANGES, A PUBLIC REPORT MUST BE ISSUED OR REVISED BY THE COMMISSIONER.

SUBMIT THE COMPLETE TYPEWRITTEN FORM, ALL REQUESTED DOCUMENTATION AND THE FILING FEE TO:

OREGON REAL ESTATE AGENCY
Equitable Center, Suite 100
530 Center Street NE
Salem, Oregon 97301-3740
PH: (503) 378-4170

Subdividers, series partitioners, and developers may not use an unfiled assumed business name in their advertising of offering of a subdivision or series partition. If you have any questions about the filing and use of assumed business names, please contact the Corporation Division of the Oregon Secretary of State.

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

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

DIFFERENCE IN SUBDIVISION AND SERIES PARTITION DEFINITION:

Subdividers, series partitioners and developers should acquaint themselves with the definitional differences between City-County administered ordinances and state statutes on land partitions (see ORS 92.010 (7) and ORS 92.305 (12)). Although minor and major partitions may be created at the local level, creation of two or more contiguous partitions requires a filing with the Real Estate Commissioner, as a series partition, under the Oregon Subdivision and Series Partition Control Law. If more than three lots or parcels are created, the partitioning must be filed with the Real Estate Commissioner as a series partition.

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

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

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

MATERIAL CHANGES TO BE REPORTED

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

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

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

AUTHORIZATION TO INSPECT ESCROWS

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

RECORDING REQUIREMENTS

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

CANCELLATION RIGHTS

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

ADVERTISING RESTRICTIONS

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

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

RECEIPTS SUBJECT TO INSPECTION FOR THREE YEARS

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

PENALTY

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

**CHECKLIST OF
DOCUMENTS REQUIRED TO BE SUBMITTED**

1. A properly executed Consent to Service form. (if subdivider, series partitioner or developer is resident of another state). "Out of state developers should be aware that their legal rights to enforce business transactions with Oregon purchasers under the Oregon court system may be limited if they have not properly filed under the foreign corporation statutes (ORS 60.701 to 60.744) or the assumed business name statutes (ORS Chapter 648) and they should consult with their attorney regarding their legal rights in those areas. Additional information can be obtained from the Corporation Division of the Oregon Secretary of State, 255 Capitol Street NE, Salem, Oregon 97310."
2. If required, statement signed by all parties of interest in the subdivision or series partition and authorizing the subdivider, series partitioner or developer to sign all legal documents in their behalf. (If subdivider, series partitioner or developer is a corporation and the officer signing for the corporation is not the president of the corporation, a properly executed resolution from the board of directors authorizing the signature for the corporation must be submitted.)
3. A current title report or a subdivision guarantee that has been issued within fifteen days preceding its receipt by the Agency.
4. Copies of all recorded and unrecorded encumbrances and any partial release agreements for all such encumbrances. (mortgages, trust deeds, contracts.)
5. Recorded copies of restrictive covenants, reservations, owner's association bylaws, easements and other documents which would create an encumbrance or obligation, or limit the use of the property to be sold.
6. An executed form authorizing the Commissioner to inspect all escrow deposits. (A copy of the form is available from the Real Estate Agency.)
7. Proof of financial ability to complete improvements and facilities which are required by the appropriate state, city and county authorities, or promised by the subdivider or series partitioner to prospective purchasers.
8. Copies of all construction performance bonds for improvements to be built.

9. A letter of approval from your local health department if operating a private water system or a statement of the commitment by a water company to serve all lots, parcels or interests in the subdivision or series partition. In lieu of either of these, a disclosure statement endorsed by local government that no domestic water system is to be provided by the subdivider, series partitioner or developer. (Form included with filing information)
10. If the subdivision or series partition is on public sewers, a letter of agreement from a municipality or sewerage district to serve all lots, parcels or interests. In lieu of such letter from a municipal or district sewerage facility, a disclosure statement, endorsed by local government, that no sewer system is to be provided by the subdivider, series partitioner or developer. (Form included with filing information)
11. Completed and signed Department of Environmental Quality Evaluation Report of suitability for proposed sewage disposal system.
12. Letters of commitment for services from all utilities including electricity, telephone and natural gas, if available.
13. Copies of land sales contracts, deeds, leases, assignments, mortgages, trust deeds, or other documents you intend to use in selling the lots, parcels or interests.
14. A certified copy of the plat or map which bears the date, book and page numbers of recordation and the county clerk's seal.
15. For other land subject to ORS 92.305 to 92.495, a map defining the interests involved and a statement by the city or county governing body that the proposal depicted has received all necessary approvals or that no local approval is required.
16. Copies of all sales pamphlets and literature intended to be used in connection with the proposed subdivision or series partition. If these materials have not been developed, or you do not intend to use such materials, please advise this office.
17. An area map showing the proposed layout in relation to existing streets or roads.

18. Documents creating an association or other entity and the bylaws of the proposed entity which will be formed for the construction and/or maintenance of any water system for the subdivision or series partition; or for the maintenance of any private sewerage system.
19. If no water system is available under 10 above, a statement by the subdivider, series partitioner or developer on how he intends to provide an adequate and potable domestic water supply and what remedies he proposes in the event the water supply that he installs, fails to provide the service promised.
20. A copy of any H.U.D. report and a copy of any foreign state public report that has been issued for the property.
21. Any other information, pictures or documents you may wish to present.

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