

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1113 . . 12/7 Gomsrud requested to send Order Adopting

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 11-28-84
DATE FOR REVIEW 12-7-84
DATE DUE 12-12-84

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 12/12/84 (CDS) Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 12-14-84 Revisor approved 12/11/84 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed

_____ Order Adopting _____ Date

✓ Notice of Intent to Solicit Outside Opinion SR. 5.7.84
No small biz statement

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency no small biz statement

✓ Affidavit of Mailing Notice or rulemaking
9.6.84 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register
9.17.84 At least 30/20 days prior to hearing/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement.

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

Office Memorandum

TO: JUDITH WEHRWEIN
Office of Adm AG

DATE: Dec. 7, 1984

FROM: ROSE WEINER
Rule Clerk

PHONE: 6-3528

SUBJECT: Order Adopting Rules - Subdivided Lands

Enclosed is the Order that you requested of Richard Gomsrud.

rw

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

Office Memorandum

TO: JUDITH WEHRWEIN
Administrative Attorney General
204 Administration Building

DATE: November 27, 1984

FROM: ROSE T.WEINER
Rule Clerk

PHONE: 6-3528

SUBJECT: RD525 SUBDIVIDED LAND

Enclosed are the copies as received from our AG's office.

RECEIVED
NOV 28 1984
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Michael A. Hatch, Commissioner
Department of Commerce

DATE: 12-14-84

ATTN: Peg Bunch
Special Assistant Attorney General

FROM : Larry D. Starns LDS
Special Assistant Attorney General

PHONE: 297-3493

SUBJECT: In the Matter of the Proposed Adoption of Rules Relating to Subdivided Lands

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

LDS:sz
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

AG copy

Department of Commerce

Adopted Rules Relating to Subdivided Lands Registration

Rules as Adopted

2810.2100 PREPARING APPLICATIONS FOR REGISTRATION BY QUALIFICATION.

The guidelines set forth hereafter are intended to indicate the form and informational content of an application for registration required by the commissioner of commerce. These guidelines shall be applicable to applications filed for registration by qualification pursuant to Minnesota Statutes, section 83.23. The primary purpose of the application for registration is to provide compliance with the requirements of Minnesota Statutes, chapter 83 and the rules promulgated thereunder. The information to be included in the application for registration is set out in detail in this section. The information requested is not to be viewed as determinative of the entire obligation of disclosure. Disclosure and the manner of disclosure will depend upon the particular facts and circumstances involved. Disclosure means more than merely compiling the information requested by the application form or supplying the information suggested by the guidelines. This obligation is the independent obligation of the subdivider, its counsel, its accountant, and others contributing to the disclosure to the extent of their contribution. Applications for registration which are inadequately prepared and seriously deficient in terms of compliance with the statute and rules will be summarily denied.

2810.2150 FORM OF APPLICATION FOR REGISTERING SUBDIVIDED LAND BY QUALIFICATION.

An application for registration of subdivided land by qualification shall be typewritten and submitted on 8-1/2 inch by 14 inch white bonded paper. The application shall state verbatim the questions in this part, with the appropriate

ok, but "responsive" a better term.

answers underneath each question or attached as an addendum. Such application shall be in the form in part 2810.9910.

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23, and mailed to: State of Minnesota, Department of Commerce, 5th Floor, Metro Square Building, Saint Paul, Minnesota 55101.

2810.2170 CHANGES SUBSEQUENT TO REGISTRATION.

Subpart 1. **Amendment procedure.** An application to amend the registration shall be made by submitting a revised application for registration or a revised public offering statement with all alterations of the text previously filed underscored and shall be accompanied by a verification sheet manually signed and notarized.

Subp. 2. **Exhibit.** If required, a new exhibit must be included.

Subp. 3. **Fee.** A $25 fee must be filed with the amendment. Make check payable to Treasurer, State of Minnesota.

2810.2610 GUIDELINES FOR PUBLIC OFFERING STATEMENT.

Subpart 1. to 4. [Unchanged.]

Subp. 5. **Other offering statements.** The commissioner may accept, pursuant to application for registration under Minnesota Statutes, chapter 83, any currently effective public offering statement prepared for compliance with the registration provisions of the subdivided land laws of other jurisdictions as the commissioner may from time to time designate. The commissioner reserves the right to require alterations in these statements as he considers necessary to fulfill the requirements of Minnesota Statutes, chapter 83.

2810.2700 APPLICATION FOR REGISTRATION BY NOTIFICATION.

An application for registration by notification shall be typewritten and submitted on 8-1/2 inch by 14 inch white bonded paper. This statement shall state verbatim the questions, with the appropriate answers underneath each question, or attached as an addendum. Such statement shall be in the format in part 2810.9940.

2810.9910 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION.

File No._____
Date Approved_____
Date Denied_____
Examiner_____
Commissioner_____

REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23, and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Building
St. Paul, Minnesota 55101

1. to 8. [Unchanged.]

9. Append hereto, if applicable, a legal description of the lands to be subdivided verified by affidavit of an independent professional land surveyor which shall include a statement of the topography and a topographical map together with a map showing the division to be proposed or made, the dimension of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other offsite stakes have been placed in accordance with the land surveyed.

10. If such markers, monuments, or stakes have not been placed, state the estimated cost of accomplishing this result, if applicable.

11. and 12. [Unchanged.]

13. (a) to (d) [Unchanged.]

(e) State the location of primary and secondary schools, if applicable.

(f) and (g) [Unchanged.]

14. and 15. [Unchanged.]

16. Append hereto a financial statement of the subdivider, if required, as of the end of the subdivider's most recent fiscal year bearing a certification reflecting an audit by an

independent certified public accountant. If the fiscal year end of the subdivider is in excess of 90 days prior to the date of filing the application, a financial statement, which may be unaudited, is to be appended reflecting the financial condition of the subdivider as of a date within 90 days of the date of the application.

17. to 21. [Unchanged.]

2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. State the condition of title to the land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY A LICENSED PRACTICING ATTORNEY WHO IS NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND THE ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT THE ATTORNEY ENJOYS SUCH A STATUS; OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

o.k. std. is condition of title - rarely reflects minimal req.'s

9. to 15. [Unchanged.]

Ok. w/in Comm's inherent discretion.

16. Attach an irrevocable appointment of the commissioner

to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

2810.9950 FORMAT OF ANNUAL REPORT.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

5th Floor Metro Square Bldg.

ANNUAL REPORT -- SUBDIVIDED LAND

THIS REPORT MUST BE FILED NOT LATER THAN 120 DAYS AFTER THE FISCAL YEAR END OF THE SUBDIVIDER.

1. to 13. [Unchanged.]

14. Attach the following exhibits.

A. (1) and (2) [Unchanged.]

(3) Financial statements consisting of a balance sheet, if required, certified by an independent Certified Public Accountant for the subdivider's last fiscal year end and an income statement, if required, similarly certified for the 12 months next preceding the date of the balance sheet; and a balance sheet dated within 90 days of the date of filing this

annual report together with an income statement for the period from the subdivider's fiscal year end to the date of said balance sheet.

Signed _____
By: _____
its _____

APPLICANT'S VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19__, _____, appeared before me, a Notary Public, and being first duly sworn, says that it is the applicant; that it has read the foregoing application and accompanying exhibits, and that the contents thereof are true of its own knowledge.

_____

(NOTARIAL SEAL) Notary Public,_____ County_____

My Commission Expires _____

INDIVIDUAL VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19__, _____, appeared before me, a Notary Public, and being first duly sworn, says that he is the _____ of _____ and that he is duly authorized and empowered to execute this application on its behalf.

_____

(NOTARIAL SEAL) Notary Public,_____ County_____

My Commission Expires _____

2810.9960 FORMAT OF REQUEST FOR EXEMPTION FROM REGISTRATION.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

5th Floor Metro Square Bldg.

REQUEST FOR EXEMPTION FROM REGISTRATION

SUBMIT NO LATER THAN TEN DAYS PRIOR TO THE FIRST OFFER, A COVER LETTER STATING THE REASONS FOR THE REQUEST ALONG WITH AN

INFORMATION SHEET WHICH CONTAINS THE FOLLOWING:

1. Name of the subdivision.

2. Name, address, and telephone number of the subdivider.

3. Name, address, and telephone number of the escrow agent.

4. Attach as exhibits:

(a) Sales contract.

(b) In accordance with part 2810.2610, an offering statement or fact sheet.

Dated this _____ day of _____

_____
SUBDIVIDER
BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A $50 fee must be filed with this request. Make check payable to Treasurer, State of Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 14 1984
Joan Anderson Growe
Secretary of State
3:30 PM

APPROVED AS TO LEGALITY
December 12, 1984
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

Rules as Proposed

2810.2100 PREPARING APPLICATIONS FOR REGISTRATION BY QUALIFICATION.

The guidelines set forth hereafter are intended to indicate the form and informational content of an application for registration required by the commissioner of commerce. These guidelines shall be applicable to applications filed for registration by qualification pursuant to Minnesota Statutes ~~1973, sections~~ section 83.23 ~~and 83.26, clause (2)(b)~~. The primary purpose of the application for registration is to provide compliance with the requirements of Minnesota Statutes, chapter 83 and the rules promulgated thereunder. The information to be included in the application for registration is set out in detail in this section. The information requested is not to be viewed as determinative of the entire obligation of disclosure. Disclosure and the manner of disclosure will depend upon the particular facts and circumstances involved. Disclosure means more than merely compiling the information requested by the application form or supplying the information suggested by the guidelines. This obligation is the independent obligation of the subdivider, its counsel, its accountant, and others contributing to the disclosure to the extent of their contribution. Applications for registration which are inadequately prepared and seriously deficient in terms of compliance with the statute and rules will be summarily denied.

2810.2150 FORM OF APPLICATION FOR REGISTERING SUBDIVIDED LAND BY QUALIFICATION.

An application for registration of subdivided land by qualification shall be typewritten and submitted on 8-1/2 inch by 14 inch white bonded paper. The application shall state verbatim the questions in this part, with the appropriate answers underneath each question or attached as an addendum. Such application shall be in the form in part 2810.9910.

This form is to be prepared and filed pursuant to ~~chapter 83 of the~~ Minnesota Statutes ~~1973~~, section 83.23, ~~subdivision 3~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

and mailed to: State of Minnesota, Department of Commerce, 5th Floor, Metro Square Building, Saint Paul, Minnesota 55101.

2810.2170 CHANGES SUBSEQUENT TO REGISTRATION.

Subpart 1. Amendment procedure. An application to amend the registration shall be made by submitting a revised application for registration or a revised public offering statement with all alterations of the text previously filed underscored and shall be accompanied by a verification sheet manually signed and notarized.

Subp. 2. Exhibit. If required, a new exhibit must be included.

Subp. 3. Fee. A $25 fee must be filed with the amendment. Make check payable to Treasurer, State of Minnesota.

2810.2610 GUIDELINES FOR PUBLIC OFFERING STATEMENT.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Other offering statements. The commissioner may accept, pursuant to application for registration under Minnesota Statutes, chapter 83, any currently effective public offering statement prepared for compliance with the registration provisions of the subdivided land laws of other jurisdictions as the commissioner may from time to time designate. The commissioner reserves the right to require alterations in these statements as he considers necessary to fulfill the requirements of Minnesota Statutes, chapter 83.

2810.2700 ~~STATEMENT OF SUBDIVIDER~~ APPLICATION FOR REGISTRATION BY NOTIFICATION.

~~A statement of the subdivider~~ An application for registration by notification shall be typewritten and submitted on 8-1/2 inch by 14 inch white bonded paper. This statement shall state verbatim the questions, with the appropriate answers underneath each question, or attached as an addendum. Such statement shall be in the ~~form~~ format in part 2810.9940.

2810.9910 ~~FORM~~ FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

File No._____
Date Approved_____
Date Denied_____
Examiner_____
Commissioner_____

REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION

This form is to be prepared and filed pursuant to ~~chapter 83 of~~ Minnesota Statutes ~~1973~~, section 83.23, ~~subdivision 3~~ and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Building
St. Paul, Minnesota 55101

1. to 8. [Unchanged.]

9. Append hereto, if applicable, a legal description of the lands to be subdivided verified by affidavit of an independent professional land surveyor which shall include a statement of the topography and a topographical map together with a map showing the division to be proposed or made, the dimension of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other offsite stakes have been placed in accordance with the land surveyed.

10. If such markers, monuments, or stakes have not been placed, state the estimated cost of accomplishing this result, if applicable.

11. and 12. [Unchanged.]

13. (a) to (d) [Unchanged.]

(e) State the location of primary and secondary schools, if applicable.

(f) and (g) [Unchanged.]

14. and 15. [Unchanged.]

16. Append hereto a financial statement of the subdivider, if required, as of the end of the subdivider's most recent fiscal year bearing a certification reflecting an audit by an independent certified public accountant. If the fiscal year end of the subdivider is in excess of 90 days prior to the date of

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY

filing the application, a financial statement, which may be unaudited, is to be appended reflecting the financial condition of the subdivider as of a date within 90 days of the date of the application.

17. to 21. [Unchanged.]

2810.9940 ~~FORM-OF-STATEMENT-OF-SUBDIVIDER~~ FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

~~STATEMENT-OF-THE-SUBDIVIDER~~

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section ~~83.26, subdivision 2(b)~~ 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes ~~1973~~, section ~~83.26~~ 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. ~~Attach a title opinion of a licensed practicing attorney concerning the~~ State the condition of title to the ~~subdivided lands which shall include~~ land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable ~~thereto~~ to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY A LICENSED PRACTICING ATTORNEY WHO IS NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND THE ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT THE ATTORNEY ENJOYS SUCH A STATUS; OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

9. to 15. [Unchanged.]

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A ~~$10~~ $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

2810.9950 ~~FORM~~ FORMAT OF ANNUAL REPORT.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

5th Floor Metro Square Bldg.

ANNUAL REPORT -- SUBDIVIDED LAND

THIS REPORT MUST BE FILED NOT LATER THAN ~~30~~ 120 DAYS AFTER THE ~~ANNIVERSARY-DATE-OF-REGISTRATION~~ FISCAL YEAR END OF THE SUBDIVIDER.

1. to 13. [Unchanged.]

14. Attach the following exhibits.

A. (1) and (2) [Unchanged.]

(3) Financial statements consisting of a balance sheet, if required, certified by an independent Certified Public Accountant for the subdivider's last fiscal year end and an income statement, if required, similarly certified for the 12

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

months next preceding the date of the balance sheet; and a balance sheet dated within 90 days of the date of filing this annual report together with an income statement for the period from the subdivider's fiscal year end to the date of said balance sheet.

Signed _____
By: _____
its _____

APPLICANT'S VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19__,

_____, appeared before me, a Notary Public, and being first duly sworn, says that it is the applicant; that it has read the foregoing application and accompanying exhibits, and that the contents thereof are true of its own knowledge.

_____

(NOTARIAL SEAL) Notary Public,_____ County_____

My Commission Expires _____

INDIVIDUAL VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19__,

_____, appeared before me, a Notary Public, and being first duly sworn, says that he is the _____ of _____ and that he is duly authorized and empowered to execute this application on its behalf.

_____

(NOTARIAL SEAL) Notary Public,_____ County_____

My Commission Expires _____

2810.9960 FORMAT OF REQUEST FOR EXEMPTION FROM REGISTRATION.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION

5th Floor Metro Square Bldg.

REQUEST FOR EXEMPTION FROM REGISTRATION

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

SUBMIT NO LATER THAN TEN DAYS PRIOR TO THE FIRST OFFER, A COVER LETTER STATING THE REASONS FOR THE REQUEST ALONG WITH AN INFORMATION SHEET WHICH CONTAINS THE FOLLOWING:

1. Name of the subdivision.

2. Name, address, and telephone number of the subdivider.

3. Name, address, and telephone number of the escrow agent.

4. Attach as exhibits:

(a) Sales contract.

(b) In accordance with part 2810.2610, an offering statement or fact sheet.

Dated this day of

SUBDIVIDER

BY ITS

Subscribed and sworn to before me
this day of

A $50 fee must be filed with this request. Make check payable to Treasurer, State of Minnesota.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Lands

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on September 17, 1984, and was sent by the United States mail to all persons on the list maintained by the Department of Commerce pursuant to Minn. Stat. Section 14.14, subd. 1a, on September 6, 1984.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twenty-five (25) written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as Subdivided Lands are adopted this 19th day of October, 1984 pursuant to authority vested in me by Minn. Stat. section 83.38.

MICHAEL A. HATCH
Commissioner of Commerce

MINNESOTA WORLD TRADE CENTER BOARD has 9 vacancies open immediately for members including representatives of international business community and agriculture community. The board is to facilitate and support Minnesota World Trade Center programs and services and promote the growth of international trade. Members are appointed by the Governor and receive $35 per diem. For specific information contact the Minnesota World Trade Center Board, Dr. Richard Broeker, 620 Conwed Tower, 444 Cedar St., St. Paul 55101; (612) 291-8900.

REGIONAL TRANSIT BOARD has 14 vacancies open for regional transit board members representing Metropolitan Council districts in the metropolitan area and 1 vacancy for the chair. The board will coordinate transit operations within the metropolitan area and implement the Metropolitan Council's long-term transit plans; establish a transit information service; adopt a transit service implementation plan; contract with transit operators in the metropolitan area to provide transit services; coordinate special transportation services for the elderly, handicapped or others with special transportation needs; administer contracts for paratransit projects; appoint the members of the Metropolitan Transit Commission; and other transit related responsibilities. Members are appointed by the Metropolitan Council. The Chair is appointed by the Governor. Meetings will be scheduled by the Board. Members receive $50 per diem and expenses. For specific information contact the Metropolitan Council, Bill Lester, 300 Metro Square Bldg., St. Paul 55101; (612) 291-6630.

Department of Commerce

Outside Opinion Sought Regarding Proposed Amendments to Rules Relating to Subdivided Lands Including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules governing subdivided lands. Promulgation of these rules is authorized by Minnesota Statutes, section 83.38.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Lorraine Rowe, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-2990.

All statements of information and comment shall be accepted until June 7, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

Department of Corrections
Task Force on Standards for Juvenile Release

Notice of Public Meeting

The Task Force on Standards for Juvenile Release has scheduled a public meeting for responses to the Standards Draft on May 9, 1984, from 12:00 P.M. to 2:00 P.M. in 112 Capitol Building. For further information, please call Patricia C. Harmon at 296-6520.

Minnesota State Advisory Council for Vocational Education

Notice of Council Meeting

The Minnesota State Advisory Council for Vocational Education will meet at 9:00 a.m. on Thursday, May 17, 1984 in Room 440, Minneapolis Technical Institute, 1415 Hennepin Avenue, Minneapolis, Minnesota. The public is welcomed. Inquiries regarding the meeting may be directed to the Council Offices at 612/377-6100.

State of Minnesota
Department of Commerce

Notice of Intent to Solicit Outside Opinion Regarding Proposed Amendments to Rules Relating to Subdivided Lands including the Impact of the Rules on Small Businesses

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate amendments to rules governing subdivided lands. Promulgation of these rules is authorized by Minnesota Statutes, section 83.38.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Laws 1983, ch. 188, codified as Minnesota Statutes § 14.115, subd. 1.

The Department of Commerce requests information and comments concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Lorraine Rowe, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101, (612) 296-2990.

All statements of information and comment shall be accepted until June 7, 1984. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are promulgated.

Michael A. Hatch
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Land

ORDER FOR NOTICE
OF INTENT TO ADOPT
RULES WITHOUT
PUBLIC HEARING

IT IS ORDERED this 4th day of September, 1984 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and be published in the State Register.

Michael A. Hatch
Commissioner of Commerce

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Lands

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Lorraine Rowe, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 83.38. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Robin Hanson, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Robin Hanson at the above address.

Michael A. Hatch
Commissioner of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Land

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Robin Hanson, being first duly sworn, deposes and says:

That on the 6th day of September, 1984, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules.

A copy of the proposed rules is attached.

Robin Hanson

Subscribed and sworn to before me this
6th day of September, 1984.

Nancy I. Link

NANCY I. LINK
NOTARY PUBLIC - MINNESOTA
RAMSEY COUNTY
My Commission Expires Nov. 22, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Land

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 6th day of September, 1984.

Lorie Hanson

Robert R. Abrohams
Robert R. Abrohams Agency, Inc.
1112 Plymouth Bldg.
Minneapolis, MN 55402

John B. LaMacchia & Associates
Actuaries Management Consultants
12 North Central Avenue
St. Louis, MO 63105

Sam Ruhle
Office of Administrative Hearings
400 Summit Bank Building
Minneapolis, MN 55415

Joseph T. Justice, Counsel
Alexander Howden Group U.S. Inc.
P.O. Box 19539
Atlanta, GA 30325

Alliance of American Insurers
Attn: Debra G. Wozniak
1501 Woodfield Rd., Suite 400 West
Schaumberg, IL 60195

Willys P. Jones
Allison-Williams Co.
2300 IDS Center
Minneapolis, MN 55402

Mr. Robert J. Demichelis
American Council of Life Insurance
1850 K Street NW
Washington, DC 20006

Fred McGarvey
American Insurance Association
230 W. Monroe
Chicago, IL 60606

Daniel D. Foth
Associated Builders & Contractors
6300 Walker Street, Room 109
Minneapolis, MN 55416

Morris J. Anderson, Exec. Dir.
Association of Minnesota Counties
555 Park Street, Suite 300
St. Paul, MN 55103

R. G. Lanham, Dir. of Research
Carleton Financial Computations
P.O. Box 570

John F. Sheski, Counsel
Central Life Assurance Company
P.O. Box 5620
Madison, WI 53705

Glen Tullman
Certified Collateral Corporation
640 N. LaSalle, Suite 640
Chicago, IL 60610

M. D. Monette, V. P. & Counsel
Colonial Penn Group, Inc.
5 Penn Center Plaza
Philadelphia, PA 19181

Timothy L. Tucker
Consumer Credit Insurance Assoc.
307 N. Michigan Ave.
Chicago, IL 60601

Coury, Schwinn, Kodadek & McRoberts
1380 Soo Line Bldg.
Minneapolis, MN 55402

Norman E. Nelson, Govt. Affairs Dept.
Crum & Forster Corporation
305 Madison Avenue
Morristown, NJ 07960

Gerard P. Davey
Attorney at Law
One Newport Pl., Suite 900
Newport Beach, CA 92660

Michael Bernardino, Mgr.
Dean Witter Reynolds, Inc.
5 World Trade Center
New York, NY 10048

Gerald G. Dederick, Esq.
6800 France Ave. S., #750
Edina, MN 55435

Director
Developmental Disabilities Office
201 Capitol Square Building
St. Paul, MN 55101

David L. Boehnen
Dorsey & Whitney
1st Bank Place East

Nicholas T. Kakos
Federal Cartridge Corporation
Twin Cities Army Ammunition Plant
New Brighton, MN 55112

Richard Russell, Esq.
Finley, Kumole, Wagner, et al
425 Park Ave.
New York, NY 10022

Fireman's Fund Emp. Ins. Co.
Contracts Department
P.O. Box 1100
Green Bay, WI 54305

Conrad M. Fredin
811 Norwest Center
Duluth, MN 55802

George H. Frisch
1781 Saunders
St. Paul, MN 55116

Michael D. Johnson
Frundt, Frundt & Johnson
117 W. 5th Street
Blue Earth, MN 56013

Mr. Larry A. Bakken
Hamline Law School
1536 Hewitt
St. Paul, MN 55102

John A. Knapp, Esq.
Hessian, McKasy & Soderberg, P. A.
1500 Midwest Plaza Building
Minneapolis, MN 55402

Norbert A. McCrady
Independent Bankers of Minn.
7850 Metro Pkway., Suite 213
Bloomington, MN 55420

Investment Company Institute
1775 K Street NW
Washington, DC 20006

J. David Wise
Investors Diversified Serv., Inc.
IDS Tower

Stan Jacobson
Research Dept., State of [illegible]
Room 17, State Capitol
St. Paul, MN 55155

Kathleen P. Burek
Exec. Dir., LCRAR
Rm. 510, State Office Building
St. Paul, MN 55155

Susan J. Ladwig
900 Midland Bank Building
Minneapolis, MN 55401

Richard H. Smith, Dir.
Dept. of Land Registration
P.O. Box 569
Bentonville, AR 72712

Vincent A. Pellerito, President
Land Registrations, Inc.
4603 N. 16th St., Suite 2
Phoenix, AZ 85016

League Service Corporation
575 University Avenue
St. Paul, MN 55103

John R. Houston, Esq.
Lindquist & Vennum
4200 IDS Center
Minneapolis, MN 55402

Mary Beth Brody
MacIntosh & Commers
430 Marquette
Minneapolis, MN 55402

Jean M. Reynolds, Treasurer
Mairs and Power, Inc.
W-2062 First National Bank Bldg.
St. Paul, MN 55101

Ron Marien
9604 13th Ave. S.
Bloomington, MN 55420

Katie McLenighan
299 E. State Office Bldg.
St. Paul, MN 55155

Mr. Ronald R. Radtke, Mgr. Comp. Svcs.
Metropolitan Prop. & Liability Ins. Co.
700 Quaker Lane
Warwick, RI 02887

D. F. Hennen, Plant Manager
Midland Glass Company, Inc.
P.O. Box 69
Shakopee, MN 55379

Jerrold T. Miller
J. T. Miller Company
1000 Currie Avenue
Minneapolis, MN 55403

John S. Jackson, Gen. Counsel
Minnesota Bankers Association
332 Baker Building
Minneapolis, MN 55402

Gene Johannes
Minnesota Chiropractic Assoc.
2353 Rice St., Suite 125
St. Paul, MN 55113

Minn. Consumer Finance Confer.
810 Norwest Center
St. Paul, MN 55101

Jean Dawson
Minn. Government Report
B-12 Press Room, State Capitol
St. Paul, MN 55155

Minnesota League of Credit Unions
575 University Ave.
St. Paul, MN 55103

Joan M. Archer
Minn. Mfg. Housing Assoc.
222 E. Little Canada Rd., S222
St. Paul, MN 55117

Ms. Lois Wattman DeWitt
Minnesota Medical Association
2221 University Ave. SE, #400
Minneapolis, MN 55414

James N. Denn
Minnesota Motor Transport Assn.
1821 University Ave., Room 134N

Minn. Petroleum Council
1025 Northern Federal Bldg.
St. Paul, MN 55102

John Van Doorn
Minn. Retail Merchants Assoc.
180 Metro Square Bldg.
St. Paul, MN 55101

Minn. School of Real Est. Inc.
140 W. 98th St.
Oxboro Plaza Bldg.
Bloomington, MN 55420

Maureen Adrian, Exec. Asst.
Minn. State Builders Assoc.
666 Transfer Rd.
St. Paul, MN 55114

Abe Rosenthal, Exec. Vice Pres.
Minn. Transport Services Assn.
1821 University Ave.
St. Paul, MN 55104

Philip B. Sears, Esq.
Mosburg & Wright, Inc.
2200 Classen Blvd., 4th Fl.
Oklahoma City, OK 73106

Michael J. Ahern
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

John F. Stone
Moss & Barnett
200 S. Sixth St.
Minneapolis, MN 55402

NIARS Corporation
Three Eighteen West Franklin
Minneapolis, MN 55404

Mark A. Welshons, Secretary
NWNL Reinsurance Company
P.O. Box 20
Minneapolis, MN 55440

John B. Crosby, V.P. & Gen. Couns.
Natl. Assoc. of Ind. Insurers
2600 River Road

William R. Anderson, Coun[illegible]
Natl. Assoc. of Life Underwriters
1922 F Street, NW
Washington, D.C. 20006

Richard Bouhan, Gov't. Relations Dir.
Natl. Assoc. of Prof. Surplus Lines Off.
P.O. Box 1507
Roswell, GA 30077

Lee T. Peterson
Nelson, Nelson, Kufus & Assoc.
665 N. Snelling Ave.
St. Paul, MN 55104

Ohio State Life Insurance Company
Attn: Harold I. Phillian
471 E. Broad Street
Columbus, OH 43215

Orion Group, Inc.
Law Division
9 Farm Springs Dr.
Farmington, CT 06032

Howard McDowell, I-5
Pennsylvania Life Insurance Company
3130 Wilshire Blvd.
Santa Monica, CA 90406

Roger A. Peterson
Peterson, Engberg & Peterson
700 Title Insurance Bldg.
Minneapolis, MN 55401

Peter S. Popovich
Peterson, Popovich, Knutson & Flynn
345 Cedar Building, Suite 800
St. Paul, MN 55101

Phillips Legislative Service, Inc.
459 Rice Street
St. Paul, MN 55103

Celeste B. Relyea, Dir. of St. Affairs
Professional Insurance Agents
400 N. Washington St.
Alexandria, VA 22314

Bruce A. Poulsen, V.P. & Counsel
Prudential Insurance Co. of America
8th Fl. P.O. Box 1143

Charles A. Kroeger
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

James M. Shamberger, Vice President
Reinsurance Association of America
1025 Connecticut Ave., Suite 512
Washington, D.C. 20036

John P. Flaten
Rider, Bennett, Egan & Arundel
2500 First Bank Pl. W.
Minneapolis, MN 55402

Richard B. Allyn
Robins, Zelle, Larson & Kaplan
33 S. Fifth St.
Minneapolis, MN 55402

Bernard Rosenberg
Robins, Zelle, Larson & Kaplan
33 S. Fifth St.
Minneapolis, MN 55402

W. J. Hay
St. Paul Companies, Inc.
385 Washington Street
St. Paul, MN 55102

Kernel L. Armbruster, Gen. Counsel
St. Paul Fire & Marine Ins. Co.
385 Washington St.
St. Paul, MN 55102

Jim Schloner
7733 W. 24th St.
Minneapolis, MN 55426

Kevin J. Nolan, Atty.
Securities Industry Association
120 Broadway
New York, NY 10271

Cezar M. Froelich, Esq.
Shefsky, Saitlin & Froelich, Ltd.
444 N. Michigan Ave., Suite 2300
Chicago, IL 60611

Stan Bass
Snyder, Larsen & Peters
2636 Portland Avenue

Archibald Spencer
4040 IDS Center
Minneapolis, MN 55402

Ron Landsman
Spiegel & McDearmid
2600 Virginia Ave. NW, S 312
Washington, DC 20037

Dominic J. Sposeto
Dominic Sposeto & Associates
3916 Chowen Ave. S.
Minneapolis, MN 55410

David A. Peterson
State Bond & Mortgage Company
100 North Minnesota Street
New Ulm, MN 56073

Charles F. Happach, Treas. & Gen. Mgr.
State Capitol Credit Union
95 Sherburne
St. Paul, MN 55103

A. Edward Hunter, Asst. Director
State Planning Agency
101 Capitol Square Building
St. Paul, MN 55101

Mary Stanton, Staff Assoc./Fin.
State University System
555 Park St., Suite 230
St. Paul, MN 55103

Gary Gandrud
Stolpestad, Brown & Smith
2000 North Central Tower
St. Paul, MN 55101

Robert E. Swift, Vice President
Title Insurance Company of MN
400 Second Avenue South
Minneapolis, MN 55401

Union Fidelity Life Insurance Co.
Union Fidelity Office Park
Trevose, PA 19049
Attn: Edward G. Farmer, Jr., V.P.

Jerome Scheibl, Vice President
Wausau Insurance Group
2333 Westwood Dr.

Workers Comp. Reinsurance Assoc.
900 Minnesota Mutual Life Center
400 North Robert Street
St. Paul, MN 55101

Security Life Insurance
Robbins & Rashke, P.A.
5200 Willson Rd., Suite 407
Minneapolis, MN 55424

George M. Boyd
Squire, Sanders & Dempsey
1800 Huntington Building
Cleveland, OH 44115

A. ~~exercise the enforcement authority granted him pursuant to Minnesota Statutes, sections 72A.17 to 72A.32;~~

~~B.~~ issue an order pursuant to Minnesota Statutes, section ~~62D.18~~ 62D.17;

~~C. report such finding to the board and recommend the exercise of any authority available to the board pursuant to Minnesota Statutes, sections 62D.15 to 62D.17;~~

B. consider the unreasonable expense to constitute a failure of the health maintenance organization to satisfy Minnesota Statutes, section 62D.12, subdivision 9, paragraph (c) or 62D.15, subdivision 1, paragraph (i) and to proceed accordingly; or

~~D.~~ C. exercise such other statutory power as is available to him and that he deems appropriate.

2730.0700 INTERAGENCY AGREEMENT.

The commissioner of commerce may by agreement with the commissioner of health provide procedures for the implementation and coordinated enforcement of part 2730.0500.

Department of Commerce

Proposed Rules Relating to Subdivided Lands Registration

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Lorraine Rowe, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 83.38. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Robin Hanson, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Robin Hanson at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2810.2100 PREPARING APPLICATIONS FOR REGISTRATION BY QUALIFICATION.

The guidelines set forth hereafter are intended to indicate the form and informational content of an application for registration required by the commissioner of commerce. These guidelines shall be applicable to applications filed for

registration by qualification pursuant to Minnesota Statutes ~~1973~~, ~~sections~~ section 83.23 ~~and 83.26, clause (2)(b)~~. The primary purpose of the application for registration is to provide compliance with the requirements of Minnesota Statutes, chapter 83 and the rules promulgated thereunder. The information to be included in the application for registration is set out in detail in this section. The information requested is not to be viewed as determinative of the entire obligation of disclosure. Disclosure and the manner of disclosure will depend upon the particular facts and circumstances involved. Disclosure means more than merely compiling the information requested by the application form or supplying the information suggested by the guidelines. This obligation is the independent obligation of the subdivider, its counsel, its accountant, and others contributing to the disclosure to the extent of their contribution. Applications for registration which are inadequately prepared and seriously deficient in terms of compliance with the statute and rules will be summarily denied.

2810.2150 FORM OF APPLICATION FOR REGISTERING SUBDIVIDED LAND BY QUALIFICATION.

An application for registration of subdivided land by qualification shall be typewritten and submitted on 8½ inch by 14 inch white bonded paper. The application shall state verbatim the questions in this part, with the appropriate answers underneath each question or attached as an addendum. Such application shall be in the form in part 2810.9910.

This form is to be prepared and filed pursuant to ~~chapter 83 of the~~ Minnesota Statutes ~~1973~~, section 83.23, ~~subdivision 3~~ and mailed to: State of Minnesota, Department of Commerce, 5th Floor, Metro Square Building, Saint Paul, Minnesota 55101.

2810.2170 CHANGES SUBSEQUENT TO REGISTRATION.

Subpart 1. Amendment procedure. An application to amend the registration shall be made by submitting a revised application for registration or a revised public offering statement with all alterations of the text previously filed underscored and shall be accompanied by a verification sheet manually signed and notarized.

Subp. 2. Exhibit. If required, a new exhibit must be included.

Subp. 3. Fee. A $25 fee must be filed with the amendment. Make check payable to Treasurer, State of Minnesota.

2810.2610 GUIDELINES FOR PUBLIC OFFERING STATEMENT.

Subpart 1. to 4. [Unchanged.]

Subp. 5. Other offering statements. The commissioner may accept, pursuant to application for registration under Minnesota Statutes, chapter 83, any currently effective public offering statement prepared for compliance with the registration provisions of the subdivided land laws of other jurisdictions as the commissioner may from time to time designate. The commissioner reserves the right to require alterations in these statements as he considers necessary to fulfill the requirements of Minnesota Statutes, chapter 83.

2810.2700 ~~STATEMENT OF SUBDIVIDER~~ APPLICATION FOR REGISTRATION BY NOTIFICATION.

~~A statement of the subdivider~~ An application for registration by notification shall be typewritten and submitted on 8½ inch by 14 inch white bonded paper. This statement shall state verbatim the questions, with the appropriate answers underneath each question, or attached as an addendum. Such statement shall be in the ~~form~~ format in part 2810.9940.

2810.9910 ~~FORM~~ FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION.

File No._____
Date Approved_____
Date Denied_____
Examiner_____
Commissioner_____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

REGISTRATION OF SUBDIVIDED LANDS BY QUALIFICATION

This form is to be prepared and filed pursuant to ~~chapter 83 of~~ Minnesota Statutes ~~1973~~, section 83.23, ~~subdivision 3~~ and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Building
St. Paul, Minnesota 55101

1. to 8. [Unchanged.]

9. Append hereto, if applicable, a legal description of the lands to be subdivided verified by affidavit of an independent professional land surveyor which shall include a statement of the topography and a topographical map together with a map showing the division to be proposed or made, the dimension of the lots, parcels, units, or interests and the relation of the subdivided lands to existing streets, roads, and other offsite stakes have been placed in accordance with the land surveyed.

10. If such markers, monuments, or stakes have not been placed, state the estimated cost of accomplishing this result, if applicable.

11. and 12. [Unchanged.]

13. (a) to (d) [Unchanged.]

(e) State the location of primary and secondary schools, if applicable.

(f) and (g) [Unchanged.]

14. and 15. [Unchanged.]

16. Append hereto a financial statement of the subdivider, if required, as of the end of the subdivider's most recent fiscal year bearing a certification reflecting an audit by an independent certified public accountant. If the fiscal year end of the subdivider is in excess of 90 days prior to the date of filing the application, a financial statement, which may be unaudited, is to be appended reflecting the financial condition of the subdivider as of a date within 90 days of the date of the application.

17. to 21. [Unchanged.]

2810.9440 ~~FORM OF STATEMENT OF SUBDIVIDER~~ FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

~~STATEMENT OF THE SUBDIVIDER~~

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section ~~83.26, subdivision 2(b)~~ 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes ~~1973~~, section ~~83.26~~ 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. ~~Attach a title opinion of a licensed practicing attorney concerning the~~ State of condition of title to the ~~subdivided lands which shall include~~ land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable ~~thereto~~ to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY A LICENSED PRACTICING ATTORNEY WHO IS NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR

DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND THE ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT THE ATTORNEY ENJOYS SUCH A STATUS; OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

9. to 15. [Unchanged.]

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

Subscribed and sworn to before me
this _____ day of _____

BY ITS _____

_____

A ~~$10~~ $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

2810.9950 ~~FORM~~ FORMAT OF ANNUAL REPORT.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION
5th Floor Metro Square Bldg.
ANNUAL REPORT—SUBDIVIDED LAND

THIS REPORT MUST BE FILED NOT LATER THAN 30 120 DAYS AFTER THE ~~ANNIVERSARY DATE OF REGISTRATION~~ FISCAL YEAR END OF THE SUBDIVIDER.

1. to 13. [Unchanged.]

14. Attach the following exhibits.

A. (1) and (2) [Unchanged.]

(3) Financial statements consisting of a balance sheet, if required, certified by an independent Certified Public Accountant for the subdivider's last fiscal year end and an income statement, if required, similarly certified for the 12 months next preceding the date of the balance sheet; and a balance sheet dated within 90 days of the date of filing this annual report together with an income statement for the period from the subdivider's fiscal year end to the date of said balance sheet.

Signed _____
By: _____
its _____

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

APPLICANT'S VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19____,

_____, appeared before me, a Notary Public, and being first duly sworn, says that it is the applicant; that it has read the foregoing application and accompanying exhibits, and that the contents thereof are true of its own knowledge.

(NOTARIAL SEAL)

_____
Notary Public, _____ County _____
My Commission Expires _____

INDIVIDUAL VERIFICATION

STATE OF _____)
) SS.
COUNTY OF _____)

On this _____ day of _____, 19____,

_____, appeared before me, a Notary Public, and being first duly sworn, says that he is the _____ of _____ and that he is duly authorized and empowered to execute this application on its behalf.

(NOTARIAL SEAL)

_____
Notary Public, _____ County _____
My Commission Expires _____

2810.9960 FORMAT OF REQUEST FOR EXEMPTION FROM REGISTRATION.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE, REGISTRATION AND LICENSING DIVISION
5th Floor Metro Square Bldg.

REQUEST FOR EXEMPTION FROM REGISTRATION

SUBMIT NO LATER THAN TEN DAYS PRIOR TO THE FIRST OFFER, A COVER LETTER STATING THE REASONS FOR THE REQUEST ALONG WITH AN INFORMATION SHEET WHICH CONTAINS THE FOLLOWING:

1. Name of the subdivision.

2. Name, address, and telephone number of the subdivider.

3. Name, address, and telephone number of the escrow agent.

4. Attach as exhibits:

(a) Sales contract.

(b) In accordance with part 2810.2610, an offering statement or fact sheet.

Dated this _____ day of _____

_____
SUBDIVIDER

Subscribed and sworn to before me this _____ day of _____

BY ITS _____

_____

A $50 fee must be filed with this request. Make check payable to Treasurer, State of Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the
Proposed Adoption and
Amendment of Rules and
Forms Relating to Minnesota
Statutes Chapter 83
(Subdivided Lands)

STATEMENT OF NEED
AND REASONABLENESS

The Minnesota Subdivided Land Sales Practices Act, Minn. Stat. § 83.21 (Supp. 1984) entrusts with the commissioner of Commerce (hereinafter "Commissioner") authority to administer the Minnesota Subdivided Land Sales Practices Act, MSA §§ 83.20 to 83.42 (Supp. 1984), amended by Chapter 452 (1984). The Commissioner presents herein his statement of the need for and reasonableness of adoption of the new rules and amendments to the Minnesota Rules §§ 2810.1100 to 2810.9950 (1984).

The new rules and amendments are made to reflect a change in statutory language and numbering. They are intended to streamline certain registration and enforcement provisions, and to make the Minnesota Rules Sections consistent with each other. In addition, the new rules and amendments reflect provisions in the amended statute that includes "time sharing" in the Subdivided Lands category for purposes of regulation. Chapter 452 (1984).

The Commissioner has determined that the adoption of the new rules and the amendments to the existing rules are reasonable and necessary to carry out and make effective the

provisions of the Minnesota Subdivided Land Sales Practices Act, Minn. Stat. Chap. 83 (Supp. 1984), as amended, Chapter 452 (1984).

Small Business Considerations in Rulemaking; Minnesota Statutes 14.115 -- The Commissioner has determined that the following rules are in compliance with Minn. Stat. Section 14.115 regarding small business impact. Chapter 83, the Subdivided Land Sales Practices Act, is a consumer protection law as well as a disclosure law. Protection of Minnesota purchasers must be insured whether the purchased land is in a small or large development. Existing rules for registration are addressed to small and large subdividers. A separate format for registration, which does not put an undue burden on the small developer while still ensuring the protection of the Minnesota purchaser, has been in place since the Rules for Chapter 83 were initially promulgated and there are no substantive changes in this regard.

The need for and reasonableness of each of the new rules and amendments to the existing rules is as follows.

Minnesota Rules §§ 2810.2100.

The title of the rule is changed to "Guidelines for Preparing Applications for Registration by Qualification" to reflect amendments to the statute and changes in the text of the rule.

Minnesota Rules §§ 2810.2100.

In the text of the rule, the reference to 83.26, subd. 2(a) is deleted because the statute was changed, making the reference no longer applicable. Minn. Stat. § 83.26, subd. 2(b) (Supp. 1984), as amended Chapter 452 (1984).

Minnesota Rules §§ 2810.9910.

The title of the rule is changed to "Registration by Qualification" to reflect amendments to the statute and changes in the text of the rule governing this form. Minn. Stat. Chap. 83 (Supp. 1984), as amended Chapter 452 (1984).

Minnesota Rules §§ 2810.9910.

Subdivision 3 is deleted from Minn. Stat. 1973, Section 83.23 for technical and stylistic reasons.

Minnesota Rules §§ 2810.2100.

"Time share interest" has been added to the statutory definition of subdivided land to enhance and clarify the consumer protection objectives of the subdivided land laws. After the first full paragraph the following paragraph was added to allow some flexibility in registrating time share interests as subdidvided land:

> "With regard to time share registration certain sections may be waived and other requirements substituted in the registration application, if the Commissioner finds the substitutions are consistent with the consumer protection objectives of Minn. Stat., Ch. 83."

Minnesota Rules §§ 2810.9910.

Number 9 has been amended so that the sentence ends with ", if applicable" for stylistic and technical reasons.

Minnesota Rules §§ 2810.9910.

Number 10 has been amended so that the sentence ends with ", if applicable" for stylistic and technical reasons.

Minnesota Rules §§ 2810.9910.

Number 13(e) has been amended so that the sentence ends with ", if applicable." for stylistic and technical reasons.

Minnesota Rules §§ 2810.9910.

Number 16 has been amended so that after "subdividers" the words "if required" are added for stylistic and technical reasons.

Minnesota Rules §§ 2810.2610.

In Subpart 4 insert the following paragraph before 4(A), (B), (C):

> "The Commissioner may accept persuant to application for registration under Minn. Stat., 1973, chapter 83, any currently effective public offering statement prepared for compliance with registration provisions of the subdivided land laws of such jurisdictions as the Commisioner may, from time to time, designate. The Commissioner reserves the right to require alterations in such statements as he deems necessary to filfill the requirements of Minn. Stat. 1973, chapter 83. This provision saves the applicant duplication of work when the applicant has submitted and application to another jurisdiction that has acceptable requirements.

Minnesota Rules §§ 2810.2700.

The title is changed to "Guidelines for Preparing Applications for Registration by Notification" to reflect amendements to the statute and changes in the text of the rule. Minn. Stat. § 83.23 (Supp. 1984), as amended Chapter 452 (1984).

Minnesota Rules §§ 2810.9940.

The referenced statute number is changed from Minn. Stat. § 83.26, Subd. 2(b) to Minn. Stat. 83.23 because of the statutory change. Chapter 452 (1984).

Number 8 is deleted with the following paragraph inserted:

> "State the condition of title to the land to be subdivided included but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to such title and state the condition of title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORIZED BY A LICENSED PRACTICING ATTORNEY WHO IS NOT A SALARIED EMPLOYEE, PARTNER, OFFICER OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER AND

SUCH ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT SAID ATTORNEY ENJOYS SUCH A STATUS; OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER."

This paragraph is substituted so that the language is consistent with Minnesota Rules § 2810.990.

Minnesota Rules §§ 2810.9940.

Number 16 is amended so that "in accordance with Minnesota Rules 2810.2400" is inserted after "representative." This is a technical change.

Minnesota Rules §§ 2810.9940.

The fee is changed from $10.00 to $100.00 to reflect the increasing cost of processing the applications.

Minnesota Rules §§ 2810.9950.

In number 14(3) insert " if required" after "income statement." This is a stylistic and technical change.

Minnesota Rules §§ 2810.9950.

In number 14(3) insert " if required" after "balance sheet." This is a stylistic and technical change.

No Minnesota rules number.

S.Div 1616.

The following paragraphs are added to provide a format for requesting an exemption from registration pursuant to Minn. Stat. § 83.26 Subd. 2(i)(1) (Supp. 1984), as amended chapter 452 (1984).

"Guidelines for Preparing a Request for Exemption from Registration.

This request is to be prepared and filed pursuant to Minnesota Statutes 1973, Section 83.26, Subd. 2(i)(1).

1. Submit no later that 10 days prior to the first offer, a cover letter, stating the reasons for the request along with an information sheet which contains the following:

(a) Name of the subdivision.
(b) Name, address and telephone number of the subdivider.
(c) Name, address, contract person and telephone number of the escrow agent.

2. Attach as exhibits:
(a) Sales contract.
(b) In accordance with S.Div 1607, (3) an offering statement or fact sheet.

A $50.00 fee must be filed with the application. The fee is payable to the Treasurer, State of Minnesota."

No Minnesota Rules Number.

S.Div. 1617.

"The following paragraphs provides a form for amending an existing application.

(a) An application to amend the registration shall be made by submitting a revised application and or a revised public offering statement with all alterations of the text previously filed underscored and accompanied by a verification sheet manually signed and notarized.

If required a new exhibit must be included.

A $25.00 fee must be filed with the amendment. The fee is payable to the Treasurer of the State of Minnesota."

In the Matter of the Proposed Adoption
of Rules Governing Subdivided Land

STATEMENT OF
COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Peggy Bunch, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Peggy A. Bunch
Special Assistant Attorney General

Dated: 11/8/84

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Subdivided Land

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Richard G. Gomsrud, being first duly sworn, deposes and says:

That to date, no person has requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Richard G. Gomsrud

RICHARD G. GOMSRUD
General Counsel, Department of Commerce

Subscribed and sworn to before me this 19th day of October, 1984.

Nancy I. Link

NANCY I. LINK
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Nov. 22, 1984