

STATE OF NEW HAMPSHIRE

**CONDOMINIUM ACT**

**COMPREHENSIVE APPLICATION FOR REGISTRATION**

**PURSUANT TO RSA 356-B:51, I AND JUS 1405.03**

Section I. Declarant and Condominium Information

Section II. Certificate of Resolution

Section III. Certificate of Appointment

Section IV. Applicant's Affidavit/Affirmation

Section V. Attorney Affirmation

Applicant must answer all questions and complete all sections. Any question which is not applicable shall be so designated. Additional pages may be added to permit complete and comprehensive answers. Applicant may provide such further information as is germane and material to describe the proposed offering fully. Please type or print clearly in ink.

A filing fee in the amount of \$30 per lot, parcel, unit or interest, but no less than \$300 nor more than \$2,000 must accompany this application. The filing fee should be calculated on the basis of the interests being registered in this application only. Subsequent phases will require separate filing fees, in the amount of \$30 per lot, parcel, unit or interest, but no less than \$200 nor more than \$2,000.

**APPLICANT MUST IMMEDIATELY NOTIFY THE BUREAU OF ANY MATERIAL CHANGE IN INFORMATION CONTAINED IN THE REGISTRATION APPLICATION, MAKE APPROPRIATE AMENDMENT OF THE PUBLIC OFFERING STATEMENT AND RECEIVE PRIOR APPROVAL FROM THE BUREAU.**

DEPARTMENT OF JUSTICE  
OFFICE OF THE ATTORNEY GENERAL  
CONSUMER PROTECTION AND ANTRITRUST BUREAU  
1 GRANITE PLACE SOUTH  
CONCORD, NEW HAMPSHIRE 03301  
TEL. (603) 271-3641

## SECTION I

### A. IDENTIFICATION OF DECLARANT

1. a. Name of one person to whom correspondence is to be directed during registration process:

b. Address:

c. Telephone:

2. Contact person for all other purposes:

Name:

Address:

3. a. Declarant's name:

b. Declarant's address:

c. Form of organization:

d. Date organized:

e. Jurisdiction where organized:

f. Address of each of Declarant's offices in New Hampshire (if other than above):

Submit as Appendix A a copy of each legal instrument pertaining to the organization of the business entity, including all amendments thereto, pursuant to RSA 356-B:51, I (q)—(t).

4. Is the Declarant, developer or agent properly registered with the Secretary of State of the State of New Hampshire to do business in the State? Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain:

5. Is the Declarant, developer, or agent registered with the Secretary of State to use a trade name? Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain:

6. Has the Declarant filed, or made arrangements to file, required quarterly tax estimates relating to the business profits tax (RSA 77-A) with the Department of Revenue Administration of the State of New Hampshire? Yes \_\_\_\_\_ No \_\_\_\_\_ If no, explain:

7. Has the Declarant been affiliated or associated with any other subdivision or condominium, existing or proposed, in New Hampshire or elsewhere? Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, identify all such subdivisions and condominiums by name, location, and if applicable, N.H. Attorney General registration or exemption number:

8. Submit as Appendix B a completed form CPLC170 for each principal of the Declarant, as defined by Jus 1401.07.

9. What is the relationship of the Applicant to the condominium (e.g. Declarant, owner of record, developer, or agent)?

10. If other than Declarant, state:

a. Name of Applicant:

b. Address of Applicant:

**B. DESCRIPTION OF CONDOMINIUM**

11. Common promotional name:

12. Location: \_\_\_\_\_  
  Street or Road   City or Town  
  
  \_\_\_\_\_  
  County   State  
  
  \_\_\_\_\_  
  Country

13. a. Does the condominium involve conversion of rental property?

Yes \_\_\_\_\_ No \_\_\_\_\_

b. Is the condominium a leasehold condominium?

Yes \_\_\_\_\_ No \_\_\_\_\_

c. Does the condominium contain:

1. convertible land? Yes \_\_\_\_\_ No \_\_\_\_\_

2. convertible space? Yes \_\_\_\_\_ No \_\_\_\_\_

3. withdrawable land? Yes \_\_\_\_\_ No \_\_\_\_\_

4. additional land? Yes \_\_\_\_\_ No \_\_\_\_\_

5. any nonresidential units? Yes \_\_\_\_\_ No \_\_\_\_\_

6. any time sharing interests? Yes \_\_\_\_\_ No \_\_\_\_\_

14. The maximum number of years of Declarant control, pursuant to RSA 356-B:36, I, is \_\_\_\_\_ years. Provisions relating to Declarant control are on page(s) \_\_\_\_\_ of the Declaration and/or page(s) \_\_\_\_\_ of the Bylaws.

15. Condition of title.

a. Submit as Appendix C a statement of the condition of title to the condominium, in the form of a title opinion of a licensed attorney, not under salary to the Declarant, or other evidence of title acceptable to the agency.

b. Is the Declarant currently the holder of legal title to the property upon which the condominium will be located?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in Appendix C.

c. Will the Declarant be the holder of legal title to the condominium property at the time the condominium is created?

Yes \_\_\_\_\_ No \_\_\_\_\_

If no, explain in Appendix C.

16. Number of separate parcels of real estate included in this filing: \_\_\_\_\_

17. a. Number of acres in condominium in this filing: \_\_\_\_\_

b. Number of additional acres that later may be included by reason of future expansion or merger: \_\_\_\_\_

c. Total number of acres that the condominium ultimately may include: \_\_\_\_\_

d. State whether any of the units in this filing have been offered or disposed of within the meaning of RSA 356-B:50, I. Disposition includes entry into a purchase and sale agreement. Yes \_\_\_\_\_ No \_\_\_\_\_. If yes, attach copies of purchase and sale agreements.

18. a. Number of units for which registration is requested in this filing: \_\_\_\_\_

**(Note: The Bureau will not grant registration unless adequate financing has been committed for completion of all promised improvements and units sought to be registered in this Application.)**

b. Number of additional units that may be included by reason of future conversion, expansion

or merger:\_\_\_\_\_.

c. Total number of units that the condominium ultimately may include:\_\_\_\_\_

19. a. Number of time sharing interests involved in this filing:\_\_\_\_\_

b. Total number of time sharing interests involved:\_\_\_\_\_

20. a. Size of units in this filing:\_\_\_\_\_

minimum                  average                  maximum

21. List sequentially the units to be registered in this filing. Use the identifying numbers as they will appear on the site and floor plans to be recorded with the declaration.

### C. PLAN OF DEVELOPMENT FOR THE CONDOMINIUM

22. Submit as Appendix D(1) the Declaration of the condominium.

Submit as Appendix D(2) the Bylaws of the condominium.

Submit as Appendix D(3) any other rules and regulations of the condominium.

Submit as Appendix D(4) the site and floor plans of the condominium.

23. Have the plans been recorded? Yes \_\_\_\_\_ No \_\_\_\_\_

a. Date of Recording:

b. Location of Recording, including book and page reference:

24. Have the boundaries of the convertible lands, withdrawable lands, additional lands, common areas, limited common areas and any completed or proposed improvements thereon been laid out by a registered surveyor? Yes \_\_\_\_\_ No \_\_\_\_\_

a. Name of surveyor:

b. Address of surveyor:

c. Method used to depict boundaries:

D. IMPROVEMENTS (Complete information must be entered)

25. Improvements which have been completed:

| <u>Description</u>                | <u>When Completed</u> |
|-----------------------------------|-----------------------|
| Buildings                         | _____                 |
| Graded Roads                      | _____                 |
| Paved Roads                       | _____                 |
| Water System                      | _____                 |
| Sewerage System                   | _____                 |
| Drainage                          | _____                 |
| Sidewalks, Curbs, Street Lighting | _____                 |
| Electrical Supply                 | _____                 |
| Gas Supply                        | _____                 |
| Telephone Service                 | _____                 |
| Amenities/Recreational Facilities | _____                 |

26. Improvements which are promised in this phase:

| <u>Description Of Improvement</u> | <u>Percent Completed</u> | <u>Estimated Cost To Complete</u> | <u>Anticipated Completion Date</u> |
|-----------------------------------|--------------------------|-----------------------------------|------------------------------------|
| Buildings                         | _____                    | =====                             |                                    |
| Graded Roads                      | _____                    | =====                             |                                    |

|                                      |       |       |       |
|--------------------------------------|-------|-------|-------|
| Paved Roads                          | _____ | ===== |       |
| Water System                         | _____ | ===== |       |
| Sewerage System                      | _____ | ===== |       |
| Drainage                             | _____ | ===== |       |
| Sidewalks, Curbs,<br>Street Lighting | _____ | _____ | _____ |
| Electrical Supply                    | _____ | ===== |       |
| Gas Supply                           | _____ | ===== |       |
| Telephone Service                    | _____ | ===== |       |
| Amenities/Recreational<br>Facilities | _____ | ===== |       |

27. Is the condominium subject to approval of any local, state, or federal entity other than the registration to which this application relates? For example, such approval may include, but is not limited to, building permits and all other approvals granted by zoning boards of adjustment, planning boards, New Hampshire Department of Environmental Services, Wetlands Bureau, and Army Corps of Engineers.

Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, submit in Appendix E evidence of approval from the governmental entity.

28. Has any existing tax, special tax, or assessment which affects the condominium been levied by any governmental entity? Yes \_\_\_\_\_ No \_\_\_\_\_

a. Are any such taxes proposed to be levied by any governmental entity?  
Yes \_\_\_\_\_ No \_\_\_\_\_

b. If yes, describe in detail and include an explanation as to whether current use taxation (RSA 79-A) applies to the condominium.



29. State whether any bond has been posted, money placed in escrow, letter of credit issued, or other financial assurance has been provided to any government entity to assure the completion of these improvements.

Yes\_\_\_\_\_No\_\_\_\_\_

a. If yes, attach copies of such assurances as Appendix F.

E. MAINTENANCE

30. Have arrangement been made to provide maintenance for the condominium?

Yes\_\_\_\_\_No\_\_\_\_\_

a. If yes, specify those arrangements for maintenance.

31. Has any governmental entity agreed to accept maintenance of the improvements set forth in questions 25 and 26?

Yes\_\_\_\_\_No\_\_\_\_\_

a. If yes, describe in detail:

32. State the relationship, if any, between the Declarant and managing agency.

33. Submit as Appendix G a projected budget for at least the first year of the condominium's operation. Include the projected monthly common expense assessments for each unit.

34. Have provisions been made in the budget for capital expenditures or major maintenance reserves? Yes\_\_\_\_\_No\_\_\_\_\_

a. If yes, describe:

F. FINANCING

35. Submit as Appendix H a financial statement of the Declarant pursuant to Jus 1405.11.

36. Is financing being obtained from a lending institution?

Yes \_\_\_\_\_ No \_\_\_\_\_

a. Name of lending institution:

b. Address of institution:

c. Has the loan been finalized?

d. Total amount of the loan or mortgage:

e. Amount of loan or mortgage outstanding as of the date of this filing:

37. If the loan has not been finalized, has the lending institution provided a written commitment to lend?

Yes \_\_\_\_\_ No \_\_\_\_\_

a. State amount of commitment:

38. Identify any real or personal property providing security for the loan or mortgage:

39. Specify any arrangements for securing partial releases or total discharge of the loan or mortgage, if such loan or mortgage encumbers any unit which will be disposed of by the Declarant, or any common or limited common area of the condominium belonging to the purchasers.

40. Submit as Appendix I copies of any mortgages, liens, or other financial encumbrances on any unit, common area, or limited common area.

41. Is there any blanket encumbrance or lien, not identified in question 36, affecting any unit or any common or limited common area in the condominium?

Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, state the consequences for a purchaser of the Declarant's failure to discharge such encumbrance or lien.

b. Have steps been taken to protect the purchaser in the case of such an eventuality?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If so, describe any such steps.

42. Pursuant to Jus 1405.09, submit as Appendix J a statement of the plan of financing the improvements in the condominium and the maintenance thereof.

G. PROMOTIONAL PLAN

43. Describe the promotional plan for the disposition of the units or interests in the condominium:

44. Submit as Appendix K a copy of all promotional material.

45. Name and address of person who will operate the promotional plan:

a. Name:

b. Address:

46. Will all persons offering or selling the units be either the Declarant or its employees?  
Yes \_\_\_\_\_ No \_\_\_\_\_ If no, a real estate license must be obtained by each such person pursuant to RSA 331-A.

47. Name and address of escrow agent having responsibility for holding deposits pursuant to RSA 356-B:57:

a. Name:

b. Address:

#### H. RIGHTS AND OBLIGATIONS OF PURCHASER

48. Submit as Appendix L all legal instruments that will be delivered to a purchaser to evidence his interest in any unit, and any other agreement a purchaser is required to sign.

49. Are there any management contracts or other contracts, including leases, affecting the use, maintenance or administration of, or access to all or part of the condominium?

Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, submit copies of such contracts as Appendix M.

50. Submit as Appendix N the Public Offering Statement required by RSA 356-B:52.

51. Will any improvements be required to be made by the purchaser in order to use the condominium unit in the manner represented by the Declarant?

Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, describe any improvements to be made and the estimated costs thereof:

52. Submit as Appendix O a copy of all legal instruments relating to the Unit Owners Association.

(Note: All members of the Association must be advised of the requirements of RSA 356-B:58).

53. Describe any initial or recurring fee or charge the purchaser is required to pay arising from his purchase or use of any unit in the condominium, or from the maintenance and management of the condominium.

I. FILING WITH FEDERAL OR STATE AUTHORITIES

54. Has a registration or exemption been granted by any federal or state regulatory agency other than a New Hampshire agency? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes or pending, list the jurisdiction, and state whether granted or pending.

55. Has any registration or exemption filing been rejected, suspended or revoked by any such regulatory agency? Yes \_\_\_\_\_ No \_\_\_\_\_

a. If yes, identify the agency and describe the status:

SECTION II  
CORPORATE  
CERTIFICATE OF RESOLUTION

I, \_\_\_\_\_, of \_\_\_\_\_ (Name and Title)

hereby certify that the following vote was adopted unanimously at a regularly (or specifically) held and called meeting of the Board of Directors of said corporation held on \_\_\_\_\_ at \_\_\_\_\_, a  
(Date and Year) (Address)  
quorum being present and voting throughout.

Voted: To authorize \_\_\_\_\_ to make and file an application for registration with the Office of the Attorney General, Consumer Protection and Antitrust Bureau, State of New Hampshire, pursuant to the provisions of RSA 356-B.

Voted: To authorize an Irrevocable Appointment of the Office of Attorney General, Consumer Protection and Antitrust Bureau, State of New Hampshire, to receive service of any legal process in any non-criminal proceeding arising under RSA 356-B against the Declarant or any of its personal representatives.

I, \_\_\_\_\_, also hereby certify that the above vote has not been amended or altered and that it is presently in full force and effect.

Witness my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Name/Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Justice of the Peace/Notary Public

(Seal)

**PARTNERSHIP OR OTHER BUSINESS ORGANIZATION**  
**CERTIFICATE OF RESOLUTION**

I, \_\_\_\_\_ of \_\_\_\_\_,  
 (Name/Title) (Declarant)  
 \_\_\_\_\_, hereby certify that the following  
 (Address)

vote was adopted unanimously by the partners or the owners or principals, if  
 other form of business organization, at a meeting held on \_\_\_\_\_  
 (Date and Year)  
 at \_\_\_\_\_ (Address)

Voted: To authorize \_\_\_\_\_ to make and file an application  
 for Registration with the Office of the Attorney General, Consumer Protection and Antitrust  
 Bureau, State of New Hampshire, pursuant to the provisions of RSA 356-B.

Voted: To authorize the Irrevocable Appointment of the Office of the Attorney General,  
 Consumer Protection and Antitrust Bureau, State of New Hampshire, to receive service of any legal  
 process in any non-criminal proceeding arising under RSA 356-B against the Declarant or any of its  
 personal representatives.

I, \_\_\_\_\_, also hereby certify that the above vote has  
 not been amended or altered and that it is presently in full force and effect.

Witness my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
 Name/Title

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
 Justice of the Peace/Notary Public

(Seal)

SECTION III

CERTIFICATE OF APPOINTMENT

Pursuant to RSA 356-B:51, I(a), \_\_\_\_\_  
(Declarant)

hereby irrevocably appoints the Consumer Protection and Antitrust Bureau, Office of the Attorney General, State of New Hampshire, agent to receive service of any lawful process in any non-criminal proceeding arising under RSA 356-B against the Declarant or any of its personal representatives.

Witness my hand and seal, if any, of the grantor, on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name/Title

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Justice of the Peace/Notary Public

(Seal)



SECTION IV

APPLICANT'S AFFIDAVIT/AFFIRMATION

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Address)

being duly sworn, depose and say that I am authorized to make and file this application for registration with the Office of the Attorney General, Consumer Protection and Antitrust Bureau, State of New Hampshire, and that I have examined said application and the information contained herein, including the documents attached hereto, and certify that the same is, to the best of my knowledge and belief, true, correct and complete in all respects.

\_\_\_\_\_  
(Date) (Signature)

\_\_\_\_\_  
(Title)

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

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Seal) \_\_\_\_\_  
Justice of the Peace/Notary Public

SECTION V

ATTORNEY AFFIRMATION

I, \_\_\_\_\_, of \_\_\_\_\_,  
(Name) (Business Address)

hereby certify that I am an attorney licensed to practice law in New Hampshire, and that the  
condominium instruments and other legal documents for \_\_\_\_\_  
(Condominium name)

located in \_\_\_\_\_  
(City, State)

comply with the provisions of RSA 356-B and the administrative rules thereunder, and that I have  
advised Declarant \_\_\_\_\_ of the obligations under  
(Declarant's Name)

RSA 356-B and the administrative rules adopted thereunder.

\_\_\_\_\_  
(Date) (Name)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Justice of the Peace/Notary Public