

STATE OF NEW YORK

DEPARTMENT OF STATE

**SUBDIVIDED LAND FILING STATEMENT**

Form R222-201

(Rev. 5/05)

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**FOR OFFICE USE ONLY**

**Dated Received:**

**Fee:**

**File No.:**

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Name of Subdivision:

Location of Subdivision

County:

State:

Distance from NYC (Miles):

Nearest City:

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Owner (Name):

Is Ownership ☐ Legal ☐ Equitable (Give Details):

☐ Individual:

☐ Corporation (State of):

☐ Partnership (State of):

☐ Limited Liability Company (State of):

☐ Other (Specify):

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Principal Office of Subdivider:

Branch Office of Subdivider (if any):

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New York Representative Name (if any):

Address:

Real Estate Brokers License No.:

Telephone:

**THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS STATEMENT:**

1. Current search of title and certification by duly incorporated title search company or by an attorney licensed to practice in either New York State or the state in which the subdivided lands are situated. [Required by Real Property Law Section 337-a(c)(9).]
2. Certified or verified copies of documents containing release provisions. [Required by Real Property Law Section 338(4).]
3. Copies of all contracts of sale or lease. [Required by Real Property Law Section 337-a(c)(10).]
4. Copies of the provisions, covenants, terms and conditions upon which it is the intention of the owner and subdivider to sell or lease the subdivided land (i.e., mortgages and/or trust deeds, easements, restrictions, rights of way, etc.) [Required by Real Property Law Section 337-a(c)(10).]
5. Certified copy of map of development. [Required by Real Property Law Section 337-a(c)(8).]
6. Offering statement. [Required by Real Property Law Section 337-a(a).]
7. Check for the filing fee of \$750.00 payable to the Department of State, plus an additional fee of \$10.00 for each lot offered in excess of 75 lots. [Required by Real Property Law Section 339.]

## A. SUBDIVIDER STATEMENT

This statement must be completed and signed by each individual subdivider, by each partner of a partnership subdivider, and by each officer or stockholder with more than 10% interest in a corporation, limited liability company, or similar business entity which is a subdivider.

### General Information

Name of signer:

Name of Firm:

Relationship of signer to Firm:

Business Address:

State name and location of any subdivision with which signer has been connected in the past five years:

Subdivision Name	Location	Capacity
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Have you ever been convicted in any state or country of any criminal offense in connection with any transaction involving the sale or offer for sale of subdivided lands? ☐ yes ☐ no

If yes, give full details:

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Have you ever been convicted of any criminal offense whatsoever? ☐ yes ☐ no

If yes, give full details:

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Have you ever been enjoined or restrained by order of any court of competent jurisdiction from selling or offering for sale or lease subdivided vacant lands in any state or country?

☐ yes ☐ no If yes, give full details:

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Has your Real Estate Broker's or Salesman's license ever been denied, revoked, suspended or cancelled in any state or country for misconduct in any real estate transaction? ☐ yes ☐ no  
If yes, give full details:

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Have you ever been complained of to any department, bureau, board, prosecution officer, criminal court or any other governmental or regulatory body or officer? ☐ yes ☐ no  
If yes, give full details:

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I affirm under penalties of perjury that the above is a true statement to the best of my knowledge and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## B. TITLE INFORMATION

1. (a) Is title search submitted certified by a title company or by an attorney?

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(b) Give name and address of party listed in paragraph 1.(a).

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(c) Does the title search reflect any liens, encumbrances and clouds upon the title of such land?

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2. (a) RECORD TITLE HOLDERS:

1. Name \_\_\_\_\_ Address \_\_\_\_\_

2. Name \_\_\_\_\_ Address \_\_\_\_\_

3. Name \_\_\_\_\_ Address \_\_\_\_\_

(b) CONDITION OF TITLE

Are there any mortgages, trust deeds, liens, leases or other encumbrances against this property?

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If so, list below:

FIRST MORTGAGE:

Name of Mortgagee \_\_\_\_\_

Address \_\_\_\_\_

Total Amount \$ \_\_\_\_\_ Balance due \$ \_\_\_\_\_ Matures \_\_\_\_\_

Amortization \$ \_\_\_\_\_ When and how payable \_\_\_\_\_

Interest rate \_\_\_\_\_ When and how payable \_\_\_\_\_

Describe Release Clause and attached copy of this clause:

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Does mortgage recognize contract purchases? [ ] yes [ ] no  
(Note that Real Property Law Section 338(4) requires that mortgages contain release clauses.)

Is mortgage and interest obligation paid to date?  
\_\_\_\_\_

If in default, explain \_\_\_\_\_  
\_\_\_\_\_

SUBSEQUENT ENCUMBRANCES (Describe fully):

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

(If space is not sufficient, attach rider)

3. Restrictions (fully describe or attach document containing each restriction):

Deed \_\_\_\_\_

Owner \_\_\_\_\_

Municipal \_\_\_\_\_

#### C. TAXES AND GOVERNMENTAL ASSESSMENTS:

##### 1. TAXES:

Amount of taxes on total acreage \_\_\_\_\_ County \_\_\_\_\_

School \_\_\_\_\_ Village \_\_\_\_\_

Estimated amount of taxes per lot \_\_\_\_\_

County \_\_\_\_\_ School \_\_\_\_\_ Village \_\_\_\_\_

Are current taxes paid? [ ] yes [ ] no Amount \$ \_\_\_\_\_

Any taxes past due? \_\_\_\_\_ Amount \$ \_\_\_\_\_ Years? \_\_\_\_\_

Is tax based on acreage or lot? \_\_\_\_\_

When and how is tax payable? \_\_\_\_\_

Does contract provide as to who shall pay taxes? \_\_\_\_\_

Who is to pay taxes during the life of installment contract?

Owner? \_\_\_\_\_

Purchaser? \_\_\_\_\_

If taxes are payable by purchaser to owner and/or subdivider, are you aware that subdivider must establish a separate trust account for the payment of the taxes to the municipality or other taxing authority? \_\_\_\_\_

If taxes are so payable, state name and address where such trust account will be established:

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

## 2. GOVERNMENTAL ASSESSMENTS:

Amount of governmental assessment on total acreage \$ \_\_\_\_\_

County \_\_\_\_\_ School \_\_\_\_\_ Village \_\_\_\_\_

Estimated amount of governmental assessments per lot: \_\_\_\_\_

County \_\_\_\_\_ School \_\_\_\_\_ Village \_\_\_\_\_

Are current governmental assessments paid? \_\_\_\_\_ Amount \$ \_\_\_\_\_

Are any governmental assessments past due? \_\_\_\_\_ Amount \$ \_\_\_\_\_ Year \_\_\_\_\_

Is governmental assessment based on acreage or lot? \_\_\_\_\_

When and how is governmental assessment payable? \_\_\_\_\_

When is next governmental assessment due? \_\_\_\_\_

Who is to pay governmental assessment during life of installment contract?

Owner? \_\_\_\_\_

Purchaser? \_\_\_\_\_

D. SALES DATA

NEW YORK STATE SALES AGENTS (if any):

Name: \_\_\_\_\_

NYS Real Estate Broker License No.: \_\_\_\_\_

Address: \_\_\_\_\_

Give names and addresses of all persons connected with sales direction of the subdivided lands which are the subject of this filing, whether an individual, corporation, partnership, limited liability company, or similar business entity.

If business entity: State in which formed: \_\_\_\_\_ Date: \_\_\_\_\_

NYS License No.: \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

Branch office, if any: \_\_\_\_\_

Method of Sales Promotion to be used:

☐ Radio                      ☐ Newspaper                      ☐ Canvass                      ☐ Dinner

☐ Television                      ☐ Billboard                      ☐ Movie                      ☐ Other(specify)\_\_\_\_\_

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

Inducement:

☐ Free lot                      ☐ Undivided interest                      ☐ Resale promises

☐ Speculation                      ☐ Investment                      ☐ Other(specify)\_\_\_\_\_

\_\_\_\_\_



Will the lands be offered for ☐ Sale ☐ Lease

Do you intend to offer a home building project in this development? ☐ Yes ☐ No

If yes, give details as to type, price, terms of sale etc. of homes.

Terms and conditions of land sale or lease (check all which are offered as options):

☐ Deed and Mortgage ☐ Deed and Note ☐ Installment Sales Contract ☐ Lease or Rental

Down Payment

Monthly Payments

\$ \_\_\_\_\_ Or \_\_\_\_\_ %      \$ \_\_\_\_\_ Or \_\_\_\_\_ %      Number of Payments \_\_\_\_\_

Is interest included in payments? ☐ Yes ☐ No      Interest Rate \_\_\_\_\_ %

Amortized? ☐ Yes ☐ No

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Do you intend to impose a charge for construction and/or maintenance and preservation of any improvement or community facilities?

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If so, state name and address of bank where separate trust account will be established and kept for deposit and expenditure of such moneys.

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If so, state type of improvement, location and charge for same:

Improvement	Location	Charge
_____	_____	_____
_____	_____	_____
_____	_____	_____

Is there or will there be a lot owners Association? ☐ Yes ☐ No

Are you aware that it is unlawful for the subdivider or his or its agent to change the financial structure of subdivided vacant lands offered for sale or lease, including the selling price of each lot, after submission thereof to the Department of State, without first notifying the Department in writing of such intention? ☐ Yes ☐ No

E. LAND INFORMATION:

How many acres in this offering? \_\_\_\_\_ How many lots? \_\_\_\_\_ How many acres in entire development? \_\_\_\_\_ Largest lot size (square feet or acreage): \_\_\_\_\_

Smallest lot size (square feet or acreage) \_\_\_\_\_

Name of Surveyor \_\_\_\_\_ License Number \_\_\_\_\_

Address \_\_\_\_\_

Date survey completed \_\_\_\_\_ Date when map was made \_\_\_\_\_

Is map certified by surveyor? ☐ Yes ☐ No

Is map recorded? ☐ Yes ☐ No If yes, state office and date: \_\_\_\_\_

TOPOGRAPHY

Wooded? \_\_\_\_\_ Cleared land? \_\_\_\_\_ Hilly? \_\_\_\_\_

Below grade? \_\_\_\_\_ Swampy? \_\_\_\_\_

State any unusual conditions: \_\_\_\_\_

What is the height of the water table of this subdivision? \_\_\_\_\_

Will the height of the water table in any way interfere with proper functioning or operation of the sewage disposal method? ☐ Yes ☐ No

What improvement have been or will be promised by the subdivider?

IMPROVEMENTS		Percentage Completed	Completed Cost	Cost to Complete	Promised Completion Date
Paved Streets	( )	_____ %	\$ _____	\$ _____	____/____/____
Graded Roads (type)	( )	_____ %	\$ _____	\$ _____	____/____/____
Sanitary Sewer	( )	_____ %	\$ _____	\$ _____	____/____/____
Storm Sewer	( )	_____ %	\$ _____	\$ _____	____/____/____
Sidewalks	( )	_____ %	\$ _____	\$ _____	____/____/____
Curbs & Gutters	( )	_____ %	\$ _____	\$ _____	____/____/____
Electrical Service	( )	_____ %	\$ _____	\$ _____	____/____/____
Street Lighting	( )	_____ %	\$ _____	\$ _____	____/____/____
Telephone Connections	( )	_____ %	\$ _____	\$ _____	____/____/____
Gas Supply	( )	_____ %	\$ _____	\$ _____	____/____/____
Water Mains	( )	_____ %	\$ _____	\$ _____	____/____/____
Drainage	( )	_____ %	\$ _____	\$ _____	____/____/____

Other Facilities (list): \_\_\_\_\_  
 \_\_\_\_\_

Has a bond for completion of Improvements been placed with any governmental authority?

[ ] Yes [ ] No

If yes, state name of Authority and amount of bond:

Name of Authority \_\_\_\_\_ Amount \$ \_\_\_\_\_

Number of homes in development: \_\_\_\_\_ Kind: \_\_\_\_\_

Approximate value per home \$ \_\_\_\_\_

## AFFIRMATION

\_\_\_\_\_  
(Signer's name) says that I am the  
\_\_\_\_\_  
(Signer's title) of  
\_\_\_\_\_  
(Name of business entity) and

that I am authorized to make and file the foregoing statement; that I affirm under penalties of perjury that I have examined the said Statement and the information herein contained, including the documents attached hereto and to the best of my knowledge and belief they are true, correct and complete in all respects and in compliance with the provisions of Article 9-A of the Real Property Law of the State of New York.

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

FAILURE TO ANSWER TRUTHFULLY ANY OR ALL OF THE ABOVE QUESTIONS IS PUNISHABLE BY A FINE OR IMPRISONMENT OR BOTH.

The above affirmation must be signed by the applicant. If the applicant is a partnership, one of the partners must sign the affirmation; if the applicant is a corporation, the president, vice-president, secretary, or treasurer must sign the application. If the application is a different business entity, an individual authorized to sign legal documents of behalf of that entity must sign the application.

# IRREVOCABLE CONSENT

## (Foreign Corporation)

STATE OF )  
 ) ss:  
COUNTY OF )

DESIGNATION BY \_\_\_\_\_

\_\_\_\_\_ a corporation

incorporated under the laws of the State of \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ with its principal office

at \_\_\_\_\_ hereby designates the Secretary of

State of the State of New York, as the person upon whom may be served any subpoena,

subpoena duces tecum, summons or other process directed to said \_\_\_\_\_

AND ISSUED IN ANY INVESTIGATION, EXAMINATION, ACTION OR PROCEEDING  
pending or about to be instituted under and pursuant to the provisions of Article 9-A of the Real  
Property Law of the State of New York.

IN WITNESS WHEREOF, the said corporation has caused the execution hereof in its name

this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

By: \_\_\_\_\_

STATE OF                    )  
                                  ) ss:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally came  
\_\_\_\_\_, to me known, who, being by me duly sworn,  
did depose and say that she/he resides at \_\_\_\_\_  
that she/he is the \_\_\_\_\_ of \_\_\_\_\_, the  
corporation described in, and which executed the above instrument; and that she/he by order of  
the Board of Directors of said Corporation, signed her/his name thereto.

\_\_\_\_\_  
Notary Public

THIS IRREVOCABLE CONSENT IS TO BE SIGNED AND VERIFIED BY THE  
PRESIDENT, OR A VICE-PRESIDENT, OR THE SECRETARY OR TREASURER OF THE  
FOREIGN CORPORATION.

Authority of each notary public or commissioner of deeds, taking an affidavit or  
acknowledgment should be shown by certificate of authentication from the proper authenticating  
officer, indicating his authority to act. Kindly attach County Clerk's certificate authenticating  
notarial signature.

IRREVOCABLE CONSENT

(Non-Resident Individual, Partnership, Limited Liability Company, or other business entity)

STATE OF )  
 ) ss:  
COUNTY OF )

DESIGNATION BY \_\_\_\_\_  
(Name of Individual, Partnership, Limited Liability Company, or similar business entity)

I (WE) \_\_\_\_\_  
trading and operating under the firm name and style of \_\_\_\_\_  
\_\_\_\_\_

with principal office at \_\_\_\_\_

hereby designate the Secretary of State of the State of New York, as the person upon whom may  
be served any subpoena, subpoena duces tecum, or other process directed to said  
\_\_\_\_\_  
\_\_\_\_\_

and issued in any investigation, examination, action or proceeding pending or about to be  
instituted under and pursuant to the provisions of Article 9-A of the Real Property Law of the  
State of New York.

IN WITNESS WHEREOF, the said \_\_\_\_\_  
has (have) executed this instrument this \_\_\_\_\_ day of \_\_\_\_\_  
20\_\_\_\_.

\_\_\_\_\_  
By: \_\_\_\_\_

STATE OF                    )  
                                  ) ss:  
COUNTY OF                )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me

\_\_\_\_\_, who is (are) known to me to be the person(s)  
named in and who signed the foregoing instrument, and who acknowledged that she/he (they)  
signed the same as her/his (their) voluntary act and deed for the uses and purposes therein  
expressed.

\_\_\_\_\_  
Notary Public

Authority of each notary public or commissioner of deeds, taking an affidavit or  
acknowledgment should be shown by certificate of authentication from the proper authenticating  
officer, indicating his authority to act. Kindly attach County Clerk's certificate authenticating  
notarial signature.