

SUBDIVISION REGISTRATION
INSTRUCTIONS & INFORMATION

1. Registration of real estate subdivisions located in Hawaii or elsewhere offered for sale in Hawaii is required under the Uniform Land Sales Practices Act, Chapter 484, Hawaii Revised Statutes ("HRS") unless exempt under Section 484-3, HRS.
2. This form is to be used by a subdivider for registration of a subdivision. The subdivider's application must be submitted with all documents and information specified in Section 484-5, HRS.
3. Two (2) complete sets of the application must be submitted.

4. Fees

Application Fee

- | | |
|--|-------|
| a. Application for Preliminary Order of Registration: | \$100 |
| b. Application for Final Order of Registration: | \$100 |
| c. Application for Final Order of Registration: | \$100 |
| (When a Preliminary Order of Registration is issued first) | |

Registration Fee

- | | |
|--------------------|-------|
| a. Up to 100 Lots | \$100 |
| b. 101 to 500 Lots | \$200 |
| c. Over 500 Lots | \$300 |

Consultant Fees

The Director of the Department of Commerce and Consumer Affairs ("Department") contracts with independent counsel to review subdivision applications, public offering statements or any written summaries for compliance with Chapter 484, HRS, and any rules adopted thereto. Section 484-10(i), HRS, provides that the cost of the consultant services shall be borne by the subdivider.

Therefore, along with the subdivision application and registration fee, an application must be accompanied by a consultant fee deposit of \$6,500.

If the subdivider applies for a preliminary order of registration first, an additional deposit of \$2,000 must be submitted when the application for final order of registration is filed.

Additional sums may be required if the cost of the consultant review exceeds the initial deposit. All funds in excess of the final cost of such review will be refunded to the subdivider.

Inspection Fee

The Department will require a fee to cover inspection expenses if an inspection of the subdivision is necessary. Inspection expenses includes round trip air and ground transportation from Honolulu to the site of the subdivision, accommodations, and per diem for each day in which travel is required and the day of the site inspection.

The above-prescribed fees shall be paid in the form of a check made payable to: "Department of Commerce & Consumer Affairs." (check must be in U.S. dollars and be from the U.S. financial institution)

5. No interest in the subdivided lands shall be offered or disposed of until such time the subdivider has been properly advised.

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6. Public Offering Statement ("POS")
 - a. The POS shall not be used for any promotional purposes before registration and afterwards only if it is used in its entirety.
 - b. No portion of the POS may be underscored, italicized, or printed in larger or heavier or different color type than the remainder of the POS.
 - c. All purchasers must be given a copy of the POS and ample time to read it and a receipt, in the format provided, must be taken for it.
 - d. All receipts must be kept either by the developer or agent and filed in consecutive order for a period of not less than 3 years from the date of sale and open for inspection.

7. Promotional and Advertising Material
 - a. All promotional and advertising material, including TV and radio commercials, must be submitted for filing prior to use.
 - b. Whenever a statement is made to the effect that the subdivision is registered with the Department, the following statement shall be included: "REGISTRATION DOES NOT MEAN APPROVAL OR DISAPPROVAL OF THE SUBDIVISION."

8. Annual Report

All subdividers are required to submit an annual report in the form provided at each anniversary date of the registration. The annual report shall include information, such as the number of parcels sold, the number of agreement of sale or deeds delivered and the number of parcels that remain unsold. A current financial statement shall also be attached to the report.

The following annual report fee shall also be submitted:

- a. No amendments to Public Offering Statement \$ 40
- b. With amendments to Public Offering Statement \$100

Failure to file an annual report shall result in a penalty fee \$40 in addition to the delinquent annual report fees.

9. Final Report

All subdividers are required to advise the Department when the last parcel in the subdivision has been sold.

10. Notification

All subdividers are required to promptly notify the Director of any and all changes that occur affecting the subdivision, including the names and addresses of the principal(s) and agent(s).

11. Mail all required items to:

Subdivision Program
 Department of Commerce & Consumer Affairs
 P.O. Box 3469
 Honolulu, HI 96801

Deliver to office:

Subdivision Program
 Department of Commerce & Consumer Affairs
 335 Merchant Street, Rm. 329
 Honolulu, HI 96813

12. Pursuant to HRS §436B-9, your application shall be considered abandoned and shall be destroyed if you fail to provide evidence of continued efforts to complete the licensing process for two consecutive years. The failure to provide evidence of continued efforts includes but is not limited to: (1) failure to submit any required information and documents requested by the licensing authority within two consecutive years from the last date the documents and information were requested, or (2) failure to provide the licensing authority with any written communication during two consecutive years indicating that you are attempting to complete the licensing process. If an application is deemed abandoned, the applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of the reapplication.

NOTE: *No out-of-state subdivision may be offered for sale in Hawaii unless it has also been registered with the Consumer Financial Protection Bureau in Washington, D.C., as required under the Interstate Land Sales Full Disclosure Act.*

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
State of Hawaii

**APPLICATION FOR
SUBDIVISION REGISTRATION**

FOR OFFICE USE	Received: _____
	File No.: _____
	Registered: _____

Subdivision Name: _____
Location: _____
City: _____ County: _____ State: _____

1. APPLICATION

- Preliminary Order of Registration
- Final Order of Registration

Total number of lots _____

2. APPLICANT

- a. Name _____
 individual partnership corporation joint venture
 limited liability company (LLC) limited liability partnership (LLP)
 Other: _____
- b. Address (*Street, City, State and Zip Code*) _____

- c. If out-of-state applicant, give office address in Hawaii, if any _____

- d. If applicant is other than individual, give date _____ and state _____
in which said corporation, partnership, etc. was formed.

3. Name and address of agency to receive service of any lawful process (*Out-of-State applicants only*).

(CONTINUED ON PAGE 2)

4. REPRESENTATIVE OR REAL ESTATE AGENT (if any)

Name _____ Phone _____
Address (Street, City, State and Zip Code) _____

5. TITLE (Briefly state who owns land) _____

6. CONSOLIDATE REGISTRATION

If applicant has already registered a subdivision in this State, do you wish to incorporate this application by reference with the earlier registration? _____

If yes, are the lots offered for disposition under the same promotional plan? _____

7. EXHIBITS TO BE ATTACHED

- All documents and information required under HRS §484-5(a), properly tabbed as "TAB 1" through "TAB 24".
- Photographs of Subdivision (8" x 10") (shots of typical lot), labeled as "TAB 25".

8. CITY OR COUNTY SUBDIVISION REGULATIONS

- a. Do you have local subdivision regulations? _____ If yes, submit a copy of the regulations. (labeled as "TAB 26")
- b. Is this subdivision approved by the local authority? _____ If yes, give date of such approval _____
- c. Is subdivider prior to sale required to provide or post bond for road access? _____
- d. Is subdivider prior to sale required to provide or post bond for water facility? _____
- e. Is subdivider prior to sale required to provide or post bond for sewage disposal? _____
- f. Is subdivider prior to sale required to provide or post bond for electrical facility? _____

9. STATE SUBDIVISION REGULATION (*Out-of-State applications only*)

Does your state have subdivision registration requirements? _____

If yes, give date of registration _____ and submit the subdivision regulations and subdivision report, if any. (labeled as "TAB 27")
(date)

10. LAND AREA USE, CONVENANTS, TAXES, ASSESSMENTS

Total area: _____ (acres) Size of each lot: _____ Area of each lot: _____

Fee simple or leasehold: _____ Use of property: _____

Is protective covenants recorded? _____ Any easement? _____

Is subdivision plot recorded? _____ If yes, state when and where recorded: _____

Any lien or encumbrance affecting more than one lot? _____

(If yes, explain on separate sheet how applicant plans to protect interest of purchaser in case of eventuality of failure to discharge the lien or encumbrance)

11. SPECIAL HAZARDS AND NUISANCES

Is this land characterized by or exposed to:

Steep grades or ravines? _____	Soil erosion? _____	Soil sandy? _____
Poor surface drainage? _____	Floods? _____	Soil clay? _____
Ocean spray damage? _____	Filled grounds? _____	Soil volcanic? _____
High water table? _____	Swamp or marsh? _____	

12. COMMUNITY FACILITIES

a. Developed or to be developed within the subdivision:

Elementary school? _____	Playground? _____	Shopping center? _____
High school? _____	Church? _____	Other: _____

b. Where the above are not developed within the subdivision, distance to:

Elementary school? _____ mi.	Playground? _____ mi.	Shopping center? _____ mi.
High school? _____ mi.	Church? _____ mi.	Other: _____ mi.

13. PROTECTIVE COVENANTS

Minimum building setbacks: _____ ft. Minimum lot area: _____ ft.

14. UTILITIES WITHIN SUBDIVISION

Public water system? _____	Sewage system? _____	Telephone? _____	Gas? _____
Electric lines? _____	Street lighting? _____	Fire hydrants? _____	

Will there be special assessments to purchasers for installation of any above? _____

15. STREET IMPROVEMENTS

Width of streets? _____	Who is responsible to maintain streets? _____
Storm sewers? _____	Type of road? _____
Nature of access road? _____	

16. LOCATION OF SUBDIVISION

Name, location and distance from:

Nearest town or city: _____	Population: _____
Nearest visitor destination resort area: _____	
Shoreline to nearest lot in subdivision: _____	
Shoreline to farthest lot in subdivision: _____	

17. CLIMATE

Describe climate: _____

Average rainfall: _____

18. SANITATION

Will there be public sewers? _____ If no: cesspool septic tank will be used
Who will bear the cost of installation? _____
What is the estimated cost? _____

19. PUBLIC TRANSPORTATION

Commercial airport (location and distance): _____
Railroad depot (location and distance): _____
Does a bus system service this subdivision? _____

20. POLICE, FIRE PROTECTION AND HOSPITALS

Nearest police station: _____ mi. Nearest fire station: _____ mi.
Name of nearest hospital: _____ Distance: _____ mi.

21. TERMS OF SALE (State briefly)

22. INSTALLMENT CONTRACT OF SALE (State briefly)

23. DEED

When full payment is made, what is the nature of instrument purchaser will receive to represent his interest in land?

24. COMPLETION OF REQUIRED IMPROVEMENTS

Under local subdivision regulations, are improvements required to be completed or bond posted prior to sale? _____
If no, when must they be completed? _____
Identify the improvements: _____

(CONTINUED ON PAGE 5)

I hereby certify that the statements, answers, and representations made in this application and in the documents attached are true and correct. I understand that any misrepresentation is grounds for refusal to grant or subsequent revocation of registration and is a felony (Section 436B-19, 484-13 and 484-15, Hawaii Revised Statutes).

I further certify that I have read and will abide by the provisions of Chapter 484, Hawaii Revised Statutes and Chapter 104, Hawaii Administrative Rules.

_____ Date

By _____
(Signature of Subdivider)

By _____
(Signature of Authorized Officer or Agent)

(Print Name and Title)