

300 NAC 1 - ATTACHMENT 1

**STATEMENT OF RECORD
RETIREMENT SUBDIVISION OR COMMUNITY**

The undersigned applicant hereby submits this Statement of Record for the purpose of registering a Retirement Subdivision or Community with the State Real Estate Commission.

SECTION I

Attach the following documents:

1. Plat showing the subdivision or community as it now exists or is proposed with the dimensions of the lots and the relation of such lands to existing streets, roads and other improvements and the legal description of the subdivision or community.
2. A copy of an attorney's opinion or title policy showing the condition of the title to the subdivision or community lands, including encumbrances, current to within 30 days of the date of this Statement.
3. A copy of the instruments by which the interest in the subdivision or community lands was acquired.
4. A copy of any instruments creating liens or encumbrances showing the date said instruments were recorded.
5. A copy of the Public-offering Statement.
6. The current audited financial statements of the developer and, if different, the association, must be submitted as a part of this report. In the case of proposed new construction, prospective financial statements compiled by a Certified Public Accountant shall be furnished, unless examined statements are required. In the case of an initial registration or an amendment expanding the project, the prospective financial statements must be examined, rather than compiled, by a Certified Public Accountant pursuant to generally accepted accounting principles for a forecast, unless (a) all payments by purchasers are held in escrow at a state or federally regulated financial institution located within this state until closing of the disposition, (b) all public improvements serving the units or lots are completed prior to disposition, and (c) the interests in a unit or lot of a purchaser who is not in default on the contract for disposition will upon disposition be free of or not subject to disturbance by any encumbrances incurred by the developer or association for purchase or improvement of the retirement subdivision or community.
7. A copy of the instrument used or to be used to convey an interest in the subdivision or community to prospective purchasers or lessees.
8. A copy of the blueprints of the buildings or proposed buildings showing the floor plan of the buildings and the individual units therein.
9. Copies of all promotional advertising used or proposed in promoting the sale or lease of any unit or interest in the subdivision or community.

10. If applicant is a nonprofit corporation, copies of the articles of incorporation and bylaws.
11. If the subdivision or community offers a promise to provide future nursing or other health-related services to purchasers pursuant to contracts effective for the purchaser's life or contracts for a period of over one year, that include payment of an entrance or similar fee, then an actuarial forecast, which identifies the qualifications of the preparing actuary or actuaries, shall be submitted. The actuarial forecast shall be prepared in accordance with generally accepted actuarial principles and practices, including a statement of actuarial opinion, a pricing analysis, a cash-flow projection and a statement of applicable actuarial methodology, formulas and assumptions.

SECTION II

1. Name of Applicant: _____
2. Address: _____
3. Telephone Number: _____
4. Applicant is: Individual () Corporation () Partnership ()
Limited Liability Company () Other () Specify: _____
5. If Corporation, indicate:
 - (a) State of Incorporation: _____
 - (b) Date of Incorporation: _____
 - (c) Name of Nebraska Registered Agent: _____
Address: _____
 - (d) List the name, address and principal occupation for the last 5 years of each officer and director:

 - (e) List the name, address and principal occupation for the last 5 years of each stockholder of such company owning more than 10% of the capital stock and state the amount of stock owned by each:

6. If Limited Liability Company, indicate:

(a) State of Organization: _____

(b) Date of Organization: _____

(c) Name of Nebraska Registered Agent: _____

Address: _____

(d) List name, address and principal occupation for the past 5 years of each manager:

(e) List the name, address and principal occupation for the past 5 years of each member owning more than 10% of the membership units of the company:

7. If Partnership, or other than an individual, limited liability company or corporation state:

(a) Name: _____

(b) Year of Formation: _____ Is this a general partnership? Yes () No ()

If no, state type of equity: _____

(c) List the name, address and principal occupation for the past 5 years of each general partner, executive officer or similar management position:

(d) List the name, address and principal occupation for the past 5 years of each partner or other owner of more than 10% interest in Applicant:

8. Has there been an adjudication of bankruptcy against the Applicant, any managing association, contracted management agent or any principal owning more than 10% of the interests in any of such entities? Yes () No () If yes, please provide information including name and date and type of bankruptcy and court where filed.

9. Name and address of the subdivision or community manager or superintendent:

10. If Applicant, or if different, the Association is a Foreign Corporation or Foreign Limited Liability Company, has it qualified to do business in Nebraska? Yes () No ()

11. In case of default by Applicant on its obligations, what provisions have been made to assure purchasers or lessees that their interests will be protected or a full refund of all monies will be paid? (Attach copies of all applicable instruments.)

12. If any purchaser's lot or unit will be subject to any debts or liabilities of the developer or association in connection with the initial construction of improvements, Applicant must register an escrow account pursuant to Neb. Rev. Stat. § 76-1305(4) on the form prescribed by the Commission, in a state or federally regulated financial institution located in Nebraska.

13. Has the subdivision or community met the zoning requirements of the local city or county? Yes () No () List the name of the authority or governmental subdivision regulating zoning.

14. Are there existing or proposed special assessments against the land? Yes () No () If Yes, explain.

15. Has a registration of the subdivision or community been filed in any other state or jurisdiction, including any federal agency? Yes () No () If Yes, give the name and address of the regulating authority in each jurisdiction.

16. Has there been any adverse order, judgment, or decree entered in connection with the subdivision or community lands by the regulatory authorities in any other state or jurisdiction, including any federal agency? Yes () No () If Yes, explain and attach copies of any such order, judgment or decree.

17. List all services to be offered prospective purchasers or lessees in addition to the right to occupy a unit.

18. What is the current or proposed regular monthly charge to be assessed against each purchaser or lessee?
\$_____.

19. Are the services provided, as listed in question 17 above, included in the monthly charge? Yes () No () If No, list the charges to be made for each of the services not included in the monthly charge.

20. Does the subdivision or community reserve the right to increase or decrease the regular monthly charge in the future? Yes () No () If Yes, explain.

21. If this application is for a proposed subdivision or community what provision has been made to assure that proposed improvements and facilities will be completed as represented?

22. Has the **developer**, or if a corporation, its officers, directors, and principals, or if a limited liability company, its manager or members, or if a partnership or other entity, its partners or owners, ever been convicted of a crime involving land dispositions or any aspect of land sales business in this state, the United States, or any other state or foreign country or been subject to any injunction or administrative order restraining a false or misleading promotional plan involving land dispositions? Yes () No () If Yes, explain and attach copies of any such order or conviction.

23. Has the **managing agent**, or if a corporation, its officers, directors, and principals, or if a limited liability company, its manager or members, or if a partnership or other entity, its partners or owners, ever been convicted of a crime involving land dispositions or any aspect of land sales business in this state, the United States, or any other state or foreign country or been subject to any injunction or administrative order restraining a false or misleading promotional plan involving land dispositions? Yes () No () If Yes, explain and attach copies of any such order or conviction.

The foregoing statements are made for the purpose of procuring registration for the sale or lease of lot or units in the Retirement Subdivision or Community described herein and consent is hereby given that these statements and all documents submitted with this application may be used as evidence by the State Real Estate Commission of the State of Nebraska, or in any court in Nebraska where a violation of the laws of Nebraska regulating the sale or lease of units in a Retirement Subdivisions or Communities is claimed.

It is also expressly agreed that the State Real Estate Commission has the right to go outside this application for information in investigating this application. We also agree to furnish, if requested, a cashier's or certified check in an amount to be determined by the Commission as sufficient to allow a personal inspection of the subdivision or community by a representative of the Commission.

I, _____, in submitting this document, state as follows: that I am _____ of _____; that I have read the above and foregoing application, and that the same is true to the best of my knowledge and belief.

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned does hereby constitute and appoint the Director of the State Real Estate Commission of the State of Nebraska, and his or her successor in office, its or his or her true and lawful agent in Nebraska, upon whom all judicial and other process or legal notice directed to such registrant may be served and service upon the agent so designated shall be equivalent to personal service upon said registrant. The undersigned registrant agrees that any lawful process against such registrant which is served upon such agent shall be of the same legal force and validity as if served upon the registrant, and that such authority shall continue in force so long as any liability remains outstanding in the State of Nebraska. It is expressly agreed that this appointment covers not only the present application and registration but extends to and covers all future or renewal applications and renewal registrations issued by the State Real Estate Commission of the State of Nebraska.

I, _____, in submitting this document, state as follows that I signed the foregoing Appointment of Agent for Service of Process as _____ of _____, having full authority to sign such appointment in said capacity; that I have read said instrument and that the execution thereof is a voluntary act and deed and the voluntary act and deed of said registrant.

Signature

Date