

EXEMPTION REQUEST (§11010.5)

RE 637 (Rev. 3/99)

SUBDIVISIONS

WHEN TO USE THIS FORM

- Use this form to comply with §11010.5 of the Business and Professions (B&P) Code (Exception for Filing a Second Notice of Intention).

The Subdivided Lands Law may require that a Notice of Intention be submitted to the Department of Real Estate (DRE) before subdivided lands may be offered for sale or lease. The filing of a second Notice of Intention to sell and the issuance of an amended public report by the DRE is not required if all three of the following conditions, pursuant to §11010.5 B&P Code, are met:

- A. Where there has been a previous subdivision report and the lots are subsequently acquired through any foreclosure action, or by a deed in lieu of foreclosure, by a bank, life insurance company, or savings and loan association licensed or operating under the provisions of a state or federal law if the acquired lots, either improved or unimproved, will be sold in conformance with the previously issued subdivision public report.
 - B. The original public report is given to the first purchasers of the lots in the foreclosed subdivision.
 - C. The Commissioner is notified of the change of ownership within 30 days of the acquisition of the title of such property.
- Exceptions to using this form.

Material Change — Frequently, if a subdivider failed to make his/her payments to the lender, it is likely the subdivider did not properly start the homeowners' association and/or did not pay his/her assessments to the association. This is one example of a material change and therefore the lender cannot use the public report issued to the subdivider and the procedure described herein is inapplicable.

If the final subdivision public report has expired, this procedure cannot be used and you must file for an amended/renewed public report.

GENERAL INFORMATION

- If you believe you qualify for the exemption pursuant to §11010.5 B&P Code, and you wish to review the documents filed by the subdivider to verify your status, you may contact this Department to request the file be made available for your review.
- Required Documents:
 - Copy of recorded deed.
 - Preliminary report from title company.
 - Copy of the subdivision public report to be given to prospective purchasers.
 - If this is a common interest type project and 80% or more of the interests in the project have not been sold to retail purchasers, submit evidence of compliance with Regulation 2792.9. This pertains to financial arrangements to assure subdivider's contribution to the homeowners' association operating and maintenance fund.
- DRE will notify you if additional documentation is needed.
- If you do not qualify for this exemption, an application for an amended public report may be required.
- If your request for exemption is granted, the DRE will issue a Change of Ownership (RE 618E).
- ❖ *No sales/reservations may be entered into until you receive the Change of Ownership (RE 618E) or until the amended public report is issued, if applicable.*

COMPLETION & DELIVERY INFORMATION

- Complete pages 2 and 3; do not leave blank spaces.
- Mail or hand deliver this form and related documents to the nearest district office.

Department of Real Estate
Subdivisions Office – North
1651 Exposition Blvd., Sacramento, CA 95815
P.O. Box 137005
Sacramento, CA 95813-7005

Department of Real Estate
Subdivisions Office – South
320 W. 4th Street, Suite 350
Los Angeles, CA 90013-1105

EXEMPTION REQUEST

1. NAME OF OWNER	BUSINESS TELEPHONE NUMBER
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BUSINESS ADDRESS (STREET ADDRESS, CITY, STATE, ZIP CODE)

2. INTEREST COVERED BY EXEMPTION REQUEST: LOT(S)/UNIT(S)

TRACT NAME/NUMBER	COUNTY
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3. DRE subdivision file number.....

Are you familiar with the contents of the DRE subdivision file listed above?..... Yes No NA

Will there be changes in the terms and provisions of the offering from the subdivision file and/or most recently issued subdivision public report other than a name change? Yes No NA

If YES, enumerate, describe and append documents as necessary to explain/show the changes in the offering. Refer to Regulation 2800 for a listing of material changes.

4. What is the original issuance date of the final subdivision public report?

What is the issuance date of the last amended final subdivision public report?

Have you examined the final subdivision public report and the last amendment? Yes No NA

Other than a name change, will changes to the subdivision public report be required to reflect the true terms, conditions and provisions of the offering? Yes No NA

If YES, describe the changes.

5. Is this subdivision a common interest type? Yes No NA

If YES, are there any assessment delinquencies owed to the homeowner's association for the lots or units acquired? Yes No NA

If YES, what arrangements, if any, will be made to correct the possible deficiency in the association's operating budget?

If YES, when was the last time the Department of Real Estate reviewed the homeowner's association budget?

CERTIFICATION

The undersigned understands and agrees:

- 1. That no sales or leases will be made until a Change of Ownership addition to the public report is issued or until the Real Estate Commissioner has notified me that such public report is not required.
2. That the filing of a complete subdivision amendment/renewal questionnaire (RE 635 or 635A) and fee may be required by the Real Estate commissioner upon receipt of this Exemption Request.
3. That any material changes pertaining to the information submitted herewith must be promptly report to the Department of Real Estate.
4. That all interests will be sold in conformance with the previously issued subdivision public report either amended or final covering the interests listed in item 2 on page 2.
5. That all funds received from a buyer will be placed in a neutral escrow depository until legal title is delivered to buyer. (Refer to §§11013.2(a) & 11013.4(a) of the B&P Code.)

I/We hereby certify under penalty of perjury that the statements contained in this form, together with any documents submitted herewith, are full, true, complete and correct; and that I/We am/are owners of the parcels improved or otherwise, are offered for sale or lease or that I/We am/are the agent(s) authorized by such person to complete this statement.

- ❖ Verification made outside the State of California must be certified by a Notary Public.
❖ Authority of agents must be verified.

NAME OF OWNER (IF CORPORATION, PARTNERSHIP, ETC., SO STATE)

SIGNATURE DATE

TITLE OF SIGNER