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SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION

David M. Beasley
Governor
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Director

REAL ESTATE COMMISSION
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Re: Land Sales

To Whom It May Concern:

Thank you for your recent inquiry concerning the registration for sale of subdivided lands. I am enclosing certain forms, instructions and statutes that you will need in the preparation of a filing.

If after receiving approval of the registration, your plan of selling into our state is by telephone or mail, the only requirement is that the salespersons are licensed in the state of origin. Any sales conducted in this state requires that such salespersons be licensed in South Carolina in accordance with the license law. This includes persons who direct and/or participate in any sales activity such as "dinner parties" and meetings where the offering or sale of land to the public is the object or result of such meeting.

I hope these materials will be sufficient for your registration requirement but if not, please contact me as needed at (803)896-4400.

Sincerely,

Kenneth R. Kitts
Program Coordinator
Time Share & Land Sales

KK/sf

Encls.

LAND SALES REGISTRATION CHECKLIST

1. An irrevocable appointment of the South Carolina Real Estate Commissioner to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

2. A legal description of the subdivided lands offered for registration, together with a map showing the division proposed or made, and the dimensions of the lots, parcels, units or interests and the relation of the subdivided lands to existing streets, roads, and other off-site improvements;

3. The states or jurisdictions in which an application for registration or similar document has been filed, and any adverse order, judgment, or decree entered in connection with the subdivided lands by the regulatory authorities in each jurisdiction or by any court;

4. The applicant's name, address, and the form, date and jurisdiction of organization; and the address of each of its offices in this State;

5. The name, address, and principal occupation for the past five years of every director and officer of the applicant or person occupying a similar status or performing similar functions; the extent and nature of his interest in the applicant or the subdivided lands as of a specified date within thirty days of the filing of the application;

6. A statement, in a form acceptable to the Commissioner, of the condition of the title to the subdivided lands including encumbrances as of a specified date within thirty days of the date of application by a title opinion of a licensed attorney, not a salaried employee, officer or director of the applicant or owner, or by other evidence of title acceptable to the Commissioner;

7. Copies of the instruments which will be delivered to a purchaser to evidence his interest in the subdivided lands and of the contracts and other agreements which a purchaser will be required to agree to or sign;

8. Copies of the instruments by which the interest in the subdivided lands was acquired and a statement of any lien or encumbrance upon the title and copies of the instruments creating the lien or encumbrance, if any, with data as to recording;

9. If there is a lien or encumbrance affecting more than one lot, parcel, unit or interest a statement of the consequences for a purchaser of failure to discharge the lien or encumbrance and the steps, if any, taken to protect the purchaser in case of this eventuality;

10. Copies of instruments creating easements, restrictions or other encumbrances, affecting the subdivided lands;

11. A statement of the zoning and other governmental regulations affecting the use of the subdivided lands and also of any existing tax and existing or proposed special taxes or assessments which affect the subdivided lands;

12. A statement of the existing provisions for access, sewage disposal, water, and other public utilities in the subdivision; a statement of the improvements to be installed, the schedule for their completion, and a statement as to the provisions for improvement maintenance;

13. A narrative description of the promotional plan for the disposition of the subdivided lands together with copies of all advertising material which has been prepared for public distribution by any means of communication;

14. The proposed public offering statement;

15. Any other information, including any current financial statement, which the Commissioner by his rules requires for the protection of purchasers;

16. Registration fee.

17. Evidence of HUD approval.

18. Morals affidavit in compliance with Section 27-29-70.

19. Corporate good standing certificates from the state of incorporation and from South Carolina, if applicable.

PUBLIC OFFERING STATEMENT CHECKLIST

A public offering statement shall disclose fully and accurately the physical characteristics of the subdivided lands offered and shall make known to prospective purchasers all unusual and material circumstances or features affecting the subdivided lands. The proposed public offering statement submitted to the Commissioner shall be in form prescribed by rules and shall include the following:

- (1) The name and principal address of the subdivider;
- (2) A general description of the subdivided lands stating the total number of lots, parcels, units, or interests in the offering;
- (3) The significant terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the subdivided lands and each unit or lot, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the subdivided lands;
- (4) A statement of the use for which the property is offered;
- (5) Information concerning improvements, including streets, water supply, levees, drainage control systems, irrigation systems, sewage disposal facilities and customary utilities, and the estimated cost, date of completion and responsibility for construction and maintenance of existing and proposed improvements which are referred to in connection with the offering or disposition of any interest in subdivided lands;
- (6) Additional information required by the Commissioner to assure full and fair disclosure to prospective purchasers.

LAND SALES FEE SCHEDULE

$$\begin{aligned} \text{Fee} = & \$10.00 \\ & + (.001 \times \text{aggregate offering prices of registered} \\ & \quad \text{lots up to } \$100,000) \\ & + (.0005 \times \text{aggregate offering prices in excess of} \\ & \quad \$100,000 \text{ but not exceeding } \$400,000) \\ & + (.00025 \times \text{aggregate offering prices in excess of} \\ & \quad \$400,000) \end{aligned}$$

Note: Fee shall not exceed \$500.00.

[Maximum Fee is reached at aggregate offering prices totaling \$1,360,000.]