

## APPENDIX B-1

### DISCLOSURE STATEMENT

#### FOR ALL SUBDIVISIONS CONTAINING FIVE OR MORE PARCELS

#### YOU SHOULD READ THIS DISCLOSURE STATEMENT BEFORE YOU SIGN ANY DOCUMENTS OR AGREE TO ANYTHING

This disclosure statement is intended to provide you with enough information to make an informed decision on the purchase or acquisition of the property described in this statement. You should read carefully all of the information contained in this disclosure statement before you decide to buy, lease or otherwise acquire the described property.

Various public agencies may have issued opinions on both the subdivision proposal and the information contained in this disclosure statement. Summaries of these opinions are contained in this disclosure statement. They may be favorable or unfavorable. You should read them closely.

The Board of County Commissioners has examined this disclosure statement to determine whether the subdivider can fulfill what the subdivider has said in this disclosure statement. However, the Board of County Commissioners does not vouch for the accuracy of what is said in this disclosure statement. In addition, this disclosure statement is not a recommendation or endorsement of the subdivision by either the County or the State. It is informative only.

The Board of County Commissioners recommends that you inspect the property before buying, leasing or otherwise acquiring it.

If you have not inspected the parcel before purchasing, leasing or otherwise acquiring it, you have six (6) months from the time of purchase, lease or other acquisition to personally inspect the property. After inspecting the parcel within the six (6) month period, you have three (3) days to rescind the transaction and receive all your money back from the subdivider when merchantable title is revested in the subdivider. To rescind the transaction, you must give the subdivider written notice of your intent to rescind within three (3) days after the date of your inspection of the property.

County regulations and State Statutes require that any deed, real estate contract, lease or other instrument conveying an interest in a parcel in the subdivision be recorded with the Eddy County Clerk.

Building permits, wastewater permits or other use permits must be issued by state or county officials before improvements are constructed. You should investigate the availability of such permits before you purchase, lease, or otherwise acquire an interest in the land. You should also determine whether such permits are requirements for construction of additional improvements before you occupy the property.

**1. NAME OF SUBDIVISION**

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**2. NAME AND ADDRESS OF SUBDIVIDER**

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**3. NAME AND ADDRESS OF PERSON IN CHARGE OF SALES, LEASING OR OTHER CONVEYANCE IN NEW MEXICO**

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**4. SIZE OF SUBDIVISION BOTH PRESENT AND ANTICIPATED**

Present

Anticipated

\_\_\_\_\_

\_\_\_\_\_

(number of parcels)

(number of parcels)

\_\_\_\_\_

\_\_\_\_\_

(number of acres in subdivision)

(number of acres in subdivision)

**5. SIZE OF LARGEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION IN ACRES**

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**6. SIZE OF SMALLEST PARCEL OFFERED FOR SALE, LEASE OR CONVEYANCE WITHIN THE SUBDIVISION IN ACRES**

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**7. PROPOSED RANGE OF PRICES FOR SALES, LEASES OR OTHER CONVEYANCES**

\_\_\_\_\_

\_\_\_\_\_

(\$ = lowest amount)

(size of parcel sold, leased or conveyed)

\_\_\_\_\_

\_\_\_\_\_

(\$ =highest amount)

(size of parcel sold, leased or conveyed)

8. FINANCING TERMS

\_\_\_\_\_  
(interest rate)

\_\_\_\_\_  
(term of loan or contract)

\_\_\_\_\_  
(minimum down payment)

\_\_\_\_\_  
(service charges and/or escrow fees)

\_\_\_\_\_  
(premium for credit life or other insurance if it is a condition for giving credit)

\_\_\_\_\_  
(closing costs)

\_\_\_\_\_  
(any other information required by the Truth in Lending Act and Regulation Z if not set forth above)

9. NAME AND ADDRESS OF HOLDER OF LEGAL TITLE

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

NOTE: IF ANY OF THE HOLDERS OF LEGAL TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THAT CORPORATION.

10. NAME AND ADDRESS OF PERSON HAVING EQUITABLE TITLE

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

NOTE: IF ANY OF THE HOLDERS OF EQUITABLE TITLE NAMED ABOVE IS A CORPORATION, LIST THE NAMES AND ADDRESSES OF ALL OFFICERS OF THE CORPORATION.

11. CONDITION OF TITLE

Include at least the following information where applicable.

\_\_\_\_\_  
(number of mortgages)

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(name and address of each mortgage)

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(balance owing on each mortgage)

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(summary of release provisions of each mortgage)

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(number of real estate contracts on the subdivided land for which the subdivider is making payments as a purchaser)

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(name and address of each person holding a real estate contract as owner of the subdivided land for which the subdivider is making payments as a purchaser)

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(balance owing on each real estate contract)

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(summary of default provisions of each real estate contract)

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(summary of release provisions of each real estate contract)

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(statement of any other encumbrances on the land)

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(statement of any other conditions relevant to the state of title)

**12. STATEMENT OF ALL RESTRICTIONS OR RESERVATIONS OF RECORD THAT SUBJECT THE SUBDIVIDED LAND TO ANY CONDITIONS AFFECTING ITS USE OR OCCUPANCY.**

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(state here all deed and plat restrictions affecting the subdivided land or book and page of filing)

**13. ESCROW AGENT**

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(name of escrow agent)

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(address and telephone number)

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(statement of whether or not the subdivider has any interest in or financial ties to the escrow agent)

**14. UTILITIES**

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(name of entity providing electricity, if available)

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(estimated cost per parcel)

\_\_\_\_\_  
(name of entity providing gas service, if available)

\_\_\_\_\_  
(estimated cost per parcel)

\_\_\_\_\_  
(name of entity providing water, if available)

\_\_\_\_\_  
(estimated cost per parcel)

\_\_\_\_\_  
(name of entity providing telephone, if available)

\_\_\_\_\_  
(estimated cost per parcel)

\_\_\_\_\_  
(name of entity providing liquid waste disposal, if available)

\_\_\_\_\_  
(estimated cost per parcel)

\_\_\_\_\_  
(name of entity providing solid waste disposal, if available)

\_\_\_\_\_  
(estimated cost per parcel)

**15. INSTALLATION OF UTILITIES**

\_\_\_\_\_  
(electricity)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(gas)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(water)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(telephone)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(liquid waste disposal)

\_\_\_\_\_  
(date)

\_\_\_\_\_  
(solid waste disposal)

\_\_\_\_\_  
(date)

**16. UTILITY LOCATION**

\_\_\_\_\_  
(if all utilities are to be provided to each parcel in the subdivision, please state here)

\_\_\_\_\_  
(if utilities are to be provided to some but not all parcels in the subdivision, state which utilities will be provided to each parcel)

State whether each utility will be above ground or underground.

	Above ground	Underground
electricity	_____	_____
gas water	_____	_____
telephone	_____	_____
liquid waste disposal	_____	_____
solid waste disposal	_____	_____

**17. WATER AVAILABILITY**

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(describe the maximum annual water requirements of the subdivision including water for indoor and outdoor domestic uses)

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(describe the availability & sources of water to meet subdivision's maximum annual water requirements)

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(describe the means of water delivery within the subdivision)

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(describe any limitations and restrictions on water use in the subdivision)

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(summarize the provisions of any covenants or other restrictions requiring the use of water saving fixtures and other water conservation measures)

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(describe what measures, if any, will be employed to monitor or restrict water use in the subdivision)

**18. FOR SUBDIVISIONS WITH COMMUNITY WATER SYSTEMS**

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(name and address of entity providing water)

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(source of water and means of delivery)

---

(summary of any legal restrictions on either indoor or outdoor usage)

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(statement that individual wells are prohibited if such is the case)

**19. FOR SUBDIVISIONS WITH INDIVIDUAL DOMESTIC WELLS OR SHARED WELLS**

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(state whether wells will be provided by the subdivider or by the prospective purchaser/lessee/conveyee) (if

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wells are provided by purchaser/lessee/conveyee, state the estimated cost to complete a domestic well, including drilling, pressure tank, control devices, storage and treatment facilities)

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(if wells are provided by the subdivider, state the cost, if any, to the purchaser/lessee/conveyee)

---

(summary of legal restrictions on either indoor or outdoor usage)

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(average depth to groundwater and the minimum and maximum well depths to be reasonably expected)

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(recommended total depth of well)

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(estimated yield in gallons per minute of wells completed to recommended total depth)

## **20. LIFE EXPECTANCY OF WATER SUPPLY**

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(state the life expectancy of each source of water supply for the subdivision under full development of the subdivision)

## **21. SURFACE WATER\***

\* Not applicable where subdivider intends to provide water for domestic use.

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(provide a detailed statement the source and yield of the surface water supply and any restrictions to which the surface water supply is subject)

## **22. NEW MEXICO STATE ENGINEER'S OPINON ON WATER AVAILABILITY**

Include here the approved summary of the opinion received by the Board of County Commissioner from the New Mexico State Engineer regarding:

---

(whether or not the subdivider can furnish water sufficient in quantity to fulfill the maximum annual water requirements of the subdivision, including water for indoor and outdoor domestic uses)

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(whether or not the subdivider can fulfill the proposals in this disclosure statement concerning water, excepting water quality)

## **23. WATER QUALITY**

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(describe the quality of water in the subdivision available for human consumption)

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(describe the quality that would make the water unsuitable for use within the subdivision)

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(state each maximum allowable water quality parameter that has been exceeded with the approval of the Board of County Commissioners and the name of the element, compound or standard that has exceeded that parameter)

## **24. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON WATER QUALITY**

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

---

(whether or not the subdivider can furnish water of acceptable quality for human consumption and measures to protect the water supply from contamination in conformity with state regulations)

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(whether or not the subdivider can fulfill the water quality proposal made in this disclosure statement)

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(whether or not the subdivider's proposal for water quality conforms to the County's water quality regulations)

## 25. LIQUID WASTE DISPOSAL

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(describe the precise type of liquid waste disposal system that is proposed and that has been approved by the Board of County Commissioners for use within the subdivision)

NOTE: NO LIQUID WASTE DISPOSAL SYSTEM MAY BE USED IN THIS SUBDIVISION OTHER THAN A SYSTEM APPROVED BY THE BOARD OF COUNTY COMMISSIONERS.

## 26. N.M. ENVIRONMENT DEPARTMENT'S OPINION ON LIQUID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

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(whether there are sufficient liquid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

---

(whether or not the subdivider can fulfill the liquid waste proposals made in this disclosure statement)

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(whether or not the subdivider's proposal for liquid waste disposal conforms to the County's liquid waste disposal regulations)

## 27. SOLID WASTE DISPOSAL

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(describe the means of solid waste disposal that is proposed for use within the subdivision)

## 28. NEW MEXICO ENVIRONMENT DEPARTMENT'S OPINION ON SOLID WASTE DISPOSAL

Include here the approved summary of the opinion received by the Board of County Commissioners from the New Mexico Environment Department on:

---

(whether or not there are sufficient solid waste disposal facilities to fulfill the requirements of the subdivision in conformity with state regulations)

---

(whether or not the subdivider can fulfill the solid waste proposals made in this disclosure statement)

---

(whether or not the subdivider's proposal for solid waste disposal conforms to the County's solid waste disposal regulations)



**29. TERRAIN MANAGEMENT**

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(describe the suitability for residential use of the soils in the subdivision as defined in the Natural Resource Conservation District's soil survey for Eddy County)

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(describe any measures necessary for overcoming soil and topographic limitations, and who will be responsible for implementing these measures)

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(identify by lot and block numbers all parcels within the subdivision that are subject to flooding)

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(identify by lot and block numbers all parcels within the subdivision located in whole or in part on slopes in excess of 8 percent)

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(describe the surface drainage for all lots in the subdivision)

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(describe the subsurface drainage for all lots in the subdivision)

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(describe the nature, location and completion dates of all storm drainage systems constructed or required to be constructed in the subdivision)

**30. NATURAL RESOURCE CONSERVATION DISTRICT'S OPINION ON TERRAIN MANAGEMENT**

Include here the approved summary of the opinion received by the Board of County Commissioners from the Soil and Water Conservation District on:

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(whether or not the subdivider can furnish terrain management sufficient to protect against flooding, inadequate drainage and soil erosion)

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(whether or not the subdivider can satisfy the terrain management proposals made in this disclosure statement)

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(whether or not the subdivider's terrain management proposals conform to the County's regulations on terrain management)

**31. SUBDIVISION ACCESS**

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(name of town nearest to subdivision)

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(distance from nearest town to subdivision and the route over which that distance is computed)

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(describe access roads to subdivision)

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(state whether or not subdivision is accessible by conventional vehicle)

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(state whether or not subdivision is ordinarily accessible at all times of the year and under all weather conditions)

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(describe the width and surfacing of all roads within the subdivision)

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(state whether the roads within the subdivision have been accepted for maintenance by the County)

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(if the roads within the subdivision have not been accepted for maintenance by the County, state how the roads will be maintained and describe lot owners' responsibilities and obligations with respect to road maintenance)

### **32. MAINTENANCE**

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(state whether the roads and other improvements within the subdivisions will be maintained by the County, the subdivider or an association of lot owners, and what measures have been taken to make sure that maintenance takes place)

### **33. STATE HIGHWAY DEPARTMENT'S OPINION ON ACCESS**

Include here the approved summary of the opinion received by the Board of County Commissioners from the State Highway and Transportation Department on:

---

(whether or not the subdivider can fulfill the state highway access requirements for the subdivision in conformity with state regulations)

---

(whether or not the subdivider can satisfy the access proposal made in this disclosure statement)

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(whether or not the subdivider's access proposals conform to the County's regulations on access)

### **34. CONSTRUCTION GUARANTEES**

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(describe any proposed roads, drainage structures, water treatment facilities or other improvements that will not be completed before parcels in the subdivision are offered for sale)

---

(describe all performance bonds, letters of credit or other collateral securing the completion of each proposed improvement)

**UNLESS THERE IS SUFFICIENT BOND, LETTER OF CREDIT OR OTHER ADEQUATE COLLATERAL TO SECURE THE COMPLETION OF PROPOSED IMPROVEMENTS, IT IS POSSIBLE THAT THE PROPOSED IMPROVEMENTS WILL NOT BE COMPLETED. CAUTION IS ADVISED.**

**35. ADVERSE OR UNUSUAL CONDITIONS**

\_\_\_\_\_  
(state any activities or conditions adjacent to or nearby the subdivision, such as feed lots, dairies, cement plants or airports, that would subject the subdivided land to any unusual conditions affecting its use or occupancy)

**36. RECREATIONAL FACILITIES**

\_\_\_\_\_  
(describe all recreational facilities actual and proposed in the subdivision)

\_\_\_\_\_  
(state the estimated date of completion of each proposed recreational facility)

\_\_\_\_\_  
(state whether or not there are any bonds, letters of credit or other collateral securing the construction of each proposed recreational facility and describe any such bond, letter of credit or other collateral)

**37. FIRE PROTECTION**

\_\_\_\_\_  
(distance to nearest fire station from subdivision)

\_\_\_\_\_  
(route over which that distance is computed)

\_\_\_\_\_  
(state whether the fire department is full-time or volunteer)

\_\_\_\_\_  
(include a summary of the Fire Marshall's review)

**38. POLICE PROTECTION**

List the various police units that patrol the subdivision.

\_\_\_\_\_  
(sheriffs department, if applicable)

\_\_\_\_\_  
(municipal police, if applicable)

\_\_\_\_\_  
(state police, if applicable)

**39. PUBLIC SCHOOLS**

\_\_\_\_\_  
(name of and distance to nearest public elementary school serving the subdivision)

\_\_\_\_\_  
(name of and distance to nearest public junior high or middle school serving the subdivision)

\_\_\_\_\_  
(name of and distance to nearest public high school serving the subdivision)

