

EXHIBITS

FOR

Documentation Presentation

Part One

NOTICE

This instrument is being returned for the following reason(s):

Not enough money
Amount needed: _____

Erroneous description _____

Typed or printed names under signatures;
Or you may forward \$1.00 extra fee per document
(Kansas Statute, Sec 28-115 as amended)

Notary Seal omitted

Notary Signature omitted

Expiration of commission omitted

Acknowledgement not complete:

Not Neosho County

Other: _____

For more information please visit our web-site
www.neoshocountyks.org
Register of Deeds page

Neosho County
Register of Deeds
100 S Main
P O Box 138
Erie, KS 66733

NOTICE

This instrument is being returned for the following reason(s):

Not enough money
Amount needed: _____

Erroneous description _____

Typed or printed names under signatures;
Or you may forward \$1.00 extra fee per document
(Kansas Statute, Sec 28-115 as amended)

Notary Seal omitted

Notary Signature omitted

Expiration of commission omitted

Acknowledgement not complete:

Not Neosho County

Other Sales Validation Questionnaire

OR Exemption reason number on deed

must be included. KSA 79-1437c

For more information please visit our web-site
www.neoshocountyks.org
Register of Deeds page

Neosho County
Register of Deeds
100 S Main
P O Box 138
Erie, KS 66733

JEFFERSON COUNTY
DELIA HESTON
REGISTER OF DEEDS

March 09, 2012

COMMERCE BANK
PO BOX 419248
KANSAS CITY, MO 64179-0010

*****PLEASE RETURN NOTICE WITH DOCUMENTS*****

Dear COMMERCE BANK

Parties:
COMMERCE BANK

We are rejecting your MORTGAGE RELEASE, (WIP-00000379, #11631, 2 Pages) for the following reasons:

DOCUMENT IS NOT SIGNED BUT HAS BEEN NOTARIZED. PLEASE CORRECT AND RETURN FOR FILING. ALSO ENCLOSED PLEASE FIND A REFUND CHECK FOR THE FILING FEE.

PLEASE LEAVE THIS NOTICE ATTACHED WHEN RETURNING DOCUMENTS AFTER MAKING CORRECTIONS.

Thank you,

DELIA HESTON
JEFFERSON COUNTY REGISTER OF DEEDS

COMMERCE BANK
PO BOX 419248
KANSAS CITY, MO 64179-0010

DELIA HESTON
P O BOX 352
300 JEFFERSON STREET
OSKALOOSA, KS 66066

EXHIBIT 1-"C"-(1)

SATISFACTION OF MORTGAGE

This Satisfaction of Mortgage witnesseth that Commerce Bank, formerly known as Commerce Bank, N.A., 1000 Walnut, Kansas City, Missouri 64106, **owner and holder of the note** evidencing the debt secured by a mortgage executed **TIMOTHY D. SMOOTS AND BARBARA L. SMOOTS, HUSBAND AND WIFE, GRANTEE** dated **APRIL 22, 2005**, and recorded **APRIL 27, 2005** in the office of the Register of Deeds for **JEFFERSON COUNTY, KS** in **Book 650 Page 238-244** in consideration of the full payment of said debt, does hereby acknowledge satisfaction of said mortgage and release the property therein and hereinafter described from the lien and effect of the same, to wit:

Lots 7 and 8, Block 17, Dodd's Addition to the City of Winchester, according to the recorded plat thereof, Jefferson County, Kansas, together with that portion of vacated First Street reverting to Lot 7, Block 17, Dodd's Addition to the City of Winchester, Jefferson County, Kansas.

The Real Property or its address is commonly known as 90 Delaware St., Winchester, KS 66097. The Real Property tax identification number is 097-26-0-00-05-009-00-0.

Witness our hands and seal this **2nd day of March 2012**.

Commerce Bank, formerly known as Commerce Bank, N.A.

Minerva Toloza
Assistant Vice President

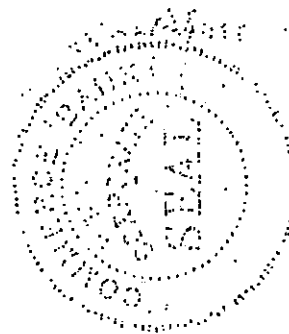


EXHIBIT 1-"C"-(2)



POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 112 KANSAS CITY MO

POSTAGE WILL BE PAID BY ADDRESSEE



Commerce Bank

PO BOX 419248
KANSAS CITY MO 64179-0010

Vicki Boekeloo
BB3-9



Commerce Bank

CASHIER'S CHECK

18-1/1010

1000001430

Timothy Smoots

March 2, 2012

REMITTER

DATE

PAY TO THE ORDER OF Jefferson County Register of Deeds

\$ 27.00

COMMERCE BANK 27 and 00/100ths

DOLLARS

TWO SIGNATURES REQUIRED - OVER \$50,000.00

For Commerce Bank Customer Service call: 1-866-720-7036

Signature
Authorized Signature

VB

⑈ 1000001430 ⑆ ⑆ 101000019⑆ 009956105 ⑈

JEFFERSON COUNTY
DELIA HESTON
REGISTER OF DEEDS

March 16, 2012

BANK OF AMERICA HOME LOANS
CA6-914-01-43
PO BOX 5060
SIMI VALLEY, CA 93062-5000

*****PLEASE RETURN NOTICE WITH DOCUMENTS*****

Dear BANK OF AMERICA HOME LOANS

Parties:
BANK OF AMERICA NA

We are rejecting your MORTGAGE ASSIGNMENT, (WIP-00000382, #11719 , 2 Pages) for the following reasons:

NO BOOK AND PAGE REFERENCED ON DOCUMENT. NO LEGAL DESCRIPTION ON DOCUMENT.

PLEASE LEAVE THIS NOTICE ATTACHED WHEN RETURNING DOCUMENTS AFTER MAKING CORRECTIONS.

Thank you,

DELIA HESTON
JEFFERSON COUNTY REGISTER OF DEEDS

BANK OF AMERICA HOME LOANS
CA6-914-01-43
PO BOX 5060
SIMI VALLEY, CA 93062-5000

DELIA HESTON
P O BOX 352
300 JEFFERSON STREET
OSKALOOSA, KS 66066

EXHIBIT 1 - "D" - (1)

CORPORATION ASSIGNMENT OF MORTGAGE

Doc. ID# 64887119004568100
Commitment# 5200

For value received, the undersigned, BANK OF AMERICA, N.A., 1800 TAPO CANYON ROAD, SIMI VALLEY, CA 93063, hereby grants, assigns and transfers to:

M&T BANK

1 FOUNTAIN PLAZA, 4TH FLOOR, BUFFALO, NY 14203

All its interest under that certain Mortgage dated 5/31/05, executed by: DANIEL L HUSS, Mortgagor as per MORTGAGE recorded as Instrument No. _____ on _____ in Book _____ Page _____ of official records in the County Recorder's Office of JEFFERSON County, KANSAS. Tax Parcel = NV 0375, JEFFERSON COUNTY TREASURER Original Mortgage \$74,000.00 133 SYCAMORE, NORTONVILLE, KS 66060

(See page attached hereto for Legal Description)

Together with the Note or Notes therein described or referred to, the money due and to become due thereon with interest, and all rights accrued or to accrue under said Mortgage.

Dated: 01/23/2012 BANK OF AMERICA, N.A.

By Christy Cafferty
CHRISTY CAFFERTY, Vice President

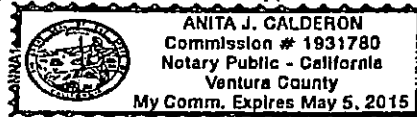
State of California
County of Ventura

On 2/9/12 before me, ANITA J. CALDERON, Notary Public, personally appeared CHRISTY CAFFERTY, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature: Anita J. Calderon
ANITA J. CALDERON



Prepared by: PABLA ZUNIGA
Recording requested by AND
When recorded mail to:
M&T BANK
ATTN: EMILY WITT
1 FOUNTAIN PLAZA, 4TH FLOOR
BUFFALO, NY, 14203
Attn: ASSIGNMENT UNIT
Phone#: (213) 345-0632

Recording requested by
BANK OF AMERICA, N.A.

When recorded mail to:
M&T BANK
ATTN: EMILY WITT
1 FOUNTAIN PLAZA, 4TH FLOOR
BUFFALO, NY 14203
Attn: ASSIGNMENT UNIT

CORPORATION ASSIGNMENT OF MORTGAGE
Doc. ID# 64887119004568100
Commitment# 5200

EXHIBIT 1-"D"-(3)

Bank of America Home Loans
PO Box 5012
Woodland Hills, Ca 91365-5012

RECEIVED
MAR 14 2012
Reg. of Deeds
Jefferson Co.

JEFFERSON COUNTY REGISTER OF DEEDS
P.O. BOX 352
OSKALOOSA KS 66066

Check no: 1991171 Treasury id: 78677441 Page: LPOST
Date: 01/23/2012 Comp. No: RFEF
Check amount: 9.00 Agency No:
Escrow type:
Escrow desc: 0008711900452005N HUSS DL
Check payee: JEFFERSON COUNTY REGISTER OF DEEDS

Loan no	Amount	Mortgagor	Reference
---------	--------	-----------	-----------

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT. CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM.

Bank of America Home Loans
PO Box 5012
Woodland Hills, Ca 91365-5012

NO. 0001991171

DATE 01/23/2012 AMOUNT \$*****9.00*****

PAY NINE DOLLARS AND 00 CENTS

PAY TO: JEFFERSON COUNTY REGISTER OF DEEDS
P.O. BOX 352
OSKALOOSA KS 66066

VOID AFTER 180 DAYS

[Signature]
Cay Baird

⑈0001991171⑈ ⑆122000661⑆ 12332⑈65636⑈

EXHIBIT 1-"D"-(4)



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 111 CHARLOTTE NC

POSTAGE WILL BE PAID BY ADDRESSEE

BANK OF AMERICA HOME LOANS
DOCUMENT PROCUREMENT
CA6-914-01-43
PO BOX 5060
SIMI VALLEY CA 93062-5000



Jefferson County Register of Deeds

Document # W/P-00000382

Page

EXHIBIT 1-"D"-(5)

JEFFERSON COUNTY
DELIA HESTON
REGISTER OF DEEDS

April 04, 2012

JOHN H HOTZ

*****PLEASE RETURN NOTICE WITH DOCUMENTS*****

Dear JOHN H HOTZ

Parties:

HOTZ, JOHN H

We are rejecting your DEED - TRUSTEES, (WIP-00000384, #11888, 1 Page) for the following reasons:

AN \$8.00 FILING FEE IS REQUIRED TO PROCESS THE DOCUMENT. ALSO, PLEASE RECORD THE EXEMPTION NUMBER FROM THE SALES VALIDATION QUESTIONNAIRE ON THE DEED.

PLEASE LEAVE THIS NOTICE ATTACHED WHEN RETURNING DOCUMENTS AFTER MAKING CORRECTIONS.

Thank you,

DELIA HESTON

JEFFERSON COUNTY REGISTER OF DEEDS

DELIA HESTON
P O BOX 352
300 JEFFERSON STREET
OSKALOOSA, KS 66066

EXHIBIT 1-"E"-(1)

TRUSTEE DEED

John H. Hotz, Trustee of the Susan E. Hotz 2010 Trust as provided in the First Amendment thereto hereby transfers and conveys to the following parties the following property:

One half interest to Joseph A. Hotz and Bonnie E. Hotz, his wife, as Joint tenants with the right of survivorship and not as tenants in common

One half interest to Teresa L. Schul and Robert D. Schul, her husband, as Joint tenants with the right of survivorship and not as tenants in common

A tract of land in the North Half (N ½) of Southwest Quarter (SW ¼) of Section Eleven (11), Township Ten (10) South, Range Eighteen (18) East, Jefferson County, Kansas described as follows: Beginning at the Southwest corner of said North Half (N ½) of the Southwest Quarter (SW ¼), thence east 160 rods; thence North 80 rods; thence West 60 rods; thence South 20 rods; thence West 40 rods; thence South 40 rods; thence West 60 rods; thence South 20 rods to the point of beginning, containing 52 ½ acres, more or less:

Subject to easements and restrictions of record.

IN WITNESS HEREOF, first party, hereunto sets his hand this 21st day of March 2012.

John H. Hotz, Trustee
John H. Hotz, Trustee

State of Kansas, Finney County, ss:

BE IT REMEMBERED, that on this 21st day of March 2012, before me, the undersigned a Notary Public in and for the County and State aforesaid, came John H. Hotz, who is personally known to me to be the same person who executed the foregoing deed and duly acknowledged the execution of the same.

IN TESTIMONY WEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

Kelly Birney
Notary Public

My commission expires: 10-15-2013

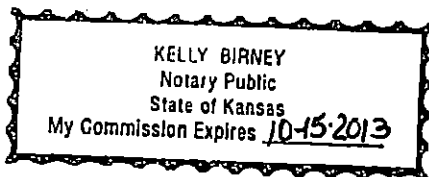


EXHIBIT 1-"E"-(2)

KANSAS REAL ESTATE SALES VALIDATION QUESTIONNAIRE

FOR COUNTY USE ONLY:		COV #	CO. NO.	MAP	SEC	SHEET	QTR.	BLOCK	PARCEL	OWN		
DEED BOOK	PAGE											
RECORDING DATE	TYPE OF INSTRUMENT	SPLIT <input type="checkbox"/>		MO		YR		TY		AMOUNT	S	V
DATE	CR RA DE	MULTI <input type="checkbox"/>										

SELLER (Grantor) NAME <u>John H. Hotz 2010 Trust</u>	BUYER (Grantee) NAME <u>Brother + Sister</u>
MAILING <u>912 E. Edwards</u>	MAILING <u>912 E. Edwards</u>
CITY/ST/ZIP <u>Overland Park, KS</u>	CITY/ST/ZIP <u>Overland Park, KS 67846</u>
PHONE NO. <u>(620) 276-8978</u>	PHONE NO. <u>(620) 276-8978</u>

IF AGENT SIGNS FORM, BOTH BUYER AND SELLER TELEPHONE NUMBERS MUST BE ENTERED.

BRIEF LEGAL DESCRIPTION <u>52 1/2 ac +/-</u>	Property / Situs Address: Name and Mailing Address for Tax Statements <u>John H Hotz</u> <u>912 E. Edwards</u> <u>Overland Park, KS 67846</u>
---	---

CHECK ANY FACTORS THAT APPLY TO THIS SALE (See Instructions on back of form.)

- 1. SPECIAL FACTORS**
- Sale between immediate family members:
SPECIFY THE RELATIONSHIP _____
 - Sale involved corporate affiliates belonging to the same parent company
 - Auction Sale
 - Deed transfer in lieu of foreclosure or repossession
 - Sale by judicial order (by a guardian, executor, conservator, administrator, or trustee of an estate)
 - Sale involved a government agency or public utility
 - Buyer (new owner) is a religious, charitable, or benevolent organization, school or educational association
 - Buyer (new owner) is a financial institution, insurance company, pension fund, or mortgage corporation
 - Would this sale qualify for one of the exceptions listed on the reverse side of this form? (Please indicate # 7)
 - Sale of only a partial interest in the real estate
 - Sale involved a trade or exchange of properties
 - NONE OF THE ABOVE

- 2. CHECK USE OF PROPERTY AT THE TIME OF SALE:**
- Single Family Residence Agricultural Land
 - Farm/Ranch With Residence Mineral Rights Included?
 Yes No
 - Condominium Unit
 - Vacant Land Apartment Building
 - Other: (Specify) _____ Commercial/Industrial Bldg.

3. WAS THE PROPERTY RENTED OR LEASED AT THE TIME OF SALE? YES NO

4. DID THE SALE PRICE INCLUDE AN EXISTING BUSINESS? YES NO

5. WAS ANY PERSONAL PROPERTY (SUCH AS FURNITURE, EQUIPMENT, MACHINERY, LIVESTOCK, CROPS, BUSINESS FRANCHISE OR INVENTORY, ETC.) INCLUDED IN THE SALE PRICE? YES NO
If yes, please describe _____

Estimated value of all personal property items included in the sale price \$ _____
If Mobile Home Year _____ Model _____

6. ARE YOU AWARE OF ANY CHANGES IN THE PROPERTY SINCE JAN. 1? YES NO
 Demolition New Construction Remodeling Additions
Date Completed _____

7. WERE ANY DELINQUENT TAXES ASSUMED BY THE PURCHASER? YES NO AMOUNT \$ _____

8. METHOD OF FINANCING (check all that apply):
 New loan(s) from a Financial Institution
 Seller Financing Assumption of Existing Loan(s)
 All Cash Trade of Property Not Applicable

9. WAS THE PROPERTY MADE AVAILABLE TO OTHER POTENTIAL PURCHASERS? YES NO If not, explain _____
(SEE #9 INSTRUCTION ON BACK)

10. DOES THE BUYER HOLD TITLE TO ANY ADJOINING PROPERTY? YES NO

11. ARE THERE ANY FACTS WHICH WOULD CAUSE THIS SALE TO BE A NON-ARMS LENGTH / NON-MARKET VALUE TRANSACTION? (SEE #11 INSTRUCTION ON BACK) YES NO

12. TOTAL SALE PRICE \$ _____


DEED DATE _____

13. I CERTIFY THAT THE ADDRESS TO WHICH TAX STATEMENTS FOR THE PROPERTY ARE TO BE SENT IS CORRECT. I ALSO CERTIFY I HAVE READ ITEM NO. 13 ON THE REVERSE SIDE AND HEREBY CERTIFY THE ACCURACY OF THE INFORMATION AND THAT I AM AWARE OF THE PENALTY PROVISIONS OF K.S.A. 79-1437g.

PRINT NAME John H Hotz

SIGNATURE [Signature]

GRANTOR (SELLER) GRANTEE (BUYER)
 AGENT DAYTIME PHONE NO. (620) 276-8978

 **Mr. John H. Hotz**
912 E Edward St.
Garden City, KS 67846

DODGE CITY KS 678
PM
28 MAR
2012



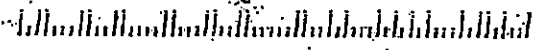
RECEIVED

MAR 30 2012
Reg. of Deeds
Jefferson Co.

Jefferson County Register of Deeds
P.O. Box 352
Oskaloosa, KS 66066

EXHIBIT 1-"E"-(4)

660660352



NEOSHO COUNTY
REGISTER OF DEEDS

May 21, 2012 9:07:00 AM

*** RE-PRINT ***

Receipt # 1007199

Payee: Home Savings Bank

Returned To:
Home Savings Bank
P.O. Box 467
Chanute, KS 66720-0467

Deed Warranty (462-142) \$8.00
Deed Warranty \$8.00

Mortgage (462-143) \$50.00
Mortgage \$24.00
Mortgage Reg fax \$26.00

Amount Due: \$58.00

Tender Total: \$62.00
Check #736687 \$62.00

CHANGE DUE: \$4.00

Reconciling Account Summary
Charge Credit Extended \$0.00

* Current balance as of 5/21/2012 2:32:24 PM.

Have a nice day.

I hereby certify the foregoing to be a true
and correct copy of the record on file in
my office in book _____ page _____

REGISTER OF DEEDS

Dated at Erie, Ka. _____ day of _____

Persuant to K.S.A. 79-1437e, a real
estate validation questionnaire is not
required due to Exception No.

(In RED Ink)

**NOT A RELIABLE
COPY**

STATE OF KANSAS, NEOSHO COUNTY, SS
GLENDA K. TAYLOR, REGISTER OF DEEDS

Book: 461 Page: 1

Mtg Reg #: 12-129 Recording Fee: \$44.00
Pages Recorded: 10 Registration Tax: \$182.00
Mortgage Amt: \$70,000.00

Date Recorded: 4/24/2012 9:00:00 AM

STATE OF KANSAS, NEOSHO COUNTY, SS
GLENDA K. TAYLOR, REGISTER OF DEEDS

Book: 461 Page: 33

Pages Recorded: 3 Recording Fee: \$16.00

Date Recorded: 4/25/2012 10:16:00 AM

STATE OF KANSAS, NEOSHO COUNTY, SS
GLENDA K. TAYLOR, REGISTER OF DEEDS

Book: 461 Page: 33 COV #: 014617

Recording Date: 4/25/2012

CO. NO. _ _ _ _

TYPE OF INSTRUMENT _____

EXHIBIT 2-"A"-(1)





* 2 0 1 2 R 1 2 2 2 1 6 *

2012R1222

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS
RECORDED ON

05/03/2012 03:16:06PM

REC FEE: 68.00

MRT FEE: 596.46

229408.52

PAGES: 16



* 2 0 1 2 R 1 2 0 5 1 *

2012R1205

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS
RECORDED ON

05/02/2012 02:36:17PM

REC FEE: 8.00

0.00

PAGES: 1

I hereby certify the above and foregoing to be a true and correct copy, the original of which is recorded and entered on record in this office.
Register of Deeds, Jefferson County, Kansas

Dated: _____

By: _____
Delia Heston, Register of Deeds



Copied _____

index _____

Checked _____

Verified _____

SALES VALIDATION QUESTIONNAIRE
NOT REQUIRED PURSUANT TO
K.S.A. 79-1437e()

RECEIVED

MAY 18 2012

Reg. of Deeds
Jefferson Co.

Register of Deeds Postscript
Filed at the request of filer.

EXHIBIT 2-"A"-(2)

04/19/2012 10:48AM
TANKING SURVEY
ANDY TANKING
TRANSACTION # 12041
DOCUMENT # 2012M0253

MISC RECORDS SOP

COPY FEE: \$4.25
TOTAL: \$4.25
CASH: \$4.25

THANK YOU

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS

05/08/2012 02:52PM
FIRST AMERICAN TITLE COMPANY INC

TRANSACTION # 12273
DOCUMENT # 2012R1279

MORTGAGE

RECORDING FEE: \$40.00
MTG REGISTRATION: \$497.30
TOTAL: \$537.30
CHECK: \$549.30 9816104303
REFUND: \$-12.00

THANK YOU

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS

04/16/2012 02:31PM
KANSAS SECURED TITLE - JEFFERSON COUNTY

TRANSACTION # 12002

20120131 SALES VALIDATION QUE 0.00
2012R1029 DEED - WARRANT 8.00

RECORDING FEE: \$8.00
TOTAL: \$8.00
CHARGE: \$8.00

THANK YOU

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS

04/16/2012 04:30PM
KANSAS SECURED TITLE - JEFFERSON COUNTY

TRANSACTION # 12006
DOCUMENT # PC-00000405

PAY CHARGE

CHARGE PAYMENT FEE: \$786.15
TOTAL: \$786.15
CHECK: \$419.69 1013
CHECK: \$358.46 19209
CHECK: \$8.00 19196

THANK YOU

DELIA HESTON
REGISTER OF DEEDS
JEFFERSON COUNTY, KS

KANSAS REAL ESTATE SALES VALIDATION QUESTIONNAIRE

FOR COUNTY USE ONLY:	COV # _____	CO. NO. _____	MAP _____	SEC. _____	SHEET _____	QTR. _____	BLOCK _____	PARCEL _____	OWN _____
BOOK _____ PAGE _____	TYPE OF INSTRUMENT _____ SPLIT <input type="checkbox"/>				MO _____	YR _____	TY _____	AMOUNT _____	S _____ V _____
RECORDING DATE ____/____/____	CR _____	RA _____	DE _____	MULTI <input type="checkbox"/>					

SELLER (Grantor) NAME _____	BUYER (Grantee) NAME _____
MAILING _____	MAILING _____
CITY/ST/ZIP _____	CITY/ST/ZIP _____
PHONE NO. (____) _____	PHONE NO. (____) _____

IF AGENT SIGNS FORM, BOTH BUYER AND SELLER TELEPHONE NUMBERS MUST BE ENTERED.

BRIEF LEGAL DESCRIPTION _____ _____ _____	Property / Situs Address: _____ Name and Mailing Address for Tax Statements _____ _____
--	--

CHECK ANY FACTORS THAT APPLY TO THIS SALE: (See Instructions on back of form.)

1. SPECIAL FACTORS

Sale between immediate family members:
SPECIFY THE RELATIONSHIP _____

Sale involved corporate affiliates belonging to the same parent company

Auction Sale

Deed transfer in lieu of foreclosure or repossession

Sale by judicial order (by a guardian, executor, conservator, administrator, or trustee of an estate)

Sale involved a government agency or public utility

Buyer (new owner) is a religious, charitable, or benevolent organization, school or educational association

Buyer (new owner) is a financial institution, insurance company, pension fund, or mortgage corporation

Would this sale qualify for one of the exceptions listed on the reverse side of this form? (Please indicate # _____)

Sale of only a partial interest in the real estate

Sale involved a trade or exchange of properties

NONE OF THE ABOVE

2. CHECK USE OF PROPERTY AT THE TIME OF SALE:

<input type="checkbox"/> Single Family Residence	<input type="checkbox"/> Agricultural Land
<input type="checkbox"/> Farm/Ranch With Residence	Mineral Rights Included?
<input type="checkbox"/> Condominium Unit	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Vacant Land	<input type="checkbox"/> Apartment Building
<input type="checkbox"/> Other: (Specify) _____	<input type="checkbox"/> Commercial/Industrial Bldg.

3. WAS THE PROPERTY RENTED OR LEASED AT THE TIME OF SALE? YES NO

4. DID THE SALE PRICE INCLUDE AN EXISTING BUSINESS? YES NO

5. WAS ANY PERSONAL PROPERTY (SUCH AS FURNITURE, EQUIPMENT, MACHINERY, LIVESTOCK, CROPS, BUSINESS FRANCHISE OR INVENTORY, ETC.) INCLUDED IN THE SALE PRICE? YES NO

If yes, please describe _____

Estimated value of all personal property items included in the sale price \$ _____

If Mobile Home Year _____ Model _____

6. ARE YOU AWARE OF ANY CHANGES IN THE PROPERTY SINCE JAN. 1? YES NO

Demolition New Construction Remodeling Additions

Date Completed _____

7. WERE ANY DELINQUENT TAXES ASSUMED BY THE PURCHASER? YES NO AMOUNT \$ _____

8. METHOD OF FINANCING (check all that apply):

New loan(s) from a Financial Institution

Seller Financing Assumption of Existing Loan(s)

All Cash Trade of Property Not Applicable

9. WAS THE PROPERTY MADE AVAILABLE TO OTHER POTENTIAL PURCHASERS? YES NO If not, explain _____

(SEE #9 INSTRUCTION ON BACK)

10. DOES THE BUYER HOLD TITLE TO ANY ADJOINING PROPERTY? YES NO

11. ARE THERE ANY FACTS WHICH WOULD CAUSE THIS SALE TO BE A NON-ARMS LENGTH / NON-MARKET VALUE TRANSACTION? (SEE #11 INSTRUCTION ON BACK) YES NO

12. TOTAL SALE PRICE \$ _____

DEED DATE ____/____/____

13. I CERTIFY THAT THE ADDRESS TO WHICH TAX STATEMENTS FOR THE PROPERTY ARE TO BE SENT IS CORRECT. I ALSO CERTIFY I HAVE READ ITEM NO. 13 ON THE REVERSE SIDE AND HEREBY CERTIFY THE ACCURACY OF THE INFORMATION AND THAT I AM AWARE OF THE PENALTY PROVISIONS OF K.S.A. 79-1437g.

PRINT NAME _____

SIGNATURE _____

GRANTOR (SELLER) GRANTEE (BUYER)

AGENT DAYTIME PHONE NO. (____) _____

KANSAS REAL ESTATE SALES VALIDATION QUESTIONNAIRE

FOR COUNTY USE ONLY:		COV _____	CO. NO. _____	MAP _____	SEC _____	SHEET _____	QTR. _____	BLOCK _____	PARCEL _____	OWN _____
DEED #K _____	PAGE _____									
RECORDING DATE _____/_____/_____	TYPE OF INSTRUMENT CR _____ RA _____ DE _____	SPLIT <input type="checkbox"/> MULTI <input type="checkbox"/>		MO _____	YR _____	TY _____	AMOUNT _____	S _____	V _____	

SELLER (Grantor) NAME _____	BUYER (Grantee) NAME _____
MAILING _____	MAILING _____
CITY/ST/ZIP _____	CITY/ST/ZIP _____
PHONE NO. (_____) _____	PHONE NO. (_____) _____

IF AGENT SIGNS FORM, BOTH BUYER AND SELLER TELEPHONE NUMBERS MUST BE ENTERED.

<p style="text-align: center;">BRIEF LEGAL DESCRIPTION</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>Property / Situs Address: _____</p> <p>Name and Mailing Address for Tax Statements _____</p> <p>_____</p> <p>_____</p>
--	---

CHECK ANY FACTORS THAT APPLY TO THIS SALE (See Instructions on back of form.)

1. SPECIAL FACTORS

Sale between immediate family members:
SPECIFY THE RELATIONSHIP _____

Sale involved corporate affiliates belonging to the same parent company

Auction Sale

Deed transfer in lieu of foreclosure or repossession

Sale by judicial order (by a guardian, executor, conservator, administrator, or trustee of an estate)

Sale involved a government agency or public utility

Buyer (new owner) is a religious, charitable, or benevolent organization, school or educational association

Buyer (new owner) is a financial institution, insurance company, pension fund, or mortgage corporation

Would this sale qualify for one of the exceptions listed on the reverse side of this form? (Please indicate # _____)

Sale of only a partial interest in the real estate

Sale involved a trade or exchange of properties

NONE OF THE ABOVE

2. CHECK USE OF PROPERTY AT THE TIME OF SALE:

Single Family Residence Agricultural Land

Farm/Ranch With Residence Mineral Rights Included?
 Yes No

Condominium Unit Apartment Building

Vacant Land Commercial/Industrial Bldg.

Other: (Specify) _____

3. WAS THE PROPERTY RENTED OR LEASED AT THE TIME OF SALE? YES NO

4. DID THE SALE PRICE INCLUDE AN EXISTING BUSINESS?
 YES NO

5. WAS ANY PERSONAL PROPERTY (SUCH AS FURNITURE, EQUIPMENT, MACHINERY, LIVESTOCK, CROPS, BUSINESS FRANCHISE OR INVENTORY, ETC.) INCLUDED IN THE SALE PRICE? YES NO

If yes, please describe _____

Estimated value of all personal property items included in the sale price \$ _____

Year _____ Model _____

6. ARE YOU AWARE OF ANY CHANGES IN THE PROPERTY SINCE JAN. 1? YES NO

Demolition New Construction Remodeling Additions

Date Completed _____

7. WERE ANY DELINQUENT TAXES ASSUMED BY THE PURCHASER? YES NO AMOUNT \$ _____

8. METHOD OF FINANCING (check all that apply):

New loan(s) from a Financial Institution

Seller Financing Assumption of Existing Loan(s)

All Cash Trade of Property Not Applicable

9. WAS THE PROPERTY MADE AVAILABLE TO OTHER POTENTIAL PURCHASERS? YES NO If not, explain _____

(SEE #9 INSTRUCTION ON BACK)

10. DOES THE BUYER HOLD TITLE TO ANY ADJOINING PROPERTY?
 YES NO

11. ARE THERE ANY FACTS WHICH WOULD CAUSE THIS SALE TO BE A NON-ARMS LENGTH / NON-MARKET VALUE TRANSACTION?
(SEE #11 INSTRUCTION ON BACK) YES NO

12. TOTAL SALE PRICE \$ _____

DEED DATE _____ / _____ / _____

13. I CERTIFY THAT THE ADDRESS TO WHICH TAX STATEMENTS FOR THE PROPERTY ARE TO BE SENT IS CORRECT. I ALSO CERTIFY I HAVE READ ITEM NO. 13 ON THE REVERSE SIDE AND HEREBY CERTIFY THE ACCURACY OF THE INFORMATION AND THAT I AM AWARE OF THE PENALTY PROVISIONS OF K.S.A. 79-1437g.

PRINT NAME _____

SIGNATURE _____

GRANTOR (SELLER) GRANTEE (BUYER)

AGENT DAYTIME PHONE NO. (_____) _____

INSTRUCTIONS FOR COMPLETING THE SALES VALIDATION QUESTIONNAIRE

- ITEM 1** Please check all boxes which pertain.
- ITEM 2** Check the box which describes the current or most recent use of the property at the time of sale. Check all boxes which are applicable if the property has multiple uses.
- ITEM 3** Check yes; if the buyer assumed any long term lease(s) (more than 3 years remaining) at the time of sale.
- ITEM 4** Check yes; if the purchase price included an operating business, franchise, trade license, patent, trademark, stock, bonds, technology, and/or goodwill.
- ITEM 5** Check yes; if any tangible and portable items of property were included in the sale price. If possible, provide a brief description and your estimate of the total value of all personal property included in the sale price.
- ITEM 6** Check yes; if the property characteristics have been changed since January 1. Indicate what type of change(s) took place by marking the appropriate box. Indicate the date the change(s) took place.
- ITEM 7** Check yes; if any delinquent taxes were assumed by the purchaser and included as part of the sale price. Do not consider any prorated taxes for the year in which the property was sold that are part of normal escrow closings.
- ITEM 8** Check the predominate method of financing used to acquire the property. Check "Not Applicable" if no money exchanged hands or refinancing of an existing loan.
- ITEM 9** Check yes; if the property was either advertised on the open market, displayed a for sale sign, listed with a real estate agent or offered by word of mouth.
- ITEM 10** Check yes; if the buyer owns or controls the property adjoining or adjacent to the property being purchased.
- ITEM 11** Provide an explanation if you believe the buyer or seller did not act prudently, was not fully informed about the property or knowledgeable of the local market, poorly advised, did not use good judgement in the negotiations, was acting under duress, or compelled out of necessity. Use an additional sheet of paper if necessary.
- ITEM 12** Provide the total sale price and date of sale. The date should be the date that either the deed or the contract for deed was signed, not the date the deed was recorded.
- ITEM 13** Please sign the questionnaire and list your phone number. The county appraiser may need to make a follow up phone call to clarify unusual terms or conditions.

K.S.A. 79-1437g. Same; penalty for violations. Any person who shall falsify the value of real estate transferred shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500. (L. 1991, ch. 162, sec. 7; L. 1992, ch. 159, sec. 3; April 30.)

TRANSFERS OF TITLE THAT DO NOT REQUIRE A SALES VALIDATION QUESTIONNAIRE ARE AS FOLLOWS:

- (1) Recorded prior to the effective date of this act, i.e., July 1, 1991;
 - (2) made solely for the purpose of securing or releasing security for a debt or other obligation;
 - (3) made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
 - (4) by way of gift, donation or contribution stated in the deed or other instruments;
 - (5) to cemetery lots;
 - (6) by leases and transfers of severed mineral interests;
 - (7) to or from a trust, and without consideration;
 - (8) resulting from a divorce settlement where one party transfers interest in property to the other;
 - (9) made solely for the purpose of creating a joint tenancy or tenancy in common;
 - (10) by way of a sheriff's deed;
 - (11) by way of a deed which has been in escrow for longer than five years;
 - (12) by way of a quit claim deed filed for the purpose of clearing title encumbrances;
 - (13) when title is transferred to convey right-of-way or pursuant to eminent domain;
 - (14) made by a guardian, executor, administrator, conservator or trustee of an estate pursuant to judicial order;
 - (15) when title is transferred due to repossession; or
 - (16) made for the purpose of releasing an equitable lien on a previously recorded affidavit of equitable interest, and without additional consideration.
- (b) **When a real estate sales validation questionnaire is not required due to one or more of the exemptions provided in 1-16 above, the exemption shall be clearly stated on the document being filed.**

If you have any questions or need assistance completing this form, please call the county appraiser's office.



K A N S A S

JOAN WAGNON, ACTING SECRETARY

DEPARTMENT OF REVENUE
DIVISION OF PROPERTY VALUATION

KATHLEEN SEBELIUS, GOVERNOR

DIRECTIVE 03-041

TO: REGISTER OF DEEDS
FROM: Mark S. Beck, Director
SUBJECT: Real Estate Sales Validation Questionnaires; Filing Requirements
(To replace Directive #92-016 and 94-028)

This directive is adopted pursuant to the provisions of K.S.A. 79-505, and shall be in force and effect from and after the Director's approval date.

Register of Deeds shall comply with the following procedures in handling and processing real estate sales validation questionnaires.

1. The only exceptions to the requirement to file a real estate sales validation questionnaire are statutory.

K.S.A. 79-1437e(a), as amended by L. 2002, ch. 22, provides:

The real estate sales validation questionnaire required shall not apply to transfers of title:

- (1) recorded prior to the effective date of this act;
- (2) made solely for the purpose of securing or releasing security for a debt or other obligation;
- (3) made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
- (4) by way of gift, donation or contribution stated in the deed or other instrument;
- (5) to cemetery lots;
- (6) by leases and transfers of severed mineral interests;
- (7) to or from a trust, and without consideration;
- (8) resulting from a divorce settlement where one party transfers interest in property to the other;
- (9) made solely for the purpose of creating a joint tenancy or tenancy in common;
- (10) by way of a sheriff's deed;

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EXHIBIT 3-"B"-(1)

- (11) by way of a deed which has been in escrow for longer than five years;
- (12) by way of a quit claim deed filed for the purpose of clearing title encumbrances;
- (13) when title is transferred to convey right-of-way or pursuant to eminent domain.
- (14) made by a guardian, executor, administrator, conservator or trustee of an estate pursuant to judicial order;
- (15) when title is transferred due to repossession; or
- (16) made for the purpose of releasing an equitable lien on a previously recorded affidavit of equitable interest, and without additional consideration.

When a real estate questionnaire is not required due to one of the exemptions listed above, the exemption number or reason for an exemption must be clearly stated on the deed. The register of deeds should not make changes to the face of the deed by adding the exemption number or exemption description. (*Also see Att'y Gen. Op. No. 92-122*)

2. The Division of Property Valuation supplies a three-part real estate sales validation questionnaire (form number PV-RE-21) which is required when an affidavit of equitable interest, deed in real estate, or any other instrument used to transfer real property is recorded in the office of the register of deeds. Only counties having prior written approval from the director may use a special one-part version of the form (PV-RE-21-OP). The one-part form can be used in conjunction with image document management systems. Photocopies are not acceptable; however, filers may submit a computer-printed form. The digital version of the form (PV-RE-21-OP-CG) can be obtained from the Department of Revenue website. Instructions for completing the questionnaire must be printed on the reverse side or attached on a separate page. Counties accepting one-part forms are required to provide the original document(s) to the Division of Property Valuation.
3. The "total sale price" must be entered on the real estate sales validation questionnaire. If one dollar (\$1.00), ten dollars (\$10.00) or any nominal sale price is entered on the real estate sales validation questionnaire, the register of deeds shall question the accuracy of the sale price as entered. If the grantor, grantee, or agent affirms that the sale price as entered is correct, the deed should be recorded.
4. A real estate sales validation questionnaire is not required on a deed that states "without consideration" or that has one dollar (\$1.00), ten dollars (\$10.00) or some other nominal value entered thereon. "Without consideration" as used in K.S.A. 79-1437(e)(7), as amended by L. 1992, ch. a59, § 2, means "gift." Therefore, an entered consideration of one dollar (\$1), ten dollars (\$10) or "love and affection" on a deed shall be construed as a "gift," and the deed accepted without a real estate sales validation questionnaire. However, if the phrase "one dollar (\$1.00) and other valuable consideration" has been entered on the deed, a real estate sales validation questionnaire is required to record the deed.
5. The buyer, seller or agent thereof may complete and sign the real estate validation questionnaire.
6. If a government entity, such as a county, conveys real property, the real estate sales validation questionnaire must be signed by the government official(s) who signed the deed or an agent.
7. Multiple deeds conveying partial interests and filed simultaneously, do not require multiple real estate sales validation questionnaires, provided the real estate sales validation questionnaire filed is annotated to state that the consideration entered thereon is the total consideration for the transfer of the entire interest. The register of deeds shall indicate in the upper left-hand corner of the real estate sales validation questionnaire the deed book and page number range assigned to the corresponding deeds.

8. A real estate sales validation questionnaire with the phrase "other valuable consideration" entered as the sales price shall not be accepted. It shall be returned for the sale price to be entered before the deed, instrument or affidavit may be recorded.
9. The Register of Deeds has a legal obligation to see that the real estate sales validation questionnaire is completed. At a minimum, this requires that each real estate sales validation questionnaire be scrutinized for completion of the identification and location information and all questions thereon.
10. A real estate sales validation questionnaire without every question answered, including the sale price, the signature and phone numbers entered is not "completed". Incomplete real estate sales validation questionnaires accompanied by the deed, other instrument transferring title to real estate or affidavit of equitable interest must be returned to the filer with notice that such deed, instrument or affidavit has not been recorded.
11. Phone numbers for both the buyer and the seller are required when the agent completes a real estate sales validation questionnaire.
12. The phrase "made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration," (K.S.A. 79-1437e) is explained as follows:

Confirm means "to support or establish the certainty or validity of; verify." The American Heritage Dictionary of the English Language, 386 (4th Edition, 2000).

Correct means "to remove errors from." Webster's II New Riverside University Dictionary, 314 (1984).

Modify means "To change in form or character; alter." The American Heritage Dictionary of the English Language, 1130 (4th Edition, 2000).

Supplement means "something added to offset a deficiency, or strengthen the whole; a section added to a document to provide additional data, or to correct errors." Webster's II New Riverside Dictionary, 1163 (1984).

The recurrent theme of these definitions is an incidental change, not a change in substance. In the case of a deed previously recorded, this would mean that the change does not change the grantor or the grantee (although, e.g., a change may be made in the spelling of the grantor or grantee's name). Whatever the change, the intent to convey the real property to a named person or entity is not changed. Also, there can be no additional consideration.
13. It is a misdemeanor to falsify the sale price of real estate transferred on a real estate sales validation questionnaire (K.S.A. 79-1437g). Any Register of Deeds or other county official who has information or suspects that a real estate sales validation questionnaire has been falsified shall notify the County Attorney or County Counselor for possible legal action.
14. Individuals may obtain photocopies of real estate sales validation questionnaires if they have statutory access to them (K.S.A. 79-1437f). K.S.A. 45-219(a) provides that any person may make abstracts or copies of any public record to which such person has access under the Open Records Act. Public officials may require advance payment of the actual cost of furnishing copies, including the cost of staff time, to make the information available. K.S.A. 45-218(f); K.S.A. 45-219(c)(1). (Also see *Att'y Gen. Op. No. 92-38*)

Financial institutions can also obtain copies of real estate sales validation questionnaires for conducting appraisals or evaluations that are being conducted pursuant to state and federal regulations.

The Internal Revenue Service (IRS) also has access to real estate sales validation questionnaires (*United States v. Martin, 542 F. Supp. 22 (1982)*).

15. Transfer on Death Deeds do not require the completion of the *Kansas Real Estate Sales Validation Questionnaire* because it does not actually transfer property at the time of filing.
16. Only those deeds to and from a trust and *without consideration* do not require a questionnaire be completed.
17. The Register of Deeds shall also comply with the Permanent Administrative Regulations promulgated by the Department of Revenue, Division of Property Valuation. Article 4 (Real Estate Ratio Study), 93-4-2 and 93-4-3 reference the duties of the Register of Deeds.

Approved: February 5, 2003
Date



Mark S. Beck
Director of Property Valuation.

Approval List for One-Part Sales Questionnaire Form

Search

Allen
Anderson
Atchison
Barber
Barton
Bourbon
Brown
Butler
Cherokee
Cheyenne
Clay
Cloud
Coffey
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Ellis
Finney
Ford
Franklin
Graham
Gray
Hamilton
Harvey
Haskell
Jackson
Jefferson
Johnson
Kearny
Kingman
Kiowa
Labette
Leavenworth
Linn
Lyon
Marion
Marshall
McPherson
Meade
Miami
Montgomery
Morris
Morton
Nemaha
Neosho
Ness
Osage
Ottawa
Pawnee
Pottawatomie
Pratt
Reno
Republic
Rice
Riley
Rooks
Rush
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Stafford
Sumner
Thomas
Trego
Wallace
Washington
Woodson
Wyandotte

Re