

## COMMON ERRORS TO AVOID

Please review the following “DOs” and “DON’Ts.” They represent common errors encountered by DCP staff in the course of reviewing legal instruments submitted by applicants. Failure to comply with the requirements set forth below may result in the need to re-execute and/or re-record the legal instrument as well as a delay in the issuance of any approval letter. DCP must receive for review and sign-off, prior to recordation, two original versions of the fully executed declaration, including exhibits.

1. **DO** check that the restrictive declaration is dated and, if there are placeholders for a date at the end of the declaration or within any exhibits, check that such placeholders have been filled in with the correct date(s).
2. **DO** make sure that the signatures to the instrument and the corresponding acknowledgements/notarizations are dated on or after the date of the instrument.
3. **DO** make sure that exhibits to a restrictive declaration, such as waivers and subordinations of a declaration, have been signed, dated and acknowledged/notarized, unless the declaration specifically indicates that only a form exhibit is attached.
4. **DON’T** accept waiver and subordination instruments from a party-in-interest if the acknowledgment date is earlier than the signatory date – a notary public cannot verify a signature before it is made! The same rule applies to restrictive declarations.
5. **DO** check that the CORRECT date of the restrictive declaration is referenced in all related waiver and subordination instruments, including those that are attached to and those that are recorded separately from the restrictive declaration.
6. **DO** check that the approved, signed and sealed drawings are attached to the restrictive declaration, if required, and make sure all pieces of any segmented drawings are included. If the names and dates of the drawings listed within the restrictive declaration are not consistent with the names and dates of the drawings attached as exhibits, resolve the discrepancy prior to execution.
7. **DO** attach metes and bounds descriptions to waiver and subordination instruments, including those that are attached to and those that are recorded separately from the restrictive declaration, if such exhibits are referenced therein.
8. **DON’T** attach a metes and bounds description to the restrictive declaration that conflicts with the survey or other dimensioned drawings submitted with the application. If the metes and bounds description conflicts with another document, resolve the discrepancy between the documents prior to execution.
9. **DON’T** attach multiple copies of the same exhibit to the restrictive declaration.
10. **DON’T** attach any exhibits that are not referenced in the body of the instrument.