

San Pasqual Band of Mission Indians
San Pasqual Housing & Community Development
Private Home Ownership Program Policies and Procedures Manual

Contract of Sales Agreement

I. General

- A. To describe the type of allowable contract of sales agreement (CSA) and the requirements to request a CSA.
- B. The home CSA will be entered into by and between the San Pasqual Band of Mission Indians Housing and Community Development Department (SPH&CD) and the homebuyer.
- C. CSA shall be limited to enrolled Tribal members or an approved direct decedent of the San Pasqual Band of Mission Indians.

II. Homebuyer Obligations

- A. The homebuyer will pay the purchase price of the home to the SPH&CD.
- B. A monthly payment structure will be implemented as the method of payment to the SPH&CD for the purchase price of the home.
 - 1. The monthly payment will be due on the agreed upon day of each month as outlined in the CSA.
 - 2. If the monthly payment is not received after the 10th day after the agreed upon date a late fee of \$50 will be charged.
 - 3. The monthly payment will be automatically deducted from the homebuyers monthly per capita check
- C. For each monthly payment made by the homebuyer, the purchase price of the home will be reduced in accordance with the Payback Agreement Amortization Schedule.
- D. The homebuyer may at any time prepay the full outstanding debt amount without penalty.
- E. The homebuyer will maintain the home in a decent, safe and sanitary condition. Homes shall be subject to annual inspection by SPH&CD designees and paid for by the homebuyer in three monthly installments.

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Fines shall be assessed for homes which have not been maintained in accordance with the CSA.

- F. The homebuyer will be responsible for all maintenance of the home, including all repairs and replacements necessitated by damage from any cause.
- G. Failure of the homebuyer to perform his/her maintenance obligations constitutes a breach of the CSA. The SPH&CD will require the homebuyer to agree to a specific plan of action to resolve the violation and to assure future compliance.
- H. The home shall be covered by fire and extended coverage insurance as required by SPH&CD in the amount consistent with the loan amount.
 - 1. In the event of loss of home, the homebuyer will immediately notify the SPH&CD and will provide proof of loss or cooperate with the SPH&CD in obtaining the information.
 - 2. Only the SPH&CD has authority to compromise with the insurer and attain a final settlement.
- I. The homebuyer may not sell, transfer or lease the home prior to payment in full of the CSA, without written consent by the SPH&CD and the sell, transfer or lease must be to either a tribal member of the San Pasqual Band of Mission Indians or a direct descendant
- J. In the event of a breach by the homebuyer of any of the provisions of the CSA the outstanding balance may become due and payable in full, at the discretion and notice by SPH&CD to the homebuyer.
- K. The SPH&CD may at any time notify the homebuyer of a present or past breach of the provisions of the CSA.
- L. If the homebuyer fails to comply with any of the obligations stated above, the CSA will be terminated and the SPH&CD will proceed with eviction.

III. Approval Process

- A. The SPH&CD will provide the tribal member or direct descendant requesting the CSA with the *CSA Application Form*.
- B. The tribal member or direct descendant will complete the *CSA Application Form* and submit it to the SPH&CD with the following documentation:

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1. Verification of all income
 2. Signature indicating understanding and agreement with all obligations of the homebuyer entering into a CSA.
- C. The Executive Director will review the application with the documentation submitted and approve or deny the CSA request.
- D. If the application is approved the Executive Director will determine the maximum dollar amount of the CSA subject to the following:
1. Availability of funds
 2. Compliance with this policy
- E. Upon approval by the Executive Director, the homebuyer and the Executive Director will sign the CSA and enter into contract.