

## **B.7 FREQUENTLY ASKED QUESTIONS**

### **A. May I divide my lot and sell a portion of it?**

To divide your lot and sell off a portion of it; you must obtain approval of a subdivision plat by Cameron County whether it is for residential or nonresidential uses. When platting a residential lot, you will generally be required to provide water and sewer service (or financial guarantee for them).

### **B. What if I meet an exception to the platting requirements?**

If your division of property meets an exception as stated in LGC §232.0015 or §232.002; Cameron County will issue a Determination Certificate for the entire division. A lot shall not be sold or transferred until Cameron County has determined the division does meet the exception.

### **C. May I lease my land without filling a plat?**

The State has defined a subdivision to be an area of land that has been subdivided into lots for sale or lease. Therefore you will need to submit a subdivision plat showing each lease space (i.e. all spaces to lease a house, mobile home or an RV will need to be platted).

### **D. May I legally sell my lot?**

The property you sell must be platted before you sell your lot or a determination certificate has been issued. Also, even a platted lot, if it lacks water and sewer service (or financial guarantee), you may not sell it unless (1) you reside on it and (2) you are not the subdivider or subdivider's agent.

Also note that sell means an offer to sale. A subdivider cannot offer a lot for sale or take a down payment to reserve a lot if the subdivision has not been recorded. Any offer to sell will constitute selling an illegally subdivided lot and the subdivider or subdivider's agent is subject to civil and criminal penalties stated in LGC §232.035 and §232.036.

### **E. Who is the Subdivider's Agent?**

Cameron County has determined an agent of a subdivider to be a surveyor or any other entities who have been contracted to represent the subdivider and that caused, allowed or permitted a lot of a subdivider to be sold.

**F. What can I do if I bought an illegally subdivided lot?**

Under LGC §232.038, you may bring suit against the subdivider in the district court to (1) declare the sale of the property void and require the subdivider to return the purchase price of property; and (2) recover from the subdivider (a) the market value of any permanent improvement you placed on the property (b) actual expenses incurred as a direct result of failure to provide adequate water and sewer facilities on residential lots (c) court fees and (e) reasonable attorney's fees.

You also can have the Attorney General of Texas or district attorney, criminal district attorney on behalf of the state or on behalf of residents to enjoin the violation or threatened violation of the LGC, Model Subdivision Rules and/or Cameron County Rules and Regulations.

**G. Can I subdivide my illegally subdivided lot?**

In order to comply with State regulations; the entire part of the tract the divided lot is out of will need to be platted. The buyer is urged to contact the original subdivider and have the division platted. If the buyer(s) would still like to create the subdivision, all the lots created by the subdivider will need to be included on the plat and all the new owners will need to acknowledge the plat.