

# APR Transfer Due Diligence Checklist

## Seller

1. Contact Taylor Arsenault, APR Stewardship Planner, to discuss potential sale:
  - Taylor.Arsenault@mass.gov
  - 617-655-3870
2. Determine if buyer is eligible (farmer, beginning farmer, non-profit with ag leasing purpose, etc.).
3. Review APR document for ROFR or OPAV<sup>1</sup> language. Either of these will affect the sale process.
4. Confirm your understanding of the APR boundary; contact Taylor Arsenault to determine if a survey exists
5. Do you have an advisor or attorney to help with the transfer? If not, it is advised that you engage one.
6. You may be contacted by your MDAR APR stewardship planner to ensure your APR is in compliance. NOTE: *You will not be able to transfer your property until violations are addressed.*
7. If there's a real estate listing, ensure that it states the property is subject to an APR and accurately represents any restrictions, such as those concerning dwellings and subdivision.
8. Ensure the sale price is based on agricultural value as required. See APR manual for reference.
9. Ensure the Purchase & Sale Agreement meets requirements:
  - Will not expire prior to the end of the ROFR/OPAV waiver decision deadline.
  - Apportions value of non-APR land separately.
  - Fully executed.

## Buyer

1. Contact Taylor Arsenault to discuss potential sale:
  - Taylor.Arsenault@mass.gov
  - 617-655-3870
2. Call APR program to discuss:
  - APR restrictions (including ROFR/OPAV requirements)
  - APR Compliance status
  - APR boundary/survey
  - Planned future uses
3. Check waiver eligibility requirements (are you a farmer, beginning farmer, non-profit with ag leasing purpose, etc.)
4. Do you have an advisor or attorney to help with the transfer? If not, it is advised that you engage one.
5. Ensure that sale price is based on agricultural value, as required in OPAV. See APR manual.
6. Ensure that Purchase & Sale Agreement meets requirements:
  - Will not expire prior to the end of the ROFR/OPAV waiver decision deadline.
  - Apportions value of non-APR land separately.
  - Fully executed.

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<sup>1</sup> ROFR – Right of First Refusal; OPAV – Option to Purchase at Agricultural Value