

\$150 REVIEW & PLANNING EXAMINATION FEE PAID: \_\_\_\_\_ BY: \_\_\_\_\_ DATE: \_\_\_\_\_

**LINCOLN COUNTY FAMILY TRANSFER / LANDOWNER STATEMENT**

*(One (1) form per parcel transfer & must accompany for survey to be filed)*

Township \_\_\_\_\_ N, Range \_\_\_\_\_ W, Section \_\_\_\_\_ Tract/Parcel \_\_\_\_\_

**1. GRANTOR NAME(S):** \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

**2. GRANTEE NAME(S):**

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Relationship to Grantor(s): \_\_\_\_\_

**Attach proof of relationship (ie: Birth or Marriage Certificate, Adoption Papers, Trust Papers for Minor Child)**

**3. SURVEYOR:** \_\_\_\_\_

Phone: \_\_\_\_\_

**4. REBUTTABLE PRESUMPTIONS**

- i. Any proposed use of the family gift or sale exemption to divide a tract that was previously created through the use of exemption will be presumed to be adopted for purposes of evading the MSPA.
- ii. The use of the family gift or sale exemption to divide tracts that were created as part of an overall development plan with such characteristics as common roads, utility easements, restrictive covenants, open space or common marketing or promotional plan raises a rebuttable presumption that the use of the exemption is adopted for purposes of evading the MSPA.
- iii. A transfer of a parcel of land by one family member to another, by quitclaim deed, followed by an attempted use of the exemption will result in the presumption the method of disposition is adopted for the purpose of evading the MSPA and these regulations.
- iv. The use of the exemption to create more than one additional or remaining parcel of less than 160 acres in size is presumed to be adopted for the purpose of evading the MSPA and these regulations.

**5. FAMILY CONVEYANCE EXEMPTION [Section 76-3-207 (1) (b), MCA]: Divisions of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection:**

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

**6. PURPOSE OF SURVEY AND OWNERS EXEMPTION; which is required on surface of survey**



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I/We, \_\_\_\_\_, certify that the use of the claimed exemption is not for the purpose of evading subdivision review of the Montana Subdivision and Platting Act and that it meets the Lincoln County criteria for determination of evasion of the Act.

Under penalties of perjury, I/We, \_\_\_\_\_, declare that I/we have examined this form, including the accompanying Certificate of Survey, and to the best of my/our knowledge and belief, it is true, correct, and complete and is in compliance with al Montana State laws and Lincoln County resolutions and the transfer of property will occur as represented.

\_\_\_\_\_  
Landowner Signature

\_\_\_\_\_  
Landowner Signature

**[Note: LANDOWNER(S) SIGNATURE(S) MANDATORY]**

STATE OF MONTANA    )  
  : ss.  
COUNTY OF LINCOLN    )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, a Notary Public for the State of Montana, personally appeared \_\_\_\_\_, known to me to the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to that he/she/they executed the same.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana

\_\_\_\_\_  
Print Name

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_

