



Lincoln County Planning Department

512 California Ave. | Libby, MT 59923

Website: <http://www.lincolncountymt.us/planning-home>

Email: lcplanning@libby.org Phone: 406-283-2456

NOTIFICATION AND SOLICITATION OF COMMENTS FROM GOVERNING BODY FOR COURT ORDER DIVISIONS [MCA 76-3-201 (1a)]

Montana Law allows for the division of land by order of any court of record in the State of Montana or by operation of law, or that, in the absence of agreement between the parties to sale, could be created by an order of any court in the state pursuant to the law of eminent domain. However, before a court of record orders a division of land, the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

The following are required with the submittal of a Court Order Survey (COS) to Planning:

\$400 Examination Fee (Check payable to Lincoln County)

Property Owner(s): (If more than 2, please attach additional sheet)

Name: _____ Occupation: _____
Address: _____ Phone: _____
City/State/Zip: _____ Email: _____

Name: _____ Occupation: _____
Address: _____ Phone: _____
City/State/Zip: _____ Email: _____

Surveyor/Representative:

Name: _____ Firm: _____
Address: _____ Phone: _____
City/State/Zip: _____ Email: _____

Parcel Description(s) of Existing Tracts

Physical Address: _____
Tax ID No: _____ GeoCode: _____
Section: _____ Township: _____ Range: _____
Other Legal Description: _____
How & When was parcel Created? (example: Occasional Sale COS 999, 10/2/2020)

Reasons/Justifications for Use of this Exemption

Intentions for uses of the property (List or discuss the property owners' intentions for the use of each resulting parcel. For example, will the parcel(s) be used for agriculture, commercial, residences, cemetery lots, a right-of-way, etc.):

Intentions for disposition (For example, is the intent to prepare tracts for sale, secure a construction loan, settle an estate or divorce, etc.):

Acknowledgement:

- BEFORE a court of record orders a division of land under 76-3-201(1)(a), MCA, the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division. Any person seeking an exemption through an order of a court shall move the court to issue notice to the governing body pursuant to 76-3-201.
*****County Requests that the Developer do Notification to Planning BEFORE it is submitted to Judge / District Court*****
- I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.
- I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Lincoln County Subdivision Regulations
- I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law(s) (76-3-301(3) & 45-7-203(1) MCA
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).

Signatures:

I/We, as Claimant(s), has/have read the foregoing Exemption Claim Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge.

Property Owner/Plaintiff Signature & Date

Property Owner/Defendant Signature & Date

Required Attachments

- Copies of recorded deeds documenting present ownership in affected parcels
- Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year
- Site plan (or draft certificate of survey) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and proposed structures. Show existing and proposed wells, sewer systems, and similar infrastructures.
- All documentation in support of the sanitation exemption(s), if applicable
- Copies of any existing permits for the development on the property