



**LINCOLN COUNTY PLANNING DEPARTMENT**

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**EXEMPTION APPLICATION  
for DIVISIONS OF LAND via COURT ORDER ONLY [MCA 76-3-201(1)(a)]**

This application is used for proposed divisions creating parcels via a Court Order [76-3-201], MCA and is subject to the evasion criteria detailed in the *Lincoln County Subdivision Regulations Chapter VI-C*.

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.

**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 (e.g. dispute, estate planning, etc.)**

**Intentions for uses of the property (Discuss the property owners' intentions for the use of each resulting parcel (e.g. 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 the applicants notify Planning BEFORE petition to 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**

- Two (2) paper copies of draft survey and closure report
- Copies of Petitions and Motions to the Court and Responses
- Copies of all deeds, contracts, restrictions, and covenants related to this property
- 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
- Examination Fee (Check payable to Lincoln County)