



LINCOLN COUNTY PLANNING DEPARTMENT

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EXEMPTION APPLICATION

for DIVISIONS CONVEYING PROPERTY TO AN IMMEDIATE FAMILY MEMBER [MCA 76-3-207(1)(b)]

This application is used for creating gift parcels to immediate family members and is subject to the evasion criteria detailed in the *Lincoln County Subdivision Regulations Chapter VI-D-2*

I. Claimant(s) (If more than two claimants, please attach additional sheets.)

Name: _____ Occupation: _____

Physical Address: _____ Phone: _____

Mailing Address: _____ Email: _____

Name: _____ Occupation: _____

Physical Address: _____ Phone: _____

Mailing Address: _____ Email: _____

II. Surveyor

Name: _____ Firm: _____

Address: _____ Phone: _____

Email: _____

III. Existing Parcel*

Physical Address (if Applicable): _____

Section: _____ Township: _____ Range: _____

Other Legal Description: _____

GeoCode: 56- _____

Parent Parcel History:

**if within a platted subdivision, the proposed new parcel must be of a size allowed by the covenants and the parcel must comply with original subdivision conditions of subdivision*

IV. Immediate Family Members *attach additional sheets, if necessary*

Recipient(s)	Relationship to Claimant	Age

V. Criteria / Justification

Intentions for use of the property: *(List or discuss the property owners' and recipients' intentions for the use of each parcel (including existing and proposed parcels).*

Are you or any of your immediate family real estate professionals, developers, builders, etc? Yes
 No

Have you made prior subdivision exemption claims on any property in Lincoln County? Yes No

Is your primary residence located on this parcel? Yes No

Do you own more than one parcel in Lincoln County? Yes No

Do you own this parcel free and clear? If not, tell us about your mortgage or other lending agreement? Yes No

Are you delinquent on payments for this property?

Yes No

Was the parcel created or affected by a previous exemption?

Yes No

Does the gifted parcel have legal access to it? (depict all easements on survey)

Yes No

Please describe any previous family transfers in which you or the intended recipients have been involved.

Have you or persons other than your immediate family expressed an interest in subdividing or purchasing a portion of your land? Yes No *(If yes please explain)*

Other than the intended disposition set forth in your application, is there any type of agreement, oral or written, regarding the creation, sale or development of the tracts involved in this division of land?

Yes No

VI. Required Attachment(s)

- Two (2) paper copies of draft survey and closure report
- DRAFT(s) of properly “to-be-executed” deed(s) for each transfer
- Copies of existing recorded deeds documenting present ownership in affected parcels
- If recipients are under age 18, attach documentation of trust, custodianship pursuant to the Montana Uniform Transfers to Minors Act, etc.
- Copies of proof of relationship (i.e., Birth Certificate, Marriage Certificate, Adoption Papers, etc.)
- If property owner has used the family transfer exemption in another county, please provide information regarding when and to whom a property was transferred
- Copies of proposed deed restrictions or covenants, if any.
- Check copy of survey must contain Certificate of Exemption *(See Procedures & Requirements for Family Transfer Exemption Claims)*
- Signed and notarized Affidavit of Family Transfer (see attached)

VII. Examination & Decision *(to be completed by Lincoln County Planning Dept. Only)*

This request for a Family Transfer has been reviewed and appears to **represent characteristics of Subdivision Evasion** thus requiring public review by the Lincoln Board County Commissioners on:

This request for a Family Transfer has been reviewed and has been found to **COMPLY with the criteria and requirements** and shall be considered under the exemption (76-3-207(1)(b) with the following conditions for approval and recording requirements:

Road Name / Road Sign / Address (per resolution 2020-22 – incumbent on property owner to secure)

Address (per resolution 2020-22 – incumbent on property owner to secure upon deed recording)

DEQ Approval

Other (compliance with original subdivision conditions / covenants:

Planning Department Signature

Date

Clerk & Recorder Signature

Date

Environmental Health Signature

Date

Address Tech Signature

Date

STATE OF MONTANA)
COUNTY OF LINCOLN)

AFFIDAVIT OF FAMILY TRANSFER

I _____ (Applicant) state the following under oath:

1. I understand that this Affidavit seeks approval of the use of an exemption to subdivision review to divide property.
2. I am not using this subdivision exemption process in an attempt to evade the subdivision review process and recognize that I/we may be subject to penalties if my/our actions are deemed to be an effort to evade subdivision review, as set forth in Montana law.
3. I declare there is no plan for the family member to dispossess themselves of title or beneficial interest in the property for two years.
4. I understand that this exemption is not being reviewed for adequate physical and legal access by all vehicles in all weather.
5. I declare that the recipient is a spouse, or a parent or child by blood or adoption.
6. Under penalty of perjury, I declare that I have examined this form including any accompanying documents, and to the best of my knowledge and belief, it is true, correct, complete, and in compliance with all Montana State Laws and the transfer of property will occur as represented.

Property Owner's/Claimant's Signature

Date

Property Owner's/Claimant's Signature

Date

STATE OF MONTANA)
COUNTY OF)

This instrument was signed and sworn to before me on
by

(Name of Signer)

(S E A L)

Notary Signature