



SUBDIVISION EXEMPTION CLAIM APPLICATION /AFFIDAVIT

Amount Received: _____ Check # _____
Approved: Yes _____ No _____

THERE IS A \$200 NON-REFUNDABLE FEE PER EXEMPTION APPLICATION IN ADDITION TO THE \$100 EXAMINING SURVEYOR FEE.

1) CLAIMANT(S)

Name(s): _____ Phone: _____ Email: _____
Mailing Address: _____ Zip Code: _____

Name(s): _____ Phone: _____ Email: _____
Mailing Address: _____ Zip Code: _____

2) DESIGNATED REPRESENTATIVE I (we) designate

Name/Business: _____ Phone: _____
Mailing Address: _____ Zip Code: _____ Email: _____
as my(our) representative for the purpose of this application.

3) PARCEL DESCRIPTION

Physical Address: _____ Geocode: _____
S/T/R: _____ COS: _____ Subdivision: _____
Parcels Owner if different than Claimant: _____
(attach additional sheets if needed)

4) PARCEL HISTORY

How and when the parcel was created _____
If created as a result of an exempt division that occurred after July 1, 1973 provide the division history of the affected tract(s) and attach documents.

EXEMPTION	DATE	COS/ DEED/AMENDED PLAT
_____	_____	_____
_____	_____	_____
_____	_____	_____

5) CLAIMANT HISTORY

Has the claimant divided other property in Sanders County by exemption after July 1, 1973? Attach documents.

EXEMPTION	DATE	COS OR DEED REFERENCE	NAME & RELATIONSHIP (IF FT)
_____	_____	_____	_____
_____	_____	_____	_____

6) TYPE OF EXEMPTION *“A certificate of survey must be legibly drawn with permanent black ink or printed or reproduced by a process guaranteeing a permanent record and must be 18 inches by 24 inches” ARM 24.183.1104 (1)*

- ___ Mortgage Exemption Lending Agency _____
- ___ Relocation of Common Boundary outside a platted subdivision
- ___ Relocation of Common Boundary between a single lot within a platted subdivision and adjoining land outside a platted subdivision
- ___ Relocation of Common Boundary for 5 or fewer lots in a platted subdivision Number of Lots ___
- ___ Family Conveyance by outside subdivision ___ Certificate of Survey ___ Deed
- ___ Family conveyance inside subdivision ___ Certificate of Survey ___ Deed
- ___ Aggregation of Lots or Parcels by ___ Certificate of Survey ___ Deed
- ___ Agricultural Use by ___ Certificate of Survey ___ Deed
- ___ Court Ordered by ___ Certificate of Survey ___ Deed
- ___ Public Utility Site/Rights-of-Way by ___ Certificate of Survey ___ Deed
- ___ Retracement ___ Other _____

**Attach Current deeds/easements/parcel mapped on plat book section page/
supporting documents/restrictions/covenants**

7) REQUIRED DOCUMENTATION

MORTGAGE

Once the security has been satisfied, the boundaries delineating the exempt parcel must be extinguished by including a statement on the security instrument and subsequent release that the security parcel does not exist as a transferable tact of record unless foreclosed upon.

Institution Statement

- Attach a signed notarized statement from the licensed financial institution certifying the following:
 - That the lending agency is registered to do business in the State of Montana
 - That the interest is being created only to secure a mortgage, lien or trust indenture for the purposes of construction, improvements to the land being divided or refinancing; and
 - That the creating of the exempted parcel is necessary to secure a loan for construction or improvements on the exempted parcel.

Landowner Statement

- Attached a signed, notarized statement from the landowner(s) certifying the following:
 - That the landowners will retain title to the entire tract of record unless and until such time as the mortgage exemption parcel is foreclosed upon;
 - That transfer of ownership of the separate mortgage tract will only occur upon foreclosure;
 - That the landowner will not transfer ownership of the remaining portion unless the mortgage exemption parcel has been foreclosed upon, or the landowner has submitted a subdivision application and received final plat approval for the subdivision of the mortgage exemption parcel and the remaining portion; and
 - That the purpose of the mortgage, lien, or trust indenture is for construction, or improvements to the land being divided, or refinancing.

CEMETERY LOT

Floodplain regulations prohibit burial of human remains in the designated floodplain; therefore, burial plots must be located outside of the designated floodplain.

- Attach a signed, notarized statement from the landowner(s) that demonstrates that not a division or creation of new tracts.

FAMILY CONVEYANCE

This exemption may not be used when the land is owned by non-corporeal legal entities such as corporations, companies, partnerships and trusts. A parcel may not be transferred or otherwise conveyed for 2 years after the date of division unless a variance has been granted by the governing body due to hardship situations.

- Attach proof of relationship such as birth certificate, adoption papers, marriage license etc.

<u>Recipient</u>	<u>Relationship</u>	<u>Age</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- If recipients are under age 18, attach documentation of trust, custodianship pursuant to the Montana Uniform Transfers to Minors Act.
- Does the claimant intend to transfer property in the future to any remaining immediate family member? Yes No Unknown at this time
- Attach a signed, notarized statement from the landowner(s) verifying that the division will not result in more than one gift or sale of a tract to any family member on the landowner’s immediate family in Sanders County.

AGRICULTURAL LEASE

- Attach a signed, notarized statement from the landowner(s) that limits the use of the proposed parcel exclusively to agricultural lease or rent.

UTILITY SITE

- Attach documentation that the utility utilizing the site meets the definition of public utility in 76-3-103(14) MCA.
- Attach the landowner agreement to sell or lease the land to a qualifying utility or proof of eminent domain authority by the utility utilizing the utility lot.
- Attach a signed, notarized statement from the utility stating the purpose of the utility site and acknowledging under 76-3-201 MCA that any subsequent change in the use to residential, commercial or industrial subjects the division to review under the MSPA.

CONDOMINIUMS, TOWNHOUSES, AND TOWNHOMES

- Attach evidence that the tract to be divided exists as a tract subdivided in compliance with the subdivision regulations.
 - Attach a copy of the filed plat or final plan approval documenting the land proposed for this exemption was approved as a subdivision and contemplated condominiums, townhouses, and/or townhomes and evidence of compliance with parkland dedication requirements.
 - Attach the proposed site development plan.
 - Attach the declaration of condominium or townhouse ownership to be filed with the Sanders County Clerk and Recorder.

AIRPORT LAND

- Attach a map showing the location related to airport lands and uses, and current ownership including but not limited to land owned by the city, county, state or a regional airport authority.
- Attach the draft agreement between the lessee and the managing entity of the airport to lease or rent the proposed parcel for a use that is permitted by this exemption.

AGRICULTURAL EXEMPTION

Only agricultural buildings not requiring water or wastewater are permitted on tracts created by this exemption

Has the claimant ever used or revoked an agricultural exemption? Yes No

Does the claimant intend to transfer the agricultural tract or remaining tract to someone else? Yes No

- Provide documentation of valid agricultural use
- Attach a draft of the covenant

COURT ORDERED

- Attach a copy of the court order
- in the case of an agreement between a landowner and a public agency with the authority to declare eminent domain, attach a statement from the agency documenting the agency's plans for acquiring the tract and the authority for eminent domain, and the written agreement between the parties.

AFFIDAVIT

I/We understand that this Affidavit seeks approval of the use of an exemption to subdivision review to divide property. I/We are 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.

I/We understand that approval of the use of the exemption does not mean the division is approved for floodplain, wastewater, water health code compliance. Furthermore, I/we understand that this exemption is not being reviewed for adequate physical and legal access by all vehicles in all weather.

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

Claimant's Agent

Claimant

License No., if applicable

Claimant

Claimant

STATE OF _____)

County of _____)

On this ____ day of _____, _____ before me, the undersigned, a Notary Public personally appeared

_____ (Claimants) known to me to be those

whose name is subscribed to this instrument and acknowledged to me that they executed the same.

Notary Public for the State of Montana