



Lincoln County Planning Department
Website: <http://www.lincolncountymt.us/planning-home>



Planning: 406-283-2444 Addressing: 406-283-2464

Lincoln County Family Transfer Exemption Application

Please Note: Incomplete Applications will not be approved

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 *(if more than 1, please attach addition sheets)*

Physical Address *(if Applicable)*: _____

Section: _____ Township: _____ Range: _____

Other Legal Description: _____

GeoCode: 56- _____

Provide Parent Parcel History:

Has A Subdivision Application Ever Been Denied?

Yes *(explain below)*

No

IV. Immediate Family Members (if more than 5 attach additional sheet)

Recipient(s)	Relationship to Claimant	Age

- Attach copies of all deeds, contracts, restrictions and covenants related to this property recorded within the past year
- If recipients are under age 18, attach documentation of trust, custodianship pursuant to the Montana Uniform Transfers to Minors Act, etc.

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, new, and remaining parcels). For example, will the parcel(s) be used for agriculture, residences, etc.?)

Intentions for disposition (for example, is the intent so the recipient can build a home or business, for estate planning, to create tracts for sale, etc.?):

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

Why are you proposing this division of land?

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

Are you delinquent at all with regard to the payments for this property?
 Yes No

Was the parcel created or affected by a previous exemption?

Yes No

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

Have you (or a recent owner) previously expressed an interest in subdividing the parcel? Yes No *(If yes, explain why didn't you (or the recent owner) pursue subdivision below)*

Have you previously attempted to sell any portion of this parcel?

Yes No

When and why did you attempt to sell it?

When and why did you decide not to sell it?

Are any persons other than your immediate family members interested in purchasing or developing any of the tracts involved in this division of land?
Yes No

Have you, or your immediate family members, had any discussion with a person interested in purchasing a portion of your land? Yes No

Other than the intended disposition set forth in your application on file with the Planning Department, 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)

Submit the original, signed application (with applicable review fee) and a plat check copy with the following information:

Copies of existing recorded deeds documenting present ownership in affected parcels

Copies of proof of relationship (i.e., Birth Certificate, Marriage Certificate, Adoption Papers, etc.)

If property owner has used the family transfer exemption in Lincoln County, please provide information regarding when and to whom a property was transferred

Copies of existing and proposed deed restrictions or covenants, if any.

Check plat must have Certificate of Exemption (*See Procedures & Requirements for Family Transfer Exemption Claims*)

VII. Acknowledgement

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:

- 76-3-301 (3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the County Attorney shall commence action* to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. (**The cost of such action shall be imposed against the party not prevailing.*)
- Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.

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).

I/We also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:

- a) Makes any written false statement that the person does not believe to be true;
- b) Purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
- c) Submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or

VIII. Signatures / Affidavit

I/We, as Claimant(s), has/have read the foregoing Family Transfer Exemption Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge, and do not intend to create said parcels for a quick sale under the criteria of evasion of Subdivision Regulations

Property Owner's/Claimant's Signature

Date

Property Owner's/Claimant's Signature

Date

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

This request for a Family Transfer has been reviewed by the Lincoln County Planning Department and the COS Review Committee and has found that it **shows characteristics of Subdivision Evasion** and will require public review by the Lincoln Board County Commissioners on: _____

This request for a Family Transfer has been reviewed by the Lincoln County Planning Department and the COS Review Committee and has found that it **COMPLIES 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:

Road Name & Road Sign (per resolution 968 & approved by Planning Dept.);

Other: _____

Planning Department Signature

Date

Clerk & Recorder Signature

Date

Environmental Health Signature

Date

Address Tech Signature

Date