

1) **Example Certification of Exemption Family Gift or Sale**

**Certificate of Exemption
(Family Gift or Sale)**

I (We) hereby certify that the purpose of this division of land is to transfer Tract _____ as shown on this certificate of survey to *(name of grantee)*, my (father) (mother) (daughter) (son) (wife) (husband). I certify that is the single (only) gift or sale I have made to the aforementioned immediate family member in the County of _____ for the purpose of this exemption. Furthermore, I certify that I am entitled to use this exemption and I am in compliance with all conditions imposed by law and regulation on this use of this exemption. Therefore, this division of land is exempt from review as a subdivision pursuant to section 76-3-207(1)(b), MCA.

Dated this _____ day of _____, 20____.

(Name landowner)

Acknowledgement and notarized is required.

2) **Example Certification of Exemption Agricultural**

**Certificate of Exemption
(For Agricultural Purposes)**

I (We) certify that the purpose of this survey is to create a parcel of land to be used exclusively for agricultural purposes, and that a covenant has been entered into by the parties to the transaction, running with the land and revocable only by mutual consent of the governing body and the property owner that will require subdivision review of the parcel, that the land will be used exclusively for agricultural purposes, and this survey is, therefore, exempt from review as a subdivision pursuant to section 76-3-207(1)(c), MCA.

Dated this _____ day of _____, 20____.

(Name of landowner)

Acknowledgement and notarized is required.

3) **Example Acceptance of Agricultural Covenant Exemption**

This declaration, made this ____ day of _____, 20____, by (Name of Property Owner(s)), hereinafter referred to as the "Declarant(s);

That whereas, Declarant is the owner of certain property described as tract(s) _____, certificate of survey number ____ on file and record in the office of the Clerk and Recorder of _____ County, Montana.

Now, therefore, Declarant hereby declares that the parcel(s) described above shall be held, sold, and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or any part

thereof, their heirs, executors, successors, administrators, and assignees, and shall bind each owner thereof. This covenant may be revoked by the governing body after receiving final subdivision approval. The governing body is deemed to be party to and may enforce this covenant.

The parcel(s) described above shall be used exclusively for agricultural purposes and no building, house, dwelling, or structure requiring sanitary restrictions imposed under Title 76, Chapter 4.

IN WITNESS WHEREOF, the undersigned, being the Declarant(s), herein, has (have) hereunto set his (her) (their) hand(s) this _____ day of _____, 20____.

Dated this _____ day of _____, 20____.

Landowner (Print Name of Landowner)

State of Montana)

: County of _____)

On this _____ day of _____, 20____, before me, a Notary Public for the State of Montana, personally appeared, _____,

_____, and _____, members of the _____ County Commission, and _____, County Clerk & Recorder, known to me to be the persons whose names are subscribed to the within instrument and acknowledge to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notary seal the day and year first above written.

(seal)

Print Name:

Notary Public for the State of Montana

Residing in:

My commission expires: County Commission

Chairperson

Commissioner

Commissioner

Attest

County Clerk & Recorder

4) Example Certificate of Exemption Relocation of Common Boundary

I (We) certify that the purpose of this survey is to relocate common boundary line between adjoining properties outside a platted subdivision (or inside a platted subdivision) (or between a single lot within a platted subdivision and adjoining land outside a platted subdivision) and that no additional parcels are hereby created. Therefore, this survey is exempt from review as a subdivision 76-3-207(1)(a), (d), or (e) MCA.

Dated this _____ day of _____, 20____.

(Name of Property Owner(s))

Acknowledgement and notary are required.

5) Example Certificate of Exemption Aggregation of Lots

I (We) certify that the purpose of this survey is to aggregate existing lots within a within a platted subdivision, that fewer than six lots are affected, and that no additional parcels are hereby created. Therefore, this survey is exempt from review as a subdivision pursuant to section 76-3-207(1)(f) MCA.

Dated this _____ day of _____, 20____.

(Name of Property Owner(s))

Acknowledgement and notary are required.

6) Example Certificate of Exemption Mortgage Security, Lien or Trust Indenture

I (We) hereby certify that the purpose of this survey is to create a parcel of land to provide security for mortgage or loan purposes and that this exemption complies with all conditions imposed on its use, Therefore, this survey is exempt from review as a subdivision pursuant to Section 76-3-201 (1)(b) MCA.

Dated this _____ day of _____, 20____.

(Name of Property Owner(s))

Acknowledgement and notary are required.

7) Example Certificate of Exemption Rights-of-Way or Utility Site

I (We) certify that the purpose of this survey is to create a parcel for a _____ utility sites and therefore this survey is exempt from review as a subdivision pursuant to section 76-3-201(1)(h) MCA. Furthermore, I (We) certify that a change in the use of land to residential, commercial or industrial is subject to the requirements of subdivision review.

Dated this _____ day of _____, 20____.

(Name of landowner(s))

Acknowledgement and notary are required.

8) Example Certificate of Exemption Approval by Governing Body

The County Commission of Beaverhead County, Montana hereby certifies that the Commission has examined the _____ (INSERT TYPE OF EXEMPTION USED) _____ Certificate of Survey and found it to be exempt from subdivision review.

Dated this _____ day of _____, 20____. Attested by:

NAME
Commission Chair

NAME
County Clerk & Recorder

9) Example Certificate of County Treasurer

I hereby certify, pursuant to Section 76-3-207(3), MCA, that all real property taxes assessed and levied on the land shown hereon have been paid.

Dated this _____ day of _____, 20____.

Assessor No.

(Seal) _____
(Signature of County Treasurer) Treasurer,

10) Example Certificate of County Sanitarian

I do hereby certify that the survey shown here has been examined and determined to be in compliance with the Montana Sanitation in Subdivisions Act, and applicable A.R.M.

Dated this _____ day of _____, 20____.

Registered Sanitarian, Beaverhead County

11) Example Clerk and Recorder Certification

I, _____, Clerk and Recorder of Beaverhead County, Montana, do hereby certify that the foregoing instrument was filed in my office on this _____ day of _____, 20____, at _____ in the records of the Clerk and Recorder, Beaverhead County, Montana.

Clerk and Recorder

By: _____
Deputy

12) Example County Planner Certification

I do hereby certify, that the survey shown here has been examined and determined to be in compliance with the Beaverhead County Subdivision Regulations and the Montana Subdivision and Platting Act.

Dated this _____ day of _____, 20__.

Beaverhead County Planner

13) Example Legal Description

(Lot, Parcel, Tract _____), of (Name of Subdivision, Certificate of Survey Number _____), filed for record in the Clerk and Recorder’s Office on (Month, Day, Year) at (time of filing), Document Number (_____) and being a tract of land located in the (quarter section, quarter-quarter section) of Section ____, Township (____), Range (____), Beaverhead County, Montana Principal Meridian.

14) Example Agricultural Covenant Removal

COMES NOW _____, owners of the following described real property, hereinafter called Owners, and the County Commission of _____ County, Montana, hereinafter called Governing Body.

WHEREAS the Owners are the record title holders of Tract _____ of Certificate of Survey No. _____, filed as Document No. _____ in the office of the Clerk and Recorder of _____ County, Montana; and

WHEREAS Tract _____ of Certificate of Survey No. _____ is situated in the _____ (1/4,1/2) of Section _____, Township _____ N, Range _____ E, P.M.M., _____ County, Montana; and

WHEREAS, said Certificate of Survey contains the following Agricultural Covenant:

[Insert covenant from Certificate of Survey]; and

WHEREAS, said Certificate of Survey and Agricultural Covenant is signed by the Owners herein or the predecessors in interests; and

WHEREAS the Owners and Governing Body now wish to remove the Agricultural Exemption Covenant for the purpose of changing the use of said property after the Tract has gone through subdivision review [as the Tract has been aggregated back into the original tract of record] [as the Tract has been for the use of a public or governmental entity and has been through a public hearing and the determination made to remove the Agricultural Covenant].

NOW, THEREFORE, the parties herein agree that the Covenant to use Tract _____ in Certificate of Survey _____ exclusively for agricultural purposes is hereby revoked and the following conditions are imposed on the Tract:

1. [final plat for the review of the Tract as a subdivision must be completed].
2. [the Tract must be used exclusively by a governmental or public entity for the following purposes _____].

Dated this _____ day of _____, 20____.

Name, Owners

Name, Chair of County Commission for County