

**SUBDIVISION EXEMPTION APPLICATION**

City of Three Forks  
P.O. Box 187, Three Forks, MT 59752  
Phone/Fax: (406) 285-3431

Date \_\_\_\_\_

**Applicant(s)** (If more than two applicants, please attach additional sheets)

Name \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address of Applicant #1 \_\_\_\_\_

Occupation \_\_\_\_\_ Email Address \_\_\_\_\_

Name \_\_\_\_\_ Phone # \_\_\_\_\_

Mailing Address of Applicant #2 \_\_\_\_\_

Occupation \_\_\_\_\_ Email Address \_\_\_\_\_

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**Surveyor**

Name \_\_\_\_\_ Firm \_\_\_\_\_

Address \_\_\_\_\_ Phone # \_\_\_\_\_

Email \_\_\_\_\_

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**Subject Property** (If more than two parcels, please attach additional sheets)

Legal Description of 1<sup>st</sup> parcel: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Physical Address \_\_\_\_\_ Zoning Designation \_\_\_\_\_

1. How, and when, was the parcel created? \_\_\_\_\_

2. Has a subdivision application for the parcel been withdrawn or denied? Yes / No

Legal Description of 2<sup>nd</sup> parcel: Lot(s) \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

Physical Address \_\_\_\_\_ Zoning Designation \_\_\_\_\_

1. How, and when, was the parcel created? \_\_\_\_\_

2. Has a subdivision application for the parcel been withdrawn or denied? Yes / No

**Type of Exemption and Reason/Justification**

**Gift or Sale to Immediate Family Member** (“Family Transfer”)

Recipient	Relationship	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.
- Date Claimant(s) became sole owner(s) of parcel to be divided \_\_\_\_\_

**Relocation of Common Boundary Lines Outside or Adjoining a Platted Subdivision**

Describe and provide documentation showing the need or reason for the relocation:  
(Attach supporting documentation such as an aerial photo or well drawn site plan.)

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If claim is for Relocation of Common Boundary Lines provide documentation showing the need or reason for the relocation:

- Aerial photo
- Site plan
- Surveyor error
- Structure encroachment
- Enhancement of the configuration of the property
- Other (please describe): \_\_\_\_\_

**Lot Aggregation/Relocation of Common Boundary Lines Within a Platted Subdivision**

Describe and provide documentation showing the need or reason for the relocation:  
(Attach supporting documentation such as an aerial photo or well drawn site plan.)

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If claim is for Relocation of Common Boundary Lines provide documentation showing the need or reason for the relocation:

- Aerial photo
- Site plan
- Surveyor error
- Structure encroachment
- Enhancement of the configuration of the property
- Other (please describe): \_\_\_\_\_

**Agricultural Exemption**

(Covenant running with the land, revocable only by mutual consent of the City Council and the property owner, that the land will be used exclusively for agricultural purposes. No structure requiring water or sewer facilities shall be utilized on this parcel.)

Description of current and proposed agricultural use: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Security for Construction (“Mortgage Survey”)**

Attach signed and notarized statement from lending institution confirming that the exempt parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.

**Other** (Reason/Justification):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Intentions for Use**

Applicants’ and recipients’ intentions for the use of each parcel (including existing, new and remainder parcels). (i.e. Will the parcel be used for agriculture, residences, etc.?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**Intentions for Disposition**

Applicants’ and recipients’ long term and short term intentions for the disposition of each parcel (including existing, new and remainder parcels). (i.e. After this transaction is finalized, will the parcel(s) be retained by the recipient, sold, gifts, etc.?)

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**Required Attachments for all Exemption Types**

- Application for Certificate of Survey to Include:
  - Ten paper copies (two for staff, one for mayor, six for Council, one for public copy)
  - Two (or more) mylar copies with all required certificates including:
    - Surveyor’s certificate (signed)
    - Applicants’ Certificates of Exemption (signed and notarized)
    - Clerk & Recorder’s certificate
    - County Treasurer’s certificate (signed)
    - City Council certificate
  - Digital Copy of Plat (to be provided to the County GIS Department to update map)
  - Copies of recorded deeds documenting present ownership of all affected parcels.

- Copies of proposed deeds for exchange of ownership, if any exchange is proposed.
- Copies of proposed deed restrictions or covenants, if any (agricultural exemptions)
- If parcel is in a Zoning District, please include a site plan showing all existing and proposed structure in location to existing and proposed property lines.

*\*If claim involves a parcel that was created as a railroad or road "parcel" also include a copy of the deeds and instruments that originally established the railroad or road "parcel".*

## Floodplain Requirements

If property is located in flood zone AE, a Flood Permit must be submitted and approved prior to any man made changes in the flood zone. This may take up to 60 days.  
 Preliminary Elevation Certificate Attached \_\_\_\_\_ (as applicable)

### ACKNOWLEDGEMENTS

1. I 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.
2. I affirm that this exemption claim/application is not an attempt to evade the Montana Subdivision and Platting Act.
3. I recognize that I may be subject to penalty if my actions are deemed to be an effort to evade subdivision review, as set forth in the Montana Code Annotated:
  - a. 76-3-301(3) If transfers not in accordance with this chapter are made, the county attorney shall commence action to enjoin further sales or transfers and compel compliance with all provisions of this chapter. The cost of the action must be imposed against the party not prevailing.
  - b. 76-3-105 Violations. Any person who violates any provision of this chapter 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.
  - c. 45-7-201 Perjury. (1) A person commits the offense of perjury if in any official proceeding the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the statement is material.
    - (2) A person convicted of perjury shall be punished by imprisonment in the state prison for any term not to exceed 10 years or be punished by a fine of not more than \$50,000, or both.
    - (3) Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification to be immaterial. Whether a falsification is material in a given factual situation is a question of law.
    - (4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon

oath or affirmation at any time when the offender presents it as being so verified must be considered to have been sworn or affirmed.

- (5) A person may not be guilty of an offense under this section if the person retracted the falsification in the course of the proceeding in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially affected the proceeding.
- (6) When the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In that case, it is not necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.
- (7) A person may not be convicted of an offense under this section when proof of falsity rests solely upon the testimony of a single person other than the defendant.

d. **45-7-202 False swearing.**

(1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

- (a) the falsification occurs in an official proceeding;
- (b) the falsification is purposely made to mislead a public servant in performing an official function; or
- (c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of **45-7-201** apply to this section.

(3) Except as provided in **13-35-240**, a person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

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**Affidavit**

\_\_\_\_\_, Applicant/Claimant(s), being first duly sworn upon oath, deposes and says as follows:

I, as Claimant, have read the foregoing Subdivision Exemption Claim Application and affirm that it is true and correct.

\_\_\_\_\_  
Applicant/Claimant Signature

\_\_\_\_\_  
Date

State of \_\_\_\_\_

County of \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(seal)

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My commission expires \_\_\_\_\_