



Planning Department

130 6TH STREET WEST
ROOM A
COLUMBIA FALLS, MT 59912

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APPLICATION EXEMPTION FROM THE MSPA

FEE ATTACHED: _____

SEE FEE SHEET

Please submit 2 drawings

One (11½ x 17) for our file copy

APPLICANTS NAME AND CONTACT INFORMATION:

OWNER (S) OF RECORD:

Name _____ Phone _____

Mailing Address _____

City _____ State _____ Zip _____

TECHNICAL/PROFESSIONAL PARTICIPANTS (Surveyor/Designer/Engineer, etc.):

Name & Address _____

LEGAL DESCRIPTION OF PROPERTY:

City/County _____

Street Address _____

Assessor's Tract No.(s) _____ Lot No(s) _____

1/4 Sec _____ Section _____ Township _____ Range _____

TYPE OF EXEMPTION SOUGHT:

- ☐ Exemption As A Gift Or Sale To A Member Of The Immediate Family [76-3-207(1)(b), MCA]
- ☐ Exemption To Provide Security For Construction Mortgages, Liens, Or Trust Indentures [76-3-201(1)(b), MCA]
- ☐ Exemption For Agricultural Purposes [76-3-207(1)(c), MCA]
- ☐ Exemption For Certain Condominiums [76-3-203(1)(2), MCA]
- ☐ Relocation Of Common Boundary [76-3-207(1)(a), MCA]

Required Submittal For Gift Or Sale To A Member Of The Immediate Family:

- the name of the grantee,
- relationship to the landowner,
- the parcel to be conveyed under this exemption,
- the landowner's certification of compliance,
- evidence of, and an affidavit affirming, entitlement to the claimed exemption,
- the certificate of survey or instrument of conveyance

- deed or other conveying document.
- Certification from the County Treasurer that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.
- Certification from the Flathead County Clerk or a licensed title company, that the tract of this request has not been subdivided or created by a subdivision under MCA 76-3 or has not resulted from a tract of record that has had more than five parcels created from that tract of record under MCA 76-3-201 or 76-3-207 since July 1, 1973.

Required Submittal For Security For Construction Mortgages, Liens, Or Trust Indentures

- a statement of how many parcels within the original tract will be created by use of the exemption;
- the deed, trust indenture or mortgage for the exempt parcel (which states that the tract of land is being created only to secure a construction mortgage, lien or trust indenture);
- a statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted parcel is conveyed; and
- a signed statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.

Required Submittal For Agricultural Purposes

The parties to the transaction must enter into a covenant running with the land and revocable only by mutual consent of the county commissioners and the property owner that the divided land will be used exclusively for agricultural purposes. The covenant must be signed by the property owner, the buyer, and the county commissioners.

Required Submittal For Relocation Of Common Boundary

Certificates of survey claiming this exemption must clearly distinguish between the existing boundary location and, in case of a relocation, the new boundary. This must be accomplished by representing the existing boundary with a dashed line and the new boundary, if applicable, with a solid line. The appropriate certification must be included on the certificate of survey.

Non-Rebuttable Presumption For Patterns Of Development

Exempt divisions of land that would result in a pattern of development equivalent to a subdivision shall be deemed to be adopted for purposes of evading the Act. A “pattern of development” occurs whenever 3 or more parcels of less than 160 acres with common covenants or facilities have been divided from the original tract by the same party or related parties.

Certification

I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as a part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be untrue, I understand that any approval based thereon may be rescinded, and other appropriate action taken.

(Applicant)

(Date)