

STATE OF MONTANA            )  
COUNTY OF \_\_\_\_\_)

**AFFIDAVIT OF FAMILY TRANSFER  
DIVISION OF LAND**

I \_\_\_\_\_ (Applicant) state the following under oath:

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

2. I am 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.

3. I understand that approval of the use of the exemption does not mean the division is approved for zoning compliance (except for parcel size allowed under section 76-3-207, MCA), building permits, floodplain, septic systems, health code compliance, or compliance with other applicable regulations or availability of public services.

4. I understand that this exemption is not being reviewed for adequate physical and legal access by all vehicles in all weather.

5. I declare that there is no plan for the family member to dispossess themselves of title or beneficial interest in the property for a period of two years. It is understood that a transfer cannot happen prior to that without written approval from the governing body.

6. I declare that the recipient is a spouse, or a parent or child by blood or adoption.

7. I declare that the recipient has never received another parcel through family transfer by me in this county.

8. I declare that my primary source of income does not come from commercial or residential development of land.

9. I declare that I have not previously attempted to subdivide the subject parcel, nor has the proposed decision of land previously been denied under another exemption.

10. I declare that I have not had any communications with a realtor regarding the potential sale/re-sale of the family transfer parcel that is to be created.

11. I declare that I did not receive this parcel through a family transfer process from the recipient.

12. I understand that I must submit accompanying documents as required by section 76-3-207, MCA, as a part of the examination by the governing body.

13. I understand that the governing body must approve the use of this exemption unless it proves, through documented and credible evidence, that my intent is to evade subdivision review.

14. I understand that I may not be required to appear before the governing body during the examination of this exemption.

15. Under penalty of perjury, I declare that I have examined this form including any accompanying documents, and to the best of my knowledge and belief, it is true, correct, complete, and in compliance with all Montana State Laws and the transfer of property will occur as represented.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Applicant

STATE OF MONTANA            )  
COUNTY OF \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned Notary Public,  
personally appeared \_\_\_\_\_ (Applicant) known to  
me to be the one whose name is subscribed to this instrument and acknowledge to me that they  
executed the same.

(S E A L)

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

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

My Commission expires \_\_\_\_\_.