

**Certificate of Survey Exemption Affidavit  
Broadwater County**

**Gift or Sale to Immediate Family Member  
Section 76-3-207(1)(b), MCA.**

When a landowner requests to be exempt from the Subdivision and Platting Act, state law requires Broadwater County determine whether the request is an attempt by the property owner to evade subdivision regulation. Broadwater County will use the information provided by the applicant in this affidavit as well as other evidence when making its determination.

*Please complete both sides of this application. Every owner of the property (owners of record) must sign this affidavit. Use additional sheets of paper if necessary.*

**A. Name of Landowners:**

John Charles Rose Phone: 406-266-3049

\_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_\_ Phone: \_\_\_\_\_

**B. Number of Parcels Proposed:** 1

**C. Size of Each Parcel Proposed:** 5.32, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

**D. Name and Relationship to Landowner of Family Member(s) Receiving Gift Parcel(s)**

Name Jacob Rose Relationship son

Age: 33 Current Mailing Address: P.O. Box 508  
Three Forks, MT 59752

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

Name \_\_\_\_\_ Relationship \_\_\_\_\_

Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

A "member of the "immediate family" may include only the grantor's spouse, children by blood or adoption, and parents.

**E. History of the Parcel:**

1. To your knowledge, have any exemptions been used to divide this property after July 1, 1973, including exemptions for mortgage tracts, gift or sale to an immediate family member, boundary line relocation, occasional sale? *See Sections 76-3-201 and 76-3-207, MCA.*

Yes  No *If "yes", provide the chronological history of divisions and attach a copy of a Certificate of Survey or Deed evidencing the divisions:*

Date	Exemption	Tract Label	Tract Size	COS No. or Deed No.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To your knowledge, in regard to this property, did you or any previous owner ever attend a pre-application conference or submit for subdivision review of any part of this property, since July 1, 1973? Was any subdivision denied?

Yes  No *If YES, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Proposed Exemption Information**

To your knowledge:

1. Will each new parcel be used as a homesite for a family member?

Yes  No *If NO, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Could the transfer be accomplished by a "relocation of common boundary lines"?

Yes  No *If YES, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will the newly created parcels become one of three or more parcels created from the original parcel after July 1, 1973?

Yes  No **If YES, explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Would the use of the family gift exemption violate any statute, case law, administrative rule, or Attorney General Opinion?

Yes  No **If YES, explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Does the parcel to be transferred fit a pattern of land divisions and land transfers?

Yes  No **If YES, explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have any divisions of land ever been denied on this property?

Yes  No **If YES, explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Is the parcel being transferred to a family member who is a minor?

Yes  No **If YES, please provide a draft Trust document.**

8. Are you transferring a parcel to your spouse?

Yes  No **If YES, explain:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. Do you agree that you and/or your family member receiving this property will not sell any of the tracts created under the family transfer exemption for a period of two (2) years unless you or the recipient files for subdivision review?

Yes  No

If your life circumstances change per a birth, death, divorce, illness, etc. you may request an exemption to the two (2) year time period from the County Commissioners.

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date April 29, 2021.

Signature of Each Applicant:

John Charles Rose  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Each Recipient:

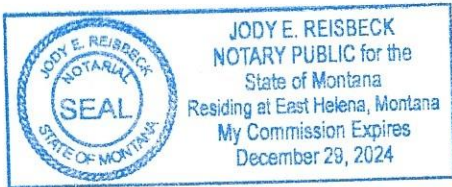
\_\_\_\_\_  
\_\_\_\_\_

STATE OF MONTANA )  
County of Lewis & Clark : ss.

On this 29<sup>th</sup> day of April, 2021, John Charles Rose

personally appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

Notary's Seal/Stamp



Jody E. Reisbeck  
Notary Public for the State of Montana

Jody E. Reisbeck  
Printed Name

Notary Public for the state of Montana

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

My Commission expires: \_\_\_\_\_, 20\_\_

\*\*\*\*If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.\*\*\*\*

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date April 29, 2021.

Signature of Each Applicant:

Jacob Rose

Signature of Each Recipient:

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

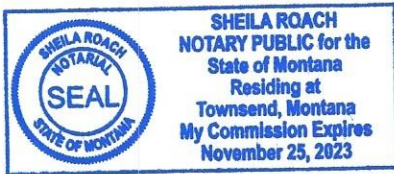
\_\_\_\_\_  
\_\_\_\_\_

STATE OF MONTANA )  
County of Broadwater ) : ss.

On this 30 day of April, 2021, Jacob Rose

personally appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

Notary's Seal/Stamp



Sheila Roach  
Notary Public for the State of Montana

Sheila Roach  
Printed Name

Notary Public for the state of Montana

Residing at Townsend

My Commission expires: Nov 25, 2023

\*\*\*\*If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.\*\*\*\*