

Granite County Family Transfer Policy

Granite County adopts this policy as follows:


- 1) A certificate for survey using the family transfer exemption must accompany all family transfer applications. An application will not be considered to be complete without the completed application, the certificate of survey, a title report and if applicable irrevocable trust paperwork.
- 2) Family transfer application and certificate of survey shall be examined by the County Planner and County Attorney, for possible evasion of the subdivision and platting act.
- 3) All lots, including the parent parcel, that are part of the certificate of survey which uses a family transfer exemption shall not be sold for a period of 2 years from the date of filing of the survey with the Granite County Clerk and Recorder. Any attempt to market, sell or transfer the property within this time period will be considered an evasion of the Montana Subdivision and Platting Act.
- 4) Deeds presented for filing within 2 years of the filing of the survey may be rejected by the Clerk and Recorder.
- 5) The family transfer exemption may not be used to create lots which are to be transferred directly to a minor child under the age of 18. An irrevocable trust must be created for each minor child, and the lot(s) transferred to the said trust.
- 6) A parcel created by a family transfer exemption is not eligible to use the exemption to create additional lots.
- 7) Family transfer exemptions will not be reviewed for adequate physical and legal access by all vehicles in all weather.
- 8) Lots created using the family transfer exemption will not be reviewed for compliance with the subdivision and platting act.
- 9) Approval of a family exemption does not mean the property is approved for zoning compliance, floodplain, septic systems, including Montana Department of Environmental Quality permits, or any other permits.
- 10) Deed(s) must accompany the approved family transfer certificate of survey in order to file the survey with the Clerk and Recorder's office.

Adopted this 29th day of May, 2018.

Board of Granite County Commissioners


Bill Slaughter, Chairperson


Scott C. Adler, Commissioner


Barton C. Bonney, Commissioner

Granite County Family Transfer Application

1. Name and Address of Property Owner _____

2. Name and Relation of Person Receiving Parcel _____

3. Have you completed a family transfer in the past in Granite County? Yes _____ No _____

If yes explain _____

4. How long have you owned the property? _____

5. Did you buy the property with the intent of dividing it? Yes _____ No _____

Explain _____

6. Do you or your transferee intend to market the property for sale within the next 2 years?

Yes _____ When do you intend to put it on the market? _____

No _____

7. Do you or your transferee intend to transfer the property for sale within the next 2 years?

Yes _____ When do you intend to transfer the property? _____

No _____

8. Are you in the business of building or developing property? Yes _____ No _____

9. Will the recipient of the property be residing on the property? Yes _____ No _____

Explain _____

10. Where does the recipient live now? _____

11. Is anyone receiving a parcel under the age of 18? Yes _____ If yes, go to next question

No _____ If no, skip questions 12-15

12. If applicable, what are the names and ages of any minor receiving property? _____

13. If applicable, has an irrevocable trust been established for each minor?

Yes _____ Attach a copy of the trust documents No _____

14. If applicable, list the name and address of the trustee or who controls the trust _____

15. If applicable, when the property is sold, will the money be held in trust for the child _____

All property owners must initial all of the following statements:

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

_____ I understand this exemption has not been reviewed for compliance with the subdivision and platting act.

_____ I understand approval of this exemption does not mean the property is approved for zoning compliance, floodplain, septic systems, including Montana Department of Environmental Quality permits, or any other permits.

_____ I understand any deed presented for filing within 2 years of the date of the filing of this plat may be rejected.

_____ I understand any attempts, within 2 years of the date of the filing of this plat, to sell or transfer any parcel associated with the exemption will be considered to be an evasion of the subdivision and platting act and Granite County may take legal action at that time.

_____ I declare under penalty of perjury under the laws of the State of Montana that the foregoing statements are all true and correct.

Signature of Property Owner (s)

Date

Location:

Town/City _____

County _____

State _____