

Lewis and Clark County Community Development and Planning 316 N Park Ave. Room 230 Helena Mt 59623 Phone 406-447-8374 Fax 406-447-8398 e-mail planning@lccountymt.gov

## CERTIFICATE OF SURVEY EXEMPTION AFFIDAVIT LEWIS AND CLARK COUNTY, MONTANA

Security of Construction Financing

Section 76-3-201(1)(b)

The construction mortgage exemption is used to segregate land for the purpose of providing security for construction mortgages, liens, or trust indentures. It only operates as a division of land upon foreclosure of the security.

The Certificate of Survey must be accompanied by a letter from the holder of the mortgage, lien, or trust indenture, stating that a construction loan has been approved, will be granted upon the filing of the Certificate of Survey and naming the person or persons to whom the loan will be made.

Information provided on this form is necessary in determining when the use of an exemption meets the criteria set forth in the Lewis and Clark County Subdivision Regulations, Appendix J. **Please complete both sides.** 

I.	LANDOWNER(S)	Phone:
		Phone:
	LENDER	Phone:

<u>YES</u> NO II. Is a signed statement from the lender submitted stating that the creation of the exempted parcel is necessary to secure a construction loan for building or other improvements on the parcel created?

YES \_\_\_\_\_NO III. Is financing for construction or improvements on land other that the exempted parcel? If "yes", please describe:\_\_\_\_\_

IV. Who will have possession of the remainder parcel upon foreclosure of the mortgaged parcel?

## V. HISTORY OF THE PARCEL

<u>YES</u> <u>NO</u> The "original tract" is the tract of land established as of July 1, 1973. Have any exemptions been used for divisions of land on the original tract? If "yes", please provide the history of land divisions below and attach a copy of each Certificate of Survey:

Date	Exemption	Tract Label	Tract Size	COS No.
			<u> </u>	

<u>YES</u> <u>NO</u> Was the subject property ever discussed at a pre-application conference, submitted for review, or denied approval as a subdivision?

A division or transfer of land exempt as a "construction mortgage", may be illegal, if the proposed division or transfer meets any of the following criteria:

<u>YES</u> <u>NO</u> 1. Could the proposed division, by its location or configuration become or create three or more parcels that were subdivided from the original tract?

 YES
 NO
 2. Has the applicant used exemptions to create parcels from the original tract or other tracts?

 YES
 NO
 3. Has the proposed division of land been denied under any other exemption?

 YES
 NO
 4. If foreclosure of the security occurred, would three or more parcels be created?

Under penalty of perjury, I (we) declare that I (we) have examined this form and the accompanying Certificate of Survey, and to the best of my (our) knowledge and belief, they are true, correct, and complete and are in compliance with all State laws and local regulations.

Date:\_\_\_\_\_

Signature of Each Applicant

STATE OF MONTANA	)	
	:	ss.
County of	)	

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, before me a Notary Public for the State of Montana, personally appeared\_\_\_\_\_\_, known to be the person or persons whose name(s) is (are) subscribed to the foregoing instrument and acknowledge to me

that he/she (they) executed the same.

Notary's Seal

Notary Public for the State of Montana

Print

Residing at\_\_\_\_\_, Montana My Commission expires\_\_\_\_\_

Signature of Surveyor

License No.\_\_\_\_\_

WORD MASTER DOCUMENTS; Affidavits, Mortgage affidavit Revised: Aug, 2014