

CLAIM OF EXEMPTION

PLAT NAME _____

To claim an exemption from the requirements of the Eddy County Subdivision Ordinance, you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to Eddy County. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The agent will notify you in writing within thirty (30) days as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if you do not hear from the agent within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Eddy County Subdivision Regulations. If your claim of exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Eddy County Subdivision Regulations.

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I/We, _____ claim an exemption from the requirements of the New Mexico Subdivision Act and the Eddy County Subdivision Regulations for the following reason(s). I certify that this transaction involves:

_____ (1) the sale, lease or other conveyance of any parcel that is thirty-five (35) acres or larger in size within any twelve (12) month period, provided that the land has been used primarily and continuously for agricultural purposes, in accordance with §7-36-20 NMSA 1978, for the preceding three (3) years. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.

_____ (2) the sale or lease of apartments, offices, stores or similar space within a building. ATTACH COPIES OF ALL PROPOSED SALE OR LEASE DOCUMENTS.

_____ (3) the division of land within the boundaries of a municipality. ATTACH CERTIFIED SURVEY SHOWING LOCATION OF PROPOSED DIVISION.

_____ (4) the division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land. ATTACH COPIES OF ALL PROPOSED CONVEYANCING DOCUMENTS.

_____ (5) the division of land created by court order where the order creates no more than one parcel per party. ATTACH CERTIFIED COPY OF COURT ORDER AND CERTIFIED SURVEY.

_____ (6) the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities. ATTACH COPY OF PROPOSED CONVEYANCE DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE BOARD OF COUNTY COMMISSIONERS AND THE PROPERTY OWNER THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES. THE COVENANT MUST BE SIGNED BY THE PROPERTY OWNER, THE BUYERS OR LESSEE, AND THE BOARD OF COUNTY COMMISSIONERS, AND MUST BE FILED OF RECORD WITH THE COUNTY CLERK. ATTACH CERTIFIED SURVEY.

_____ (7) the division of land resulting only in the alteration of parcel boundaries where parcels are altered for the purpose of increasing or reducing the size of contiguous parcels and where the number of parcels is not increased. ATTACH CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES BEFORE AND AFTER PROPOSED ALTERATION.

_____ (8) the division of land to create burial plots in a cemetery.

_____ (9) the division of land to create a parcel that is sold or donated as a gift to an immediate family member; however, this exception shall be limited to allow the seller or donor to sell or give no more than one parcel per tract of land to an immediate family member. As used herein, the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, grandson, step-grandson, granddaughter, step- granddaughter, nephew and niece, whether related by birth or adoption. ATTACH COPY OF PROPOSED CONVEYANCING DOCUMENT, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. IF A BIRTH CERTIFICATE IS USED, THE PROPER WITNESS FORM WILL BE COMPLETED BY THE AGENT AND THE BIRTH CERTIFICATE RETURNED TO THE APPLICANT. BAPTISMAL CERTIFICATES ARE **NOT** ACCEPTABLE DOCUMENTATION. ATTACH CERTIFIED SURVEY SHOWING ALL PARCELS.

_____ (10) the division of land created to provide security for mortgages, liens or deeds of trust provided that the division is not the result of a seller-financed transaction. ATTACH DOCUMENTATION OF INTENT TO FINANCE FROM LENDING AGENCY. ATTACH CERTIFIED SURVEY SHOWING ALL PARCELS.

_____ (11) the sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres. ATTACH CERTIFIED SURVEY SHOWING LOCATION AND SIZE OF PARCEL(S).

_____ (12) the division of land to create a parcel that is donated to any trust or nonprofit corporation granted an exemption from federal income tax as described in §501 (c) (3) of the United States Internal Revenue Code of 1986 as amended: school, college or other institution with a defined curriculum and a student body and faculty that conducts classes on a regular basis; or to any church or group organized for the purpose of divine worship, religious teaching or other specifically religious activity. ATTACH COPIES OF IRS EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED. ATTACH CERTIFIED SURVEY SHOWING ALL PARCELS.

_____ (13) the sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, within any five (5) year period provided that a second or subsequent sale, lease or other conveyance from the same tract of land within five (5) years of the first sale, lease or other conveyance shall be subject to the provisions of the New Mexico Subdivision Act and these Regulations; provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both the original tract and the newly created tract. ATTACH CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PARCEL PROPOSED TO BE DIVIDED, ANY PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL PARCEL AND DATES OF ALL DIVISIONS.

_____ (14) the purchase of land by, or the donation of land to a government entity for the purpose of construction, or use, in a public project. ATTACH AUTHORIZATION LETTER FROM LOCAL GOVERNMENT ENTITY AND CERTIFIED SURVEY SHOWING ALL PARCELS

I further certify that the information provided by me in this Claim of Exemption is true and correct and that all documents attached to or enclosed with this Claim of Exemption are originals or true, complete and correct copies of the originals.

Signature

Signature

Print your name here

Print your name here

Address

Address

City, state and zip code

City, state and zip code

Telephone number(s)

Telephone number(s)

STATE OF NEW MEXICO)
)
COUNTY OF EDDY) ss

This instrument was acknowledged before me on _____ by _____

Notary Public

My commission expires: _____

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FOR OFFICIAL USE ONLY

_____ The foregoing Claim of Exemption has been approved.

_____ The foregoing Claim of Exemption is incomplete. Please provide us with the following information and/or documents so that we can process your claim: _____

_____ The foregoing Claim of Exemption is hereby denied for the following reasons:

Date: _____ Name and title: _____

ENTITLEMENT OF EXEMPTION

Name of Owner(s): _____

Location of property (state size in acres and location by section, township, range):

Exemption claimed: (quote from NM State Subdivision Act-Chapter 47, Article 6, NMSA 1978)

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AFFIDAVIT

STATE OF NEW MEXICO)
) ss
 COUNTY OF EDDY)

Come now _____
 and after being first duly sworn, states as follows:

I certify that the information provided by me in this Entitlement of Exemption is true and correct, that all statements about the condition of the property and the actions that are to be taken are true and accurate, and that I have the permission of the current owner of the property to take this action.

Company or Organization Represented	Address (street)
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City, State, Zip	Telephone Number(s)
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Signature	Signature
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ACKNOWLEDGED, SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

by _____

My Commission expires:_____	Notary Public
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