

CLAIM OF EXEMPTION

To Claim an Exemption from the requirements of the New Mexico Subdivision Act and the Cibola County Subdivision Regulations, you must complete this form, sign it before a notary public and submit it together with three (3) legible copies of all required documents to the appropriate County staff person. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The appropriate staff member 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, you may proceed with the land division you propose without needing to comply with the requirements of the Cibola County Subdivision Regulations. If the staff member fails to notify the applicant within thirty (30) days after receipt of the completed Claim of Exemption, the exemption will be deemed denied, or if your Claim of Exemption is denied, you may either seek approval of a subdivision or appeal the denial as provided in the Cibola County Subdivision Regulations.

Claim of Exemptions must be recorded and are in full force and effect only after having been recorded in the Office of the County Clerk within sixty (60) days after the date of approval. Shall an applicant fail to record an approved Claim of Exemption within the required time, review and approval will be required again.

This form must be accompanied by an administrative filing fee in accordance with the fee schedule set out in Article 9 of these Regulations, payable to the Cibola County Treasurer.

I, We _____ claim an exemption from the requirements of the New Mexico Subdivision Act and the Cibola County Subdivision Regulations on the property described in Attachment "A" hereto, and for the following reason(s). I/We certify that this transaction involves: (Please circle the Exemption you are claiming.)

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 Section 7-36-20 NMSA 1978, for the preceding three (3) years.

ATTACH COPIES OF DEED, NOTICE OF VALUATION FROM THE ASSESSORS' OFFICE, PREVIOUS SURVEY, ATTACHED CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PARCEL.

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

a. NO FURTHER EXEMPT LAND DIVISION MAY OCCUR ON THESE TRACTS FOR TWELVE MONTHS AFTER RECORDATION

b. TRACT ____ CANNOT BE DIVIDED BELOW THIRTY-FIVE (35) ACRES BY MEANS OF A CLAIM OF EXEMPTION, EXCEPT BY COURT ORDER, TO SECURE A MORTGAGE OR TO DONATE A PARCEL OF LAND.

2. The sale or lease of apartments, offices, stores or similar space within a building. **ATTACHED COPIES OF DEEDS, PREVIOUS SURVEY IF AVAILABLE, SKETCH PLAN AND ALL PROPOSED SALE OR LEASE DOCUMENTS.**
3. The division of land within the boundaries of a municipality. **ATTACH COPIES OF DEED, PREVIOUS SURVEY, AND 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 DEED, PREVIOUS SURVEY IF AVAILABLE, CERTIFIED SURVEY SHOWING THE SIZE AND LOCATION OF ALL PROPOSED CONVEYANCE DOCUMENTS.**

5. The division of land created by court order where the order creates no more than one parcel per part. **ATTACH COPIES OF DEED, CERTIFIED COPY OF THE COURT ORDER, PREVIOUS SURVEY, IF AVAILABLE, AND A CERTIFIED SURVEY OF THE DIVISION AND CONVEYANCE DOCUMENTS.**

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTE:

1. **THESE LOTS WERE CREATED BY (name of court ordering division), COURT ORDER NO. _____, DATED _____.**

6. Used the division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities and meets the minimum lot size standards. **ATTACH COPIES OF DEEDS, ATTACH ALL COPIES OF PROPOSED CONVEYANCE DOCUMENTS AND DOCUMENTS RESTRICTING FUTURE USE TO GRAZING OR FARMING ACTIVITIES. NO DWELLING UNITS, COMMERCIAL, OR INDUSTRIAL USES SHALL BE ALLOWED ON THE LOTS CREATED IN PERPETUITY. SUCH DOCUMENTS MUST CONTAIN A COVENANT RUNNING WITH THE LAND, AND REVOCABLE ONLY BY MUTUAL CONSENT OF THE PLANNING BOARD AND THE COVENANT MUST BE SIGNED BY 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 APPROPRIATE COUNTY STAFF PERSON AND MUST BE FILED WITH THE COUNTY CLERK ALONG WITH A CERTIFIED SURVEY OF THE DIVISION:**

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

- a. **TRACT ____ WAS CREATED FOR GRAZING AND FARMING ACTIVITIES ONLY; NO DWELLINGS OR COMMERCIAL USES ARE PERMITTED.**
- b. **NO FURTHER EXEMPT LAND DIVISION MAY OCCUR UNLESS THE COVENANTS ARE REVOKED BY MUTUAL CONSENT BETWEEN THE PROPERTY OWNER AND THE APPROPRIATE COUNTY STAFF PERSON.**
- c. **RESTRICTIVE COVENANTS ARE RECORDED IN BOOK ____ & PG. ____ AS DOCUMENT # _____ IN THE RECORDS OF THE CIBOLA COUNTY CLERK'S OFFICE.**
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 COPIES OF DEEDS, PREVIOUS SURVEY IF AVAILABLE, AND 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. **ATTACH COPIES OF DEEDS, PREVIOUS SURVEY, IF AVAILABLE, AND CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF PLOTS; AND DOCUMENTS OF DEDICATION FOR CEMETERY PURPOSES FOR PERPETUALLY UNDISTURBED INTERMENTS.**
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 per immediate family member. **ATTACH COPIES OF DEEDS, COPY OF 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. ATTACH COPY OF PROPOSED CONVEYANCE DOCUMENT AND BIRTH CERTIFICATE, ADOPTION CERTIFICATE OR OTHER DOCUMENT DEMONSTRATING FAMILY RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE *NOT* ACCEPTABLE DOCUMENTATION.**

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

- a. **NO FURTHER DIVISION IS PERMITTED BY MEANS OF A CLAIM OF EXEMPTION, EXCEPT BY MEANS OF A COURT ORDER, TO SECURE A MORTGAGE, OR TO DONATE A PARCEL OF**

LAND.

b. (FOR TRACTS BEING CONVEYED TO A MINOR CHILD); AN IRREVOCABLE TRUST FOR THIS LAND DIVISION IS RECORDED IN BK. _____ & PG. _____ AS DOCUMENT # _____ IN THE OFFICE OF THE CIBOLA COUNTY CLERK.

- 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 COPIES OF DEEDS, A COMMITMENT LETTER STATING THE MORTGAGE IS CONTINGENT ON THE APPROVAL OF THE CLAIM OF EXEMPTION, ALL FINANCING DOCUMENTS. ATTACH A COPY OF 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.**

THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:

- 1. THIS PLAT CREATES A TEMPORARY LOT FOR MORTGAGE PURPOSES ONLY.**
- 2. TRACT ____ SHALL AUTOMATICALLY BE CONSOLIDATED WITH THE ORIGINAL PARCEL UPON RELEASE OF MORTGAGE, LIEN OR DEED OF TRUST.**
- 3. THESE PARCELS CANNOT BE SOLD SEPARATELY UNTIL FINAL FORECLOSURE DOCUMENT HAS BEEN SUBMITTED AND APPROVED BY THE APPROPRIATE COUNTY STAFF PERSON.**

- 11.** The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres; **ATTACH COPIES OF DEEDS, PREVIOUS SURVEY IF AVAILABLE, AND 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 DEEDS, PREVIOUS SURVEY IF AVAILABLE, IRS. EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT TO EXEMPTION AND CERTIFIED SURVEY SHOWING LAND PROPOSED TO BE DONATED.**
- 13.** The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract created within the previous five (5) years or a tract created by means of a Claim of Exemption, provided that the second tract is retained by the subdivider and neither tract can be further divided for a period of five (5) years from the date the first tract is sold, leased or conveyed or this division, within a previously approved subdivision, within any five (5) year period; provided that a second or subsequent 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 COPIES OF DEED, PREVIOUS SURVEY IF AVAILABLE, 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 WITHIN THE APPROPRIATE PARCEL. THE SURVEY NEEDS TO SHOW, IN BOLD AND OBVIOUS LETTERING, UNDER THE TITLE, THE FOLLOWING NOTE:**

DECLARATION OF INTENT

THE OWNER OF THE LAND PLATTED HEREIN CERTIFIES THAT HE/SHE DOES NOT INTEND TO SELL, LEASE OR OTHERWISE CONVEY TRACT _____, BUT CERTIFIES THAT HE/SHE INTENDS TO KEEP THIS TRACT FOR PERSONAL USE FOR A MINIMUM OF FIVE (5) YEARS. IF THE TRACT IS SOLD OR LEASED WITHIN FIVE (5) YEARS, THE OWNER ACKNOWLEDGES

