



CLAIM OF EXEMPTION

To claim an exemption from the requirements of the Lincoln County, New Mexico, 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 the Board of County Commissioners of Lincoln County. Be sure to check all exemptions which apply and attach legible copies of all supporting documents.

The Board of County Commissioners of Lincoln County 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 Board of County Commissioners of Lincoln County within thirty (30) days, you may proceed with the land division you propose without needing to comply with the requirements of the Lincoln County, New Mexico, 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 Lincoln County, New Mexico, Subdivision Regulations.



I, _____ claim an exemption from the requirements of the New Mexico Subdivision Act and the Lincoln County, New Mexico, 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 on 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 part. **Attach certified copy of court order. Also attach certified survey showing size and location of parcel.**
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 conveyancing 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 and recorded with the County Clerk. **Also attach a certified survey showing size and location of parcel.**
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. **Attach certified survey showing size and location of parcels, and a statement that ensures the property does not lie within a flood zone, based upon the prevailing Federal Emergency Management Agency flood maps.**
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. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, son, stepson, daughter, stepdaughter, grandson, stepgrandson, granddaughter, stepgranddaughter, nephew and niece, whether related by birth or adoption. **Attach certified survey showing size and location of original tract and parcel(s) proposed to be divided. Also attach copy of proposed conveyancing document and birth certificate, adoption certificate or other document demonstrating family relationship claimed. Baptismal certificates are *not* acceptable documentation.**

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 all financing documents. Attach certified survey showing size and location of the parcel that is being divided.**

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 I.R.S. exemption letter, and/or documents demonstrating entitlement to exemption and certified survey showing land proposed to be donated. Also attach certified survey showing size and location of parcel.**

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 the 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, and parcels previously divided from the original parcel and dates of all divisions.**

FEE: One Hundred Dollars (\$100.00) for each Claim of Exemption.

14. The purchase of donation of land by a governmental entity for the purpose of construction or use of a public project. **Attach a certified survey of the project showing the location and size of both tracts.**

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: _____

Print your name here: _____

Address: _____

City, State and Zip Code: _____

Telephone number(s): _____

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

_____ NOTARY PUBLIC

My Commission Expires:



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

FEE PAID: \$ _____

Attach copy of receipt to this application.

Filed in Lincoln County Clerk's Office on 02/20/2008 in Book 4 Pg. 178-181