

**Certificate of Survey Exemption Affidavit  
Broadwater County**

**Gift or Sale to Immediate Family Member  
Section 76-3-207(1)(b), MCA.**

When a landowner requests to be exempt from the Subdivision and Platting Act, state law requires Broadwater County determine whether the request is an attempt by the property owner to evade subdivision regulation. Broadwater County will use the information provided by the applicant in this affidavit as well as other evidence when making its determination.

*Please complete both sides of this application. Every owner of the property (owners of record) must sign this affidavit. Use additional sheets of paper if necessary.*

**A. Name of Landowners:**

Kathy Malone Phone: 406-980-0038  
\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_ Phone: \_\_\_\_\_

**B. Number of Parcels Proposed:** 1.

**C. Size of Each Parcel Proposed:** 2.5 acres, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

**D. Name and Relationship to Landowner of Family Member(s) Receiving Gift Parcel(s)**

Name Kylie Howard Relationship Daughter  
Age: 34 Current Mailing Address: PO Box 397  
Townsend, MT 59044

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

Name \_\_\_\_\_ Relationship \_\_\_\_\_  
Age: \_\_\_\_\_ Current Mailing Address: \_\_\_\_\_

A "member of the "immediate family" may include only the grantor's spouse, children by blood or adoption, and parents.

**E. History of the Parcel:**

1. To your knowledge, have any exemptions been used to divide this property after July 1, 1973, including exemptions for mortgage tracts, gift or sale to an immediate family member, boundary line relocation, occasional sale? *See Sections 76-3-201 and 76-3-207, MCA.*

       Yes     No    *If "yes", provide the chronological history of divisions and attach a copy of a Certificate of Survey or Deed evidencing the divisions:*

Date	Exemption	Tract Label	Tract Size	COS No. or Deed No.
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

2. To your knowledge, in regard to this property, did you or any previous owner ever attend a pre-application conference or submit for subdivision review of any part of this property, since July 1, 1973? Was any subdivision denied?

       Yes     No    *If YES, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**F. Proposed Exemption Information**

To your knowledge:

1. Will each new parcel be used as a homesite for a family member?

Yes           No    *If NO, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Could the transfer be accomplished by a "relocation of common boundary lines"?

       Yes     No    *If YES, explain:* \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will the newly created parcels become one of three or more parcels created from the original parcel after July 1, 1973?

Yes  No **If YES, explain:** \_\_\_\_\_

4. Would the use of the family gift exemption violate any statute, case law, administrative rule, or Attorney General Opinion?

Yes  No **If YES, explain:** \_\_\_\_\_

5. Does the parcel to be transferred fit a pattern of land divisions and land transfers?

Yes  No **If YES, explain:** \_\_\_\_\_

6. Have any divisions of land ever been denied on this property?

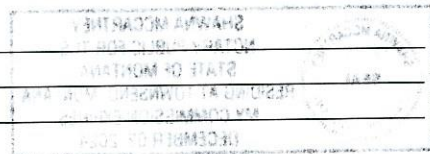
Yes  No **If YES, explain:** \_\_\_\_\_

7. Is the parcel being transferred to a family member who is a minor?

Yes  No **If YES, please provide a draft Trust document.**

8. Are you transferring a parcel to your spouse?

Yes  No **If YES, explain:** \_\_\_\_\_



9. Do you agree that you and/or your family member receiving this property will not sell any of the tracts created under the family transfer exemption for a period of two (2) years unless you or the recipient files for subdivision review?

Yes  No

If your life circumstances change per a birth, death, divorce, illness, etc. you may request an exemption to the two (2) year time period from the County Commissioners.

Under penalties of perjury, I (we) declare that I (we) have examined this affidavit and the accompanying sketch or draft Certificate of Survey of the proposed division of land, and to the best of my (our) knowledge and belief, they are true, correct, complete and are in compliance with all State laws and local regulations.

Date August 1, 2021.

Signature of Each Applicant:

Kathy A. Malone

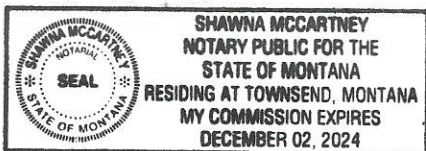
Signature of Each Recipient:

Kylie Lynn Howard

STATE OF MONTANA )  
County of Broadwater ) : ss.

On this 1<sup>st</sup> day of August, 2021, Kathy A Malone and Kylie Lynn Howard personally appeared before me and having been duly sworn did herein execute the above instrument for the purposes stated.

Notary's Seal/Stamp



Shawna McCartney  
Notary Public for the State of Montana

Printed Name \_\_\_\_\_  
Notary Public for the state of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission expires: \_\_\_\_\_, 20\_\_\_\_

\*\*\*\*If the Survey Review Committee grants concept or survey approval to a proposed exemption, that approval is valid only for ninety days, subject to any legislative changes.\*\*\*\*

**Certificate of Survey No. \_\_\_\_\_: To Create a Tract for Member of the Immediate Family  
Being Tract 2 of Certificate of Survey Book 2 of Plats, Page 476 Situated in part of the E 1/2 of Section 35, Township 7 North, Range 2 East, P.M.M.,  
Broadwater County, Montana.**

*Landowner: Kathy A. Malone  
Date: May 14, 2021*

**Legal Description:**

Tract 2A  
A tract of land situated in part of the E 1/2 of Section 35, Township 7 North, Range 2 East, Broadwater County, Montana and being more particularly described as follows: Commence at the E 1/4 Corner of said section; Thence S0°21'03"E for a distance of 268.32 feet; Thence N87°22'59"W for a distance of 1534.56 feet to the True Point of Beginning; Thence N87°22'59"W, a distance of 511.79 feet; Thence N00°21'03"W, for a distance of 212.98 feet; Thence S87°24'06"E, for a distance of 511.79 feet; Thence S0°21'03"E, for a distance of 268.32 feet to the true Point of Beginning. All being subject to rights-of-way and easements as shown, existing, or of record.

Tract 3B  
A tract of land situated in part of the E 1/2 of Section 35, Township 7 North, Range 2 East, P.M.M., Broadwater County, Montana and being more particularly described as follows: Commence at the E 1/4 Corner of said section; Thence S0°21'03"E for a distance of 268.32 feet; Thence N87°22'59"W for a distance of 1534.56 feet to the True Point of Beginning; Thence N87°22'59"W, a distance of 511.79 feet; Thence N00°21'03"W, for a distance of 212.98 feet; Thence S87°24'06"E, for a distance of 511.78 feet; Thence S0°21'03"E, for a distance of 213.16 feet to the true Point of Beginning, said parcel being 2.50 Acres more or less and being served by and subject to rights-of-way and easements as shown, existing, or of record.

**C/L15 Feet Waterline Easement**

A 15 Feet Wide Waterline Easement situated in part of the E 1/2 of Section 35, Township 7 North, Range 1 East, P.M.M., Broadwater County, Montana and whose centerline is more particularly described as follows: Commence at the NE 1/4 Corner of said section; Thence S87°22'59"W for a distance of 268.32 feet; Thence N87°22'59"W for a distance of 1534.56 feet to the True Point of Beginning; Thence N87°22'59"W, a distance of 511.79 feet; Thence N00°21'03"W, for a distance of 212.98 feet; Thence S87°24'06"E, for a distance of 511.78 feet; Thence S0°21'03"E, for a distance of 213.16 feet to the true Point of Beginning, said parcel being 2.50 Acres more or less and being served by and subject to rights-of-way and easements as shown, existing, or of record.

**Landowner's Certification:**

I hereby certify the purpose of this division of land is to Transfer Parcel shown as Tract 3B, on this Certificate of Survey as follows:

Tract 3B To: Kyle Howard Relationship: Daughter

Pursuant to 76-3-207 (b) M.C.A. which states: "Divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family" are exempt from review as a subdivision subject to survey requirements of 76-3-401.

I certify this is the only gift or sale I have made to the aforementioned immediate family member in the County of Broadwater for the purposes of this exemption. Furthermore, I certify I am entitled to use this exemption and am in compliance with all conditions imposed by law and regulations of this occupation. Therefore, this division of land is exempt from review as a subdivision pursuant to Section 76-3-207 (b) M.C.A.

**Landowners**

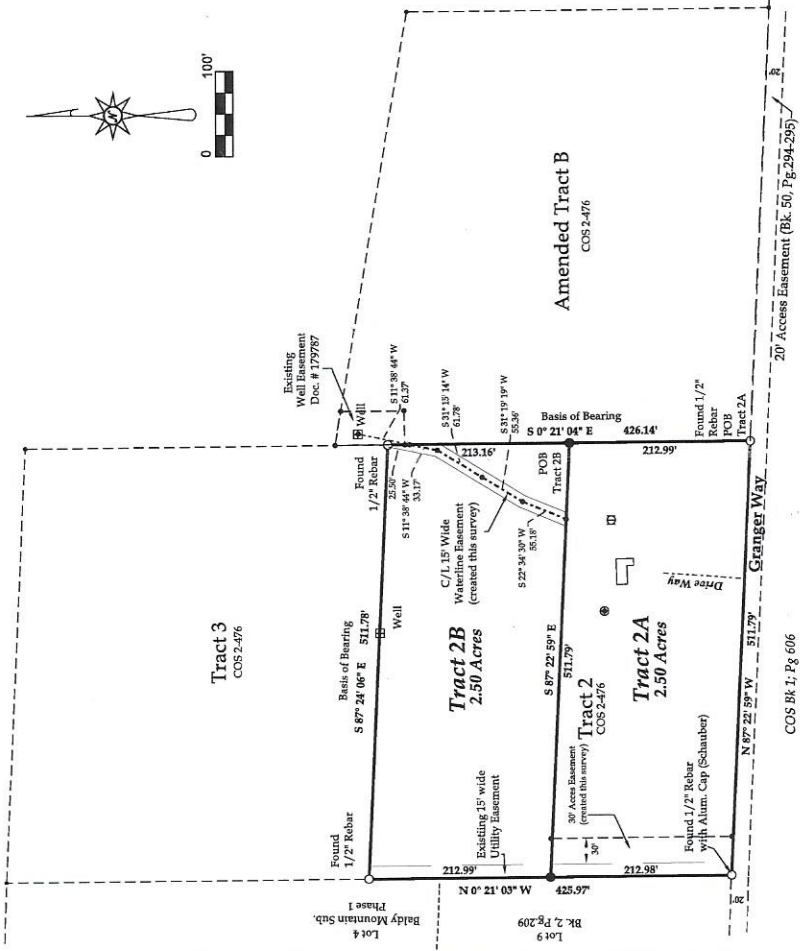
Kathy A. Malone  
Notary: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me a Notary Public for the State of Montana, personally appeared Kathy A. Malone known to me to be the persons whose names subscribed to the within instrument, and acknowledged to me that they executed the same.  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

**Certificate of Surveyor:**

I hereby certify the attached plat is a true representation of a survey performed under my supervision and completed in accordance with the laws and regulations of this occupation. The accompanying plat in accordance with the provisions of the Montana Subdivision and Platting Act. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Surveyor:  
Dan Swenson L.S. 15279  
C.O. Box 17  
Townsend, Mt. 59644

E 1/4 Corner  
Sec. 35, T. 7N, R. 2E  
Per COS 1-232  
N 0° 21' 03" W  
268.32'



Deed Reference: Book 224, Page 275  
Basis of Bearing: COS Book 2 of Plats Page 476

**LEGEND**

- Quarter Corner
- Found Rebar as Noted
- Set Rebar w/ OPC 15279
- ⊕ Well
- ⊞ Propane Tank
- ⊞ Septic Lid
- Record Point Nothing Found/Set

**Certificate of Treasurer:**

I, \_\_\_\_\_ Treasurer of Broadwater County, Montana, do hereby certify that the accompanying plat has been duly examined and that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid through \_\_\_\_\_  
Tax ID # \_\_\_\_\_  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Treasurer

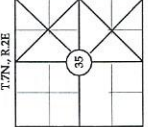
**Certificate of Clerk and Recorder:**

I, \_\_\_\_\_ Clerk and Recorder of Broadwater County, Montana, do hereby certify that the foregoing instrument was filed in my office at \_\_\_\_\_, AD, 20\_\_\_\_, and recorded in Book \_\_\_\_\_ of Plats on Page \_\_\_\_\_ and recorded in Book \_\_\_\_\_ of Plats on Page \_\_\_\_\_ Records of the Clerk and Recorder, Broadwater County, Montana.  
Document No. \_\_\_\_\_  
Clerk and Recorder

**Certificate of Examination:**

Reviewed for errors and omissions in calculations and drafting this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ pursuant to Section 76-3-611(2)(b), M.C.A.

Montana Registration No. \_\_\_\_\_



E1/2 Sec 35, T7N, R2E, P.M.M. Broadwater Co., MT.			
Kathy Ann Malone			
Family Transfer			
SCALE	PROJECT DATE	FILE NAME	
100' Full In	7-30-2021	4587.dwg	
DRAWN BY	REVISION	SHEET	JOB
dlb	1/1	4367	
Schauber Surveying		266-4602	

