

Subdivision Claim of Exemption Application & Checklist



To claim an exemption from the requirements of the Land Subdivision Regulation of Socorro County, New Mexico, you may complete this form, sign it before a notary public and submit it, together with legible copies of **all required documents and the filing and review** fee, to the County Manager or his or her designee. Be sure to check all exemptions which apply and attach legible copies of all supporting documents to this claim of exemption form.

The County Manager or his or her designee will mail written notification within fifteen (15) days after receipt of the completed claim of exemption, together with all supporting documents, as to whether your claim of exemption has been granted. If the claim of exemption is granted, or if the Socorro County Manager or his or her designee fails to mail written notification within fifteen (15) days after you have submitted a complete claim of exemption, together with all supporting documents, you may proceed with the land division you propose without needing to comply with the requirements of the Land Subdivision Regulations of Socorro County, New Mexico. If your claim of exemption is denied, you may seek approval of a subdivision, or appeal the denial as provided in the Claim of Exemption Ordinance, Ordinance No. 2007-002.

State of New Mexico)

County of _____)

I (we), _____, claim an exemption from the requirements of the Land Subdivision Regulations of Socorro County, New Mexico, for the following reason(s). I certify that this transaction involves **(check all exemptions that apply and attach appropriate documents):**

<input type="checkbox"/> Exemption #1: Division of Land to be used for Agriculture	Ensure these documents/conditions accompany your application.
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.	<input type="checkbox"/> Certified survey showing size and location of parcel <input type="checkbox"/> Notarized statement from county assessor that the parcel to be divided, "Has Been Used Primarily and Continuously for Agricultural Purposes, in Accordance with NMSA 1978 Section 7-36-20 (2005)" <input type="checkbox"/> Each parcel on the survey plat is 35 acres or larger <input type="checkbox"/> Notarized statement from applicant acknowledging that no more than one parcel may be conveyed pursuant to this exemption per year
<input type="checkbox"/> Exemption #2: Division of Land or the Sale or Lease of Apartments, Offices, Stores, Etc. within a Building	Ensure these documents/conditions accompany your application.
The sale or lease of apartments, offices, stores or similar space within a building.	<input type="checkbox"/> Copies of all proposed sale or lease documents

<input type="checkbox"/> Exemption #3: Division of land within a municipality.	Ensure these documents/conditions accompany your application.
The division of land within the boundaries of a municipality.	<input type="checkbox"/> Name of municipality where the real property is located <input type="checkbox"/> Copy of deed or other conveyance document showing that property is in the municipality
<input type="checkbox"/> Exemption #4: Severance of Oil, Gas, Mineral or Water Rights from Surface Land	Ensure these documents/conditions accompany your application.
The division of land in which only gas, oil, mineral or water rights are severed from the surface ownership of the land	<input type="checkbox"/> Copies of all proposed deeds or conveyance documents
<input type="checkbox"/> Exemption #5: Division of Land by Court Order	Ensure these documents/conditions accompany your application.
The division of land created by court order where the order creates no more than one parcel per part	<input type="checkbox"/> Certified copy of the court order
<input type="checkbox"/> Exemption #6: Division of land for farming or grazing activities	Ensure these documents/conditions accompany your application.
The division of land for grazing or farming activities provided that the land continues to be used for grazing or farming activities.	<input type="checkbox"/> Copies of all proposed deeds or conveyance documents <input type="checkbox"/> Document with covenant running with the land and revocable only by mutual consent of the County Commission and the property owner, that the 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 prior to submittal
<input type="checkbox"/> Exemption #7: Division of land to change parcel boundaries and no new parcels are created.	Ensure these documents/conditions accompany your application.
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	<input type="checkbox"/> Certified surveys showing all parcel boundaries before & after proposed alteration
<input type="checkbox"/> Exemption #8: Division of land to create burial parts within a cemetery	Ensure these documents/conditions accompany your application.
The division of land to create burial plots in a cemetery.	<input type="checkbox"/> Agreements or other documents demonstrating that the location is a cemetery
<input type="checkbox"/> Exemption #9: Division of land to convey land to an immediate family member	Ensure these documents/conditions accompany your application.
<p>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.</p> <p>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, step grandson, granddaughter, step granddaughter, nephew and niece, whether related by birth or adoption</p>	<input type="checkbox"/> Copies of all proposed conveyance documents <input type="checkbox"/> Original or certified copies of documents demonstrating the family relationship claimed (original documents will be photo copied by County staff & returned to applicant) <input type="checkbox"/> Each family member receives only one (1) parcel of land <input type="checkbox"/> Notarized statement from applicant acknowledging that there is a twelve (12) month holding period for the conveyed tract of real property <input type="checkbox"/> <input type="checkbox"/> N/A if conveyance is to a spouse applicant must submit sufficient documentation to demonstrate

	<p>that the real property to be divided was acquired with separate assets</p> <p><input type="checkbox"/> <input type="checkbox"/> N/A if conveyance is to a minor applicant must submit a notarized statement acknowledging that applicant will comply with the Uniform Transfer to Minors Act, NMSA 1978 section 46-7-11 Et. Seq.</p>
<input type="checkbox"/> Exemption #10: Division of land to create a security interest for mortgage, lien or deed of trust	Ensure these documents/conditions accompany your application.
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	<p><input type="checkbox"/> Copies of all financing documents</p> <p><input type="checkbox"/> Documentation that the seller is not financing the transactions</p>
<input type="checkbox"/> Exemption #11: Division of land that creates no parcel smaller than 140 acres	Ensure these documents/conditions accompany your application.
The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres	<input type="checkbox"/> Certified survey showing location and size of parcels
<input type="checkbox"/> Exemption #12: Division of land to donate land to a non-profit, school/college, or church	Ensure these documents/conditions accompany your application.
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	<p><input type="checkbox"/> Certified survey showing land proposed to be donated</p> <p><input type="checkbox"/> Copies of IRS exemption letter, and/or documents demonstrating entitlement to exemption</p>
<input type="checkbox"/> Exemption #13: Division of land to convey a single parcel of land	Ensure these documents/conditions accompany your application.
The sale, lease or other conveyance of a single parcel from a tract of land, except from a tract within a previously approved subdivision, with 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 Land Subdivision Regulations of Socorro County, New Mexico; 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	<p><input type="checkbox"/> The parcel is not in a previously approved subdivision</p> <p><input type="checkbox"/> The survey plat shall indicate that there is a five (5) year holding period for the original tract and the newly created tract</p> <p><input type="checkbox"/> 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</p>

In addition to the appropriate items above, the following are enclosed with this application:

- \$100.00 Fee (per exemption claimed) paid at the County Treasurer's Office. Receipt for payment must be submitted with claim of exemption form
- Certification on survey plat by surveyor detailing the exemption used and a signature line for approval by the County Manager
- Additional copies (3) of the certified survey plat submitted for the County's Records
- Property taxes have been paid in full and in advance in accordance with State law. *

** 38-44.1. Special procedures for administration of taxes on real property divided or combined. (2013). A. For real property subject to valuation for property taxation purposes in a taxable year that is divided or combined, a county shall proceed to determine the taxes due on the property by using the prior year's tax rate, if the current tax rates have not been set, and the prior year's value, if the current year value has not been set, and proceed to immediately collect the taxes, penalties, interest and fees through the taxable year in which the property is divided or combined. B. A taxpayer shall pay the taxes, penalties, interest and fees due on real property divided or combined through the taxable year in which the property is divided or combined prior to filing a plat.*

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.

I understand that fraud or intentional misrepresentation shall be grounds for revocation of the claim of exemption.

Signature

Type or print your name here

Address

City, State and zip code

Telephone number (s)

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

Notary Public

My commission expires: _____

FOR OFFICIAL USE ONLY

Complete Application Packet Submitted On: _____

Application Documentation Verified by _____ on _____

Assessor's Certification Received On: _____

County application reviewed by _____ on _____

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

Title

Signature