

TORRANCE COUNTY  
CLAIM OF EXEMPTION APPLICATION

Date Received \_\_\_\_/\_\_\_\_/\_\_\_\_

To claim an exemption from the requirements of the Torrance County Subdivision Ordinance, you must complete this form, sign it before a Notary Public, and submit it together with ten (10) legible copies of all required documents to the County Planning & Zoning Coordinator. Planning & Zoning Board meetings are normally scheduled for the first Tuesday of each month. Be sure to check the appropriate exemption being claimed and attach legible copies of all supporting documents.

The Torrance County Planning & Zoning Board shall review the Claim of Exemption and supporting documents at the next regularly scheduled meeting following receipt of a completed Claim of Exemption Application with all supporting documents. The Claim of Exemption Application must be deemed complete by the Planning & Zoning Coordinator. The applicant, or a designated agent, shall be present at the meeting of the Torrance County Planning & Zoning Board wherein the Claim of Exemption is to be considered.

**This form must be accompanied by an administrative filing fee of \$200.00, payable to: Torrance County.**

I, \_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act and the Torrance County Subdivisions Regulations. I understand this application must comply with all zoning regulations and certify that this transaction involves:

1. The sale, lease or conveyance of a single parcel provided that no tract is smaller than forty acres or 1/16 of a section in size within any twelve (12) month period, provided that the tract has been used primarily and continuously for agricultural purposes, in accordance with Section 7-36-20 NMSA 1987, for the proceeding three (3) years.

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

**THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:**

1. **NO FURTHER EXEMPT LAND DIVISION MAY OCCUR ON THESE TRACTS FOR TWELVE MONTHS AFTER RECORDATION.**
2. **TRACT \_\_\_\_ CANNOT BE DIVIDED BELOW FORTY (40) ACRES OR 1/16 OF A SECTION, 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.

**ATTACHE COPIES OF DEED, PREVIOUS SURVEY, 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, CERTIFIED SURVEY SHOWING THE SIZE AND LOCATION OF THE 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, CERTIFIED SURVEY SHOWING THE SIZE AND LOCATION OF THE PROPOSED CONVEYING DOCUMENTS.**

5. The division of land created by court order where the order creates no more than one (1) parcel per party.

**ATTACH COPIES OF DEED, CERTIFIED COPY OF COURT ORDER, PREVIOUS SURVEY AND A CERTIFIED SURVEY OF THE DIVISION AND CONVEYING DOCUMENTS.**

**THE SURVEY NEEDS TO SHOW THE FOLLOWING NOT:**

1. **THESE LOTS WERE CREATED BY (name of court ordering division), COURT ORDER NO. \_\_\_\_\_, DATED \_\_\_\_\_.**
6. 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 THE DEED, ALL PROPOSED CONVEYING 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 & ZONING BOARD AND THE PROPERTY OWNER, THAT THE DIVIDED LAND WILL BE USED EXCLUSIVELY FOR GRAZING OR FARMING ACTIVITIES.**

**THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:**

1. **TRACT \_\_\_\_ WAS CREATED FOR GRAZING AND FARMING ACTIVITIES ONLY; NO DWELLING OR COMMERCIAL USES ARE PERMITTED.**
2. **NO FURTHER EXEMPT LAND DIVISION MAY OCCUR UNLESS THE COVENANTS ARE REVOKED BY MUTUAL CONSENT BETWEEN THE PROPERTY OWNER AND THE PLANNING & ZONING BOARD.**
3. **RESTRICTIVE COVENANTS ARE RECORDED IN BK. \_\_\_\_ & PG. \_\_\_\_ AS DOCUMENT # \_\_\_\_\_ IN THE RECORDS OF THE TORRANCE COUNTY CLERK'S OFFICE.**
7. The division of land resulting in the alteration or consolidation of parcels 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, AND CERTIFIED SURVEYS SHOWING ALL PARCELS AND PARCEL BOUNDARIES, BEFORE AND AFTER PROPOSED ALTERATION.**

8. The division of land to create burial plots for a cemetery.

**ATTACH COPIES OF DEED, PREVIOUS SURVEY, AND CERTIFIED SURVEY, SHOWING THE PARCEL TO BE USED AS A CEMETERY AND ALL DOCUMENTS DEEMING IT AS SUCH.**

9. The division of land to create a parcel that is sold or conveyed as a gift to an immediate family member; however, this exemption 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 except from a tract created with the previous five years, or a tract divide by means of a Claim of Exemption, and can only be further divided by Exemption through a Court Order, to secure a mortgage or to be donated to trust or non profit corporation. In addition, an irrevocable trust must be submitted and approved for tract being conveyed to minor children. As used herein the term "immediate family member" means a husband, wife, father, stepfather, mother, stepmother, brother, stepbrother, sister, stepsister, grandchild, step grandchild, nephew and niece, whether related by birth, adoption or marriage.

**ATTACH COPIES OF DEED, PREVIOUS SURVEY, PROPOSED CONVEYING DOCUMENTS, A CERTIFIED SURVEY SHOWING THE DIVISIONS, AND THE BIRTH CERTIFICATE, ADOPTION CERTIFICATE, MARRIAGE CERTIFICATE OR ANY OTHER DOCUMENTATION TO SHOW RELATIONSHIP CLAIMED. BAPTISMAL CERTIFICATES ARE NOT ACCEPTABLE DOCUMENTATION.**

**THE SURVEY NEEDS TO SHOW THE FOLLOWING NOTES:**

1. **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.**
  2. **(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 TORRANCE COUNTY CLERK.**
  3. **DEEDS OF TRANSFER FOR THE TRACTS CREATED ARE RECORDED IN BOOK(S) \_\_\_\_\_ AND PAGE(S) \_\_\_\_\_ IN THE OFFICE OF THE TORRANCE COUNTY CLERK.**
10. The division of land created to provide security for mortgages, liens, or deeds of trust, provided that the division is no the result of a seller-financed transaction.

**ATTACH COPIES OF DEED, A COMMITMENT LETTER STATING THE MORTGAGE IS CONTINGENT ON THE APPROVAL OF THE CLAIM OF EXEMPTION, PREVIOUS SURVEY, AND A CERTIFIED SURVEY SHOWING THE LOCATION OF PROPOSED DIVISION.**

**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 DOCUMENTATION HAS BEEN SUBMITTED AND APPROVED BY THE PLANNING & ZONING BOARD.**
11. The sale, lease or other conveyance of land that creates no parcel smaller than one hundred forty (140) acres.

**ATTACH COPIES OF DEED, PREVIOUS SURVEY, 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 Section 501 © (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 DEED, PREVIOUS SURVEY, IRS EXEMPTION LETTER, AND/OR DOCUMENTS DEMONSTRATING ENTITLEMENT 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 shall be subject to the provisions of the New Mexico Subdivision Act and the Torrance County Subdivision Regulations: provided further that a survey shall be filed with the County Clerk indicating the five (5) year holding period for both tracts.

**ATTACH COPIES OF DEED, PREVIOUS SURVEY, CERTIFIED SURVEY SHOWING SIZE AND LOCATION OF ORIGINAL TRACT, PROPOSED PARCEL TO BE DIVIDED, PARCELS PREVIOUSLY DIVIDED FROM THE ORIGINAL TRACT 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:**

