

# Appendix A

## Claim of Exemption

**CLAIM OF EXEMPTION**

To claim an exemption from the requirements of the Curry County Subdivision Regulations (Ordinance), you must complete this form, sign it before a notary public and submit it together with legible copies of all required documents to Curry County Subdivision Coordinator. Be sure to check all exemptions, which apply and attach legible copies of all supporting documents.

The Curry County Subdivision Coordinator will notify you in writing within forty-five (45) 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 Curry County Subdivision Coordinator within forty-five (45) days, you may proceed with the land division you propose without needing to comply with the requirements of the Curry County 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 Curry County Subdivision Regulations.

\*\*\*\*\*

I, \_\_\_\_\_, claim an exemption from the requirements of the New Mexico Subdivision Act and the Curry County 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 of 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.**
- \_\_\_ 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 OF RECORD WITH THE COUNTY CLERK.**
- \_\_\_ 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 ALL BURIAL PLOTS.**
- \_\_\_ 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, step grandson, granddaughter, step

granddaughter, nephew and niece, whether related by birth or adoption. **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.**
- \_\_\_ 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.**
- \_\_\_ 13. The division of a tract of land into two (2) parcels that conform with applicable zoning ordinances; provided that a second or subsequent division of either of the two parcels within five (5) years of the date of the division of the original tract of land shall be subject to the provisions of the New Mexico Subdivision Regulations and these Curry County Regulations; provided further that a survey, and a deed, if a parcel is subsequently conveyed, shall be filed with the County Clerk indicating that the parcel shall be subject to the provisions of the New Mexico Subdivision Act if the parcel is further divided within five (5) years of the date of the division of the original tract of land. **ATTACH 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.**

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:\_\_\_\_\_

\_\_\_\_\_  
Curry County Commission Chairman