

**BEAVERHEAD COUNTY
ZONING PETITIONS POLICY
Adopted October 9, 2007**

Submittal Requirements for Beaverhead County Clerk & Recorder's Office

A. The words "Petition for _____ Zoning District" must be clearly stated on each signature page. A **map prepared by a certified land surveyor** indicating the boundaries of the area of land to be included in the district must be attached to the petition that will be circulated for signatures. The names of landowners shall be marked clearly on the map. A map must be attached to each signature page of the petition that is circulated. A filing fee of \$300.00 is payable to the Beaverhead County Clerk & Recorder.

B. **Signatures Pages** must include the following:

1. Petition
2. Separate line for each freeholder's signature (a freeholder is a landowner). The freeholder must sign in identical format as the freeholder's name appears on freeholder's deed. (See below for guidance).
3. Line for freeholder's printed name.
4. Line for freeholder's mailing address.
5. Line for date freeholder signed.
6. Legal description of freeholder's property.

C. **Additional Items** to be submitted with Petition Signature Pages:

1. Obtain and attach an Ownership Report from a Title Company for all legal descriptions. The ownership report must include owner names, deed reference, mailing address, and tax codes. Petition signatures must match ownership titles exactly. This includes corporations, partnerships, etc. **Note:** Any signatures that differ in any way from the land title will be voided from the petition.

Certificate of Title - ownership report:

A statement of opinion prepared by a title company, licensed abstracter, or an attorney on the status of a title to a parcel of real property, based on an examination of specified public records. This certificate of title should not be confused with the certificate of title that is

issued to a titleholder of land registered under the Torrens system, or with a title insurance policy.

A certificate of title does not guarantee title, but does certify the condition of the title as of the date the certificate is issued, on the basis of an examination of the public records maintained by the recorder of deeds, the county clerk, the county treasurer, the city clerk and collector, and clerks of various court records.

2. Affidavit by person or persons circulating petition signature pages must be attached to the signature pages they circulated attesting that they collected those signatures or each signature must be notarized. Affidavit form is available in the Beaverhead County Clerk and Recorder's Office.

D. Procedure by Clerk and Recorder's Office After Submission

1. Petition will be stamped with the date, time and initials of person accepting petition.

2. Additional petition signature pages or withdrawal statement will be accepted for five (5) business days after petition is stamped.

3. The Clerk and Recorder will submit an affidavit to the Board of County Commissioners stating the number of freeholders within the boundaries of the district; the number of valid signatures, and verification of the percentage of freeholders within the boundaries that signed the petition after the County Attorney has reviewed it.

E. Guidance for Signatures

1. If property was acquired in different names, i.e. S. Daniel Jones, Sam Daniel Jones, and Daniel Jones, an affidavit must be attached to signature page stating they are one and the same person.

2. Each freeholder is counted in the total number of freeholders within the boundaries of the district and can sign the petition. If property is held jointly, or as tenants in common, each joint tenant or each tenant is counted as a freeholder and may sign the petition.

3. A trust is counted as one freeholder. The trustee of the trust must sign the petition as "trustee of the S. Daniel Jones living trust" and provide the copy of the first page of the trust, the signature page of the trust and the page showing that the person signing on behalf of the trust is a current trustee.

4. Contract for Deed/Notice of Purchasers Interest has one freeholder and that is the Grantor. The Grantor retains ownership of the property until the contract is paid off and can sign the petition. The party purchasing the property on a contract cannot sign the petition.
5. A corporation is counted as one freeholder. Standard bylaws usually require both the president and secretary sign as “president of Jones, Inc” and “secretary of Jones, Inc.” The signature of both the president and secretary will be required. If bylaws provide otherwise, a copy of the relevant page of the bylaws and the first page of the bylaws must be attached to the signature page.
6. A partnership is counted as one freeholder. All partners must sign or the non-signing partners must authorize one partner to sign for the partnership and a copy of that authorization must be attached to the signature page. The partners must sign as “partner”.
7. A limited partnership is counted as one freeholder. All partners must sign or the general partner may sign if authorized by all the limited partners to sign for the partnership. A copy of the authorization must be attached to the signature page. The partners must sign as either “general partner” or “limited partner”.
8. A limited liability company is counted as one freeholder. Depending on what is authorized by the articles of organization or operating agreement, one member or the manager may sign. A copy of the relevant page of the articles of organization or operating agreement and the first page of the articles of organization or operating agreement must be attached to the signature page. The member must sign as “member” or the manager must sign as “manager”.
9. A limited liability partnership is counted as one freeholder. All partners must sign or the non-signing partners must authorize one partner to sign for the partnership and a copy of that authorization must be attached to the signature page. The partners must sign as “partner”.

**Signature Collection Statement for Voluntary Planning and Zoning District
Beaverhead County, Montana**

I hereby declare that I, _____, collected and witnessed the signature of the person(s) on the attached petitions(s) for the proposed voluntary planning and zoning district entitled:

“ _____
_____”

I hereby certify to the best of my ability, that the following signatures on the attached petitions(s) are correct.

List the names of the signatures that are attached to this statement:

Printed Name

Signature

(In front of a Notary, the person collecting the signatures needs to print and sign his/her name.)

On this ____ day of _____, 20____, before me the undersigned Notary for the State of _____, personally appeared _____ know to me (or proved to me upon oath of _____, a credible witness) to be the person making the above declaration.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed by Notarial Seal the day and year first written above.

Notary Printed Name

Notary Signature

Notary Public for the State of _____

Residing at _____

My commission expires: _____