



Ravalli County Planning Department

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Hamilton, Montana 59840

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OG-14-09-204

September 5, 2014

Cheryll Wolff
316 Hawker Ln.
Corvallis, MT 59828

**Subject: Denial of a Gifted Parcel Temporary Transfer back to Original Grantor
Wolff Family Transfer/Agricultural Parcel (SEA-14-06)**

Property Description: Tract 2, Certificate of Survey #678856-F, located in Section 5, T6N, R20W.

Dear Ms. Wolff:

On August 25, 2014, the Ravalli County Board of County Commissioners (BCC) considered your request for a temporary transfer of ownership of a recently gifted Family Transfer parcel from Chanz Wolff's ownership back into the ownership of original grantor Dianne Wolff, until such time as original grantee Dirk Wolff's IRS tax matters are settled. Once these matters are resolved, property ownership would be transferred back into Dirk's name. Furthermore, you explained that student loan implications preclude Chanz Wolff, Dirk's son, from maintaining ownership of the property, hence the temporary transfer request back to grantor Dianne.

The BCC has denied your request, based upon a 4-0 vote, supported by the following findings of fact:

- 1) Neither the original Family Transfer grantor Dianne Wolff, nor original parcel recipient Dirk Wolff, initiated the temporary transfer request. Since Cheryll Wolff is not the grantor/grantee and has no ownership interest in the subject property, she does not have the ability to make this request.
- 2) The request raises a rebuttable presumption that it was made for the purposes of evading subdivision review. Section 11-4(C)(2)(a) of the Ravalli County Subdivision Regulations states the following: "The use of the family gift or sale exemption is proposed to gift a portion of a tract from a previously created family transfer back to the original grantor." Although the proposal is to convey ownership of the entire gifted parcel back to the original grantor, and not a portion thereof, it is Deputy County Attorney Howard Recht's opinion that the proposal still raises a rebuttable presumption of subdivision evasion, since ownership is proposed to be transferred back into Grantor Dianne Wolff's name.

If you have questions regarding the above, please contact me at 375-6530. I'd be happy to schedule a meeting to discuss the matter in person or over the phone, at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Waller", with a long horizontal flourish extending to the right.

Kevin Waller
Planner

Cc: Project File – Subdivision Exemption Application (SEA – 2014 - 06)
Ravalli County Environmental Health Department
Regina Plettenberg, Ravalli County Clerk & Recorder
Ravalli County Commissioners
Ravalli County Attorney's Office
Outgoing Correspondence File
Dianne Wolff, Dirk Wolff, 268 Hawker Lane, Corvallis, MT 59828
Chanz Wolff, 308 Hawker Ln., Corvallis, MT 59828
Paul Jessop, Base Line Surveying, 996 Hwy. 93 N., Victor, MT 59875