

WVLT Easement Application Form

Please fill out this form to initiate the process of donating a conservation easement to WVLT.

Landowner information

Property owner(s) (as listed on deed): _____

_____ Number of Acres _____

Tax map and parcel number(s): _____

Highway/street where property is located or fronts: _____

Do you own other property in the immediate area? Yes/No Parcel(s) # _____

Contact information: Name: _____

Address: _____

City: _____

Phone: _____ Fax: _____

E-mail: _____

Attorney Information

Landowner's attorney: _____

Address: _____

City : _____ State: _____ Zip Code: _____

Phone: _____ Fax/Cell: _____

E-mail: _____

Parcel Land Uses

Acres in Forest: _____ Acres in Agriculture: _____

Acres in Pasture: _____ Acres in Wetlands: _____ Acres in other: _____

Please describe the property's use in your own words: _____

Resources and buildings

Does the property have streams or creek/river frontage? Yes / No

Describe: _____

Does the property have any historical resources? Yes / No

Describe: _____

Does the property have any natural resources like caves, prime soils or endangered species?

Describe: _____

List all dwellings (homes, cabins, barn apartments, stationary trailers) on the property.

List the other buildings on the property like barns, sheds, stables, milking parlors.

Do you have a recent survey? yes / no Date: _____

Are there any boundary issues with neighbors: _____

Do you have any mortgages or are there any liens on the property that you know of? yes / no

Are there any other easements on the property? Such as powerlines, gas lines, neighbor access rights. _____

Conservation Easement Consent

The donation of a conservation easement is an act of land protection which will permanently affect how your land may be used in the future. Your easement donation is completely voluntary, and you may change your mind until the easement is recorded at the court house. All restrictions on the use of the easement property are found on the deed of easement. After the easement is signed and recorded it becomes permanent, binding on you and future owners. Recorded easements are a matter of public record at the court house, although at your direction WVLT will refrain from press releases or newsletter articles about your easement.

- WVLT does not require a gift appraisal to accept the donation of an easement, however if you intend to take advantage of the federal tax deductions, state tax credits and estate tax exclusions you will need to engage a qualified independent appraiser to determine the value of the gift. WVLT strongly suggests that you employ a Certified General Appraiser experienced in conservation easement appraisals who follows Uniform Standards of Professional Appraisal Practice (USPAP). You should understand that the timing and quality of your appraisal may impact the tax benefits you may receive from your easement, and that the IRC states that the appraisal needs to be dated no more than 60 days prior to the easement's recordation or prior to the filing of the tax return for the period in which the easement was donated.
- While WVLT uses the Virginia Outdoors Foundation easement template, and will make every effort to see that the gift of an easement qualifies under IRS and Va. Department of Taxation standards the landowner should have legal and tax counsel review the easement prior to its execution. The landowner should not assume that WVLT will sign the IRS Form 8283 for a gift in excess of \$5,000. The form 8283 must be completely filled out and WVLT must have an opportunity to review the appraisal to determine its appropriateness, prior to signing the Form 8283. WVLT will not knowingly participate in projects where it has significant concerns about the tax dedication.
- If there is a mortgage on the property to be placed under easement, the mortgage holder must subordinate the mortgage to the easement so that the easement can continue to protect the property in the case of foreclosure. Your attorney should contact the bank early on in the process as subordination can be very time consuming.
- In order to claim the VA state income tax credits from the gift of an easement, you will be required to send a form to the VA Department of Taxation describing the easement being donated, the conservation purposes being served by the donation, the fee simple value of the property being donated in absence of the restrictions in the easement, the public benefit being derived from the donation, the extent to which water quality best management practices will be implemented on the property being donated, and whether the property is fully or partially forested and if so whether a forest management plan is included in the easement. If the value of your easement is in excess of \$2.5 million dollars, then your easement will have to have certain specific protections for water quality as adopted by the Virginia Land Conservation Foundation.
- The Western Virginia Land Trust does not provide legal or tax advice. You are strongly encouraged to consult with your advisors on estate planning and tax matters related to the donation of a conservation easement and have an attorney assist you in drafting and the review of your easement throughout the process.
- You will be asked to make a gift to our Stewardship Endowment Fund, as per a published schedule to help WVLT meet its perpetual obligation to be a good steward of the property.

I have read and acknowledge the above information and understand the issues presented, and the information provided is correct to the best of my ability.

Landowner's Signature:

_____ Date: _____