

# CONNECT THE DOTS

Adding depth to broad information about the path of county-related documents

SPONSORED BY:  
Flathead County Clerk & Recorder  
Title Companies  
Glacier Bank



DRAFTED  
1st Amendment  
2nd Amendment

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## TITLE INSURANCE

Insurance against loss resulting from defects of title to a specifically described parcel of real property. Defects may run to the fee (chain of title) or to encumbrances.

### *PRODUCTS & SERVICES*

- ◆ Standard Owners Policy
- ◆ Extended Owners Policy
- ◆ Expanded Homeowners Policy for 1-4 Family Residence
- ◆ Leasehold Owners Policy
- ◆ Standard Lenders Policy
- ◆ Extended Lenders Policy
- ◆ Ownership Reports
- ◆ Judgment & Tax Lien Report
- ◆ Chain of Title Reports
- ◆ Adjacent Landowner List
- ◆ Litigation and Trustee Sale Guarantee
  - Judicial and statutory real property foreclosure
  - Various court actions dealing with real property
  - Complete report for Quiet Title actions, Probate and Boundary/Access disputes
- ◆ Platting Certificates/Subdivision Guarantee - Full title report to determine parties who have an interest in the real estate
  - Owners of record
  - Lenders
  - Judgment Creditors
- ◆ 1031 Exchange - Section 1031 of the Internal Revenue Code allows a taxpayer to defer capital gains on the sale of property held for investment or used in business by exchanging for other "like kind" property.
- ◆ Closing Services
  - Preparation of Settlement Statement
  - Pay-off outstanding liens & judgments
  - Recording of Documents
  - Disbursement of funds

# TITLE INSURANCE

(continued)

## *TYPES OF ENCUMBRANCES*

Encumbrance -A claim, lien, charge, or liability attached to and binding real property. Any right to, or interest in, land which may exist in one other than the owner, but which will not prevent the transfer of fee title.

- ◆ Real Estate Taxes
- ◆ Assessments
- ◆ Personal Property Taxes
- ◆ Easements
- ◆ Covenants
- ◆ Trusts
- ◆ Corporations
- ◆ Partnerships
- ◆ Water
- ◆ Access
- ◆ Foreclosure
- ◆ Bankruptcy
- ◆ Agreements - Road, Water, etc.
- ◆ IRS Liens
- ◆ Construction Liens
- ◆ State Tax Liens
- ◆ Mobile Home Detitling
- ◆ Surveys & Plats
- ◆ Declaration of Homesteads
- ◆ State Liens - Unemployment & Income Tax
- ◆ Judgments (all types) - attach to real property
- ◆ Divorces
- ◆ Probates
- ◆ Guardianships
- ◆ Custodianships
- ◆ Quiet Title Actions
- ◆ Cloud on Title
  - Invalid encumbrance on real property
  - Can be removed by Quit Claim Deed, Affidavit or Court Action

# TITLE INSURANCE

(continued)

## INTERACTION WITH CLERK & RECORDER/PLAT ROOM

[http://flathead.mt.gov/clerk\\_recorder/](http://flathead.mt.gov/clerk_recorder/)

- ◆ Deed Chain of Title
- ◆ Easements
- ◆ Covenants
- ◆ Condominium Documents
- ◆ Agreements - Road, Water, etc
- ◆ IRS Liens
- ◆ Construction Liens
- ◆ Mobile Home Detitling
  - MVD Forms:  
<http://www.doj.mt.gov/driving/forms.asp#vehicletitleregistration>
  - Montana Cadastral Site: <http://gis.mt.gov>
  - Flathead County Taxes:  
[http://www.co.flathead.mt.us/li/jadehttp.dii?LAND\\_MainFormWeb](http://www.co.flathead.mt.us/li/jadehttp.dii?LAND_MainFormWeb)
- ◆ Surveys & Plats
- ◆ Declaration of Homesteads
- ◆ Recordation of Documents

## INTERACTION WITH CLERK OF COURT [http://flathead.mt.gov/clerk\\_of\\_court/](http://flathead.mt.gov/clerk_of_court/)

- ◆ State Income Tax Liens
- ◆ State Unemployment Tax Liens
- ◆ Judgments (all types)
- ◆ Divorces
- ◆ Probates
- ◆ Guardianships
- ◆ Custodianships

## INTERACTION WITH TREASURER'S OFFICE <http://flathead.mt.gov/treasurer/>

- ◆ Real Estate Taxes
- ◆ Assessments
- ◆ Personal Property Taxes [http://flathead.mt.gov/property\\_tax](http://flathead.mt.gov/property_tax)
- ◆ Tax Foreclosures
- ◆ Mobile Home Detitling- see above

## INTERACTION WITH DEPARTMENT OF REVENUE

- ◆ Mobile Home Detitling- see above
- ◆ Realty Transfer Certificates  
<http://mt.gov/revenue/formsandresources/forms/488RTC.pdf>

# TITLE COMPANIES IN FLATHEAD COUNTY

## **Alliance Title & Escrow Corp**

501 South Main Street  
Kalispell, MT 59901  
(406) 752-7606 Phone  
(406) 756-7064 Fax  
[www.alliancetitle.com](http://www.alliancetitle.com)

## **Fidelity National Title**

**(formerly Stewart Title of Flathead County)**

17 Main Street  
Kalispell, MT 59901  
(406) 755-7004 Phone  
(406) 756-3777 Fax  
[www.fntic.com](http://www.fntic.com)

## **First American Title Company**

**(formerly Citizens Title & Escrow Co.)**

704 South Main Street  
Kalispell, MT 59901  
(406) 752-752-5388 Phone  
(406) 752-9617 Fax  
[www.firstamholding.com](http://www.firstamholding.com)

## **Insured Titles**

**(formerly Flathead County Title Company)**

44 4<sup>th</sup> Street West  
Kalispell, MT 59901  
(406) 755-5028 Phone  
(406) 755-3299 Fax  
[www.insuredtitles.com](http://www.insuredtitles.com)

## **Sterling Title Services**

211 Main Street  
Kalispell, MT 59901  
(406) 752-7000 Phone  
(406) 752-7207 Fax  
[www.sterlingtitleservices.com](http://www.sterlingtitleservices.com)



## ENVIRONMENTAL HEALTH SERVICES

Earl Bennett Building, Second Floor  
1035 First Avenue West  
Phone (406) 751-8130  
Fax - (406) 751-8131  
<http://flathead.mt.gov/health>

*We will provide high quality work incorporating effective prevention measures. We will educate and regulate to ensure compliance with environmental public health standards.*

### ❖ Food and Consumer Safety Programs

- Contracted by Department of Public Health and Human Services - Food and Consumer Safety Section for licensure and inspection of the following types of facilities:
- Retail Food service/manufacturing (restaurants, grocery stores, etc)
- Public Accommodations (hotels/motels/bed & breakfast, tourist homes)
- Public Pools and Spas
- Trailer Courts
- Campgrounds
- Schools, Day Care Centers, Assisted Living Facilities

### ❖ Air Quality

- Enforce County Air Quality Regulations
- Open Burning - this is regulated based on predicted atmospheric ventilation
- Dust Control - construction sites, road construction
- Contract with MT Department of Environmental Quality (DEQ) for ambient monitoring and maintenance of equipment and information
- Track compliance with federal regulations and standards regarding particulate and carbon monoxide levels
- Provide low-cost radon kits and information
- Airborne mold testing service for public buildings

# ENVIRONMENTAL HEALTH SERVICES

## Flathead City-County Health Department

(continued)

### ❖ Land Services

- Septic permitting and inspection - Flathead County Sewage Treatment System Regulations
- Public water system inspections - contracted through DEQ
- Subdivision Review - Contract with MT DEQ for compliance with Sanitation in Subdivisions Act
- Environmental reviews are done for parcels less than 20 acres in size
- Platted Subdivisions
- Certificate of Survey - Boundary Line Adjustments & Family Transfers
- Exempt from Review:
  - Retracements
  - 20 acres or greater parcel size
  - Agricultural Use
  - Court Ordered
  - Mortgage Purposes
  - Cemetery Lots
  - Reservation of Life Estate
  - Lease or Rental for Farming & Agricultural Purposes
  - Rights-of-Way for Utility Sites

### Environmental Health:

The interrelationships between people and their environment that promote human health and well-being and foster a safe and healthful environment



## PLANNING & ZONING

Earl Bennett Building, Second Floor

1035 First Avenue West

Phone (406) 751-8200

Fax (406) 751-8210

[http://flathead.mt.gov/planning\\_zoning/](http://flathead.mt.gov/planning_zoning/)

### VISION STATEMENT

"Provide transparent quality current and long range planning services that stimulate and promote a sustainable economy, protect neighborhoods from incompatible development, reduce or eliminate detrimental environmental impacts and conserve natural resources."

The FCPZ will utilize a systems approach to address issues and projects, fully communicating and coordinating activities with all affected parties, including the Board of County Commissioners, County Departments, other agencies and the general public. The Office already enjoys an established track record in providing excellent public customer service and quality work. We intend to continue and capitalize upon this foundation.

A key component to all FCPZ activities will be to promote "transparent planning processes" involving staff and the public. Public engagement and buy-in at the very earliest opportunity should facilitate public acceptance and ownership of the final product. Staff should also feel ownership with work products. We must be flexible and innovative to meet the unique needs of a changing public.

#### ➤ Administration

- Data Entry
- Administer Boards
- Legal Notices
- Answer Public Questions

# PLANNING & ZONING

(continued)

## ➤ Current Planning

- Subdivision Review
  - Pre-Application Meetings
  - Reviews
  - Board Meetings
  - Commissioner Meetings
  - Final Plat Approval
- Zoning
- Conditional Use Permit
- Variances
- Map Amendments
- Lakeshore Regulations
- Floodplain Regulations
- Enforcement

## ➤ Long Range Planning

- Growth Policy
- Neighborhood Plans
- Parks & Recreation Plans
- Transportation Plan
- Water Quality Management Plan
- Affordable Housing Plan
- Mineral Resource Extraction Plan

### CITY PLANNING JURISDICTIONS

Kalispell Planning Office	17 2 <sup>nd</sup> Street East Kalispell, Montana (406) 751-1850
Whitefish Planning Office	1005 C Baker Avenue Whitefish, Montana (406) 863-2410
Columbia Falls Planning Office	130 6 <sup>th</sup> Street West A Columbia Falls, Montana (406)892-4399

# GIS (Geographic Information Systems)

800 South Main, Third Floor

Phone (406) 758-5540

Fax (406) 758-5840

<http://flathead.mt.gov/gis/>



The Flathead County Geographic Information Systems (GIS) Department has operated under the Clerk and Recorder's Office since its origination in 1993. The department is currently housed on the top floor of the old courthouse and employs a staff of eight dedicated individuals that provide mapping support for all of the county offices, other organizations at all levels of the government, private organizations and the public. The Addressing Coordinator is located in the GIS department and handles new address assignment, road naming and re-addressing for unincorporated Flathead County. The Addressing Coordinator maintains the catalog of current and reserved road names.

## ◆ Services commonly provided to the public

- Custom Mapping Services (paper maps, map books, and digital map files)
- Creates ownership lists
- Maintains the Interactive Mapping Service Website (IMS)
- Provides monthly training on GIS / Plat Room resources available via the Internet
- Assigns addresses and approves road names

## ◆ Services commonly provided to other agencies

- Supports the mapping component of the E-911 dispatching system
- Performs audits of the taxation for miscellaneous districts
- Collects mapping data for crime scene & provides court room displays
- Provides Emergency Services mapping & evacuations lists (i.e. Forest Fires)
- Prints section maps found in the Flathead County Plat Room
- Produces AutoCAD files of cadastral data, accessible via the Internet

## GIS (Geographic Information Systems) (continued)

- ◆ **Data layers maintained in the GIS library**
  - Land ownership and parcels (from the Plat Room)
  - Roads and Addresses
  - Zoning Districts Boundaries (from Planning & Zoning)
  - Precincts, Wards and Legislative Districts (from the Election Department)
  - Septic Systems
  - Aerial Photography
  - District Boundaries
    - Fire Districts (adopted by the County Commissioners)
    - City Limits
    - School Districts (from the Superintendent of Schools Office)
    - TV Districts
    - Water/Sewer Districts (from the Election Department)
    - Herd Districts (adopted by the County Commissioners)
    - Commissioner Districts
  
- ◆ **Data from outside agencies (accessible in the GIS library)**
  - Census Data
  - Well Data from Department of Environmental Quality
  - CAMA data from the Department of Revenue
  - Forest Fire Boundaries
  - Hydrology, Geology, Soil data
  - FEMA Flood Plains
  - Hunting Districts
  - Hiking Trails
  - Topological Maps



## PLAT ROOM/SURVEYORS OFFICE

800 South Main, First Floor

Phone (406) 758-5510

Fax (406) 758-5519

[http://flathead.mt.gov/plat\\_room/](http://flathead.mt.gov/plat_room/)

The Plat Room/Surveyor's Office is the official source of land ownership information, as well as survey records for Flathead County. We also have information in regard to Montana Survey laws. We continually strive for the most current and accurate records to assure proper taxation. We also handle change of owners address for tax purposes. The public record information can be accessed by anyone. Various area and district maps are available for a fee.

- **Reviews and Verifies all documents to be recorded**
  - Legal Description
  - Ownership
  - Assessor Number
  - Compliance with Montana Subdivision and Surveying Laws
  
- **Post (enter) ownership information into Tract Books and Land System**
  - Conveyance Documents
  - Court Documents
    - Decrees
    - Quiet Title
    - Court Orders
  - Declaration of Homesteads
  - Annexation Resolutions
  - Declaration of Unit Ownership (DUO) - Condominiums
  - Affidavits to remove names
  - Affidavits to make corrections on Surveys & Subdivisions
  - Easements to Flathead County
  - Subdivisions
  - Surveys
  - Maintain all address changes for tax base
  
- **Create new parcels created by surveys and subdivisions**
  - Dept of Revenue - valuation
  - GIS - creation of new maps
  - Treasurers Office - Tax Rolls

# PLAT ROOM/SURVEYORS OFFICE

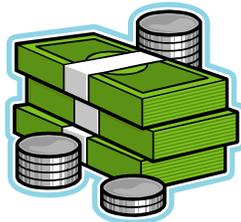
(continued)

- **Road Files**
  - Public Roads
  - Private Roads
  - Naming & Renaming Roads
  
- **Road Abandonments**
  - Verify Legal Description & Signatures on Petition
  - Supply list of Abutters for Notification
  - Write Cover Letter for Commissioners
  
- **Review of Subdivisions and Surveys**
  - Boundary Line Adjustments
  - Family Transfers
  - Retracements
  - 20 acres or greater parcel size
  - Agricultural Use
  - Court Ordered
  - Mortgage Purposes
  - Cemetery Lots
  - Reservation of Life Estate
  - Lease or Rental for Farming & Agricultural Purposes
  - Rights-of-Way for Utility Sites
  - Conduct Tax Searches for Subdivisions
  - Conduct Tax Searches for Surveys
  
- **Maintain Historical Land Information**
  - Railroad Maps
  - Highway Maps
  - Road Files
  - Road Books A & B
  - Surveyor Book
  
- **Delinquent Tax List**
  - Conduct Search of Property
  - Mail out Notification to Landowners & Lienholders
  - Maintain List of Delinquent Taxes

## TREASURER'S OFFICE

<http://flathead.mt.gov/treasurer/>

**MOTOR VEHICLE**  
The Blue Building,  
Top Floor  
935 First Avenue West  
Phone (406) 758-5690  
Fax (406) 758-5694



**TAX DEPARTMENT**  
The Blue Building,  
Bottom Floor  
935 First Avenue West  
Phone (406) 758-5680  
Fax (406) 758-5863

### ACCOUNTING DEPARTMENT

- Bank for county departments and other county agencies
- Works with Finance to ensure compliance with auditors
- Tracks and pays school bonds, RSIDs, bonds & investments
- Receipts in grant funds
- Issues Business Licenses & Fireworks Permits
- Issues Liquor Licenses

### MOTOR VEHICLE DEPARTMENT

- Title transfers on all motor vehicles including mobile homes
- Renew motor vehicle registrations
- Issue license plates
- Issue temporary permits

### TAX DEPARTMENT

- Receipt all personal property tax payments
- Receipt all real property tax payments
- Collection of delinquent Real Property Taxes
  - Tax Sale
  - Tax Lien Certificates
  - Tax Assignments
  - Tax Deed
  - Redemptions
- Collection of delinquent Personal Property Taxes
  - Courtesy Notices
  - Writ of Execution to Sheriff
- Maintain protested tax accounts

# TREASURER'S OFFICE

(continued)

## TAX DEPARTMENT

- Receipt payments into Tax Fund from Bankruptcy Court
- Mobile Homes
  - Issue moving declarations
  - Detitling - issue paid tax receipt
- Tax Paid Certificates
  - Subdivisions
  - Boundary Line Adjustment Surveys
  - Family Transfer Surveys

## PUBLIC ADMINISTRATOR

- Acts on behalf of deceased who has no living heirs or living heirs are not able or willing to act as Personal Representative of deceased.
  - File Court documents
  - Make sure all income is deposited into estate account
  - Pay estate bills
  - Make final distribution to heir(s)
  - File closing documents



Assessor/Appraisal Office  
100 Financial Drive  
Phone (406) 758-5700  
Fax (406) 758-5671

The Department of Revenue has general supervision over the administration of the assessment and tax laws of the state (15-1-201 MCA)

**Property Assessment Division** - responsible for the valuation and assessment of real and personal property

**Assessment -**

- Property Tax - imposed on the owner of property, not property itself.
- Valuation - value of property is the measure of the tax imposed
- Ad Valorem - property tax based upon value, not on ability to pay.

**Actions affecting Property Tax Liability, Billing and Collection**

- Mobile Home Detitling
- Annexations
  - Water/Sewer Districts
  - Fire Districts
  - Road Districts
  - City Annexation
- Special Improvement District
- Road Abandonments
- Improvements on Real Property

# DEPARTMENT OF REVENUE

(continued)

## Property Assessment Notice (see attached example and definitions)

Legal Owners  
Tax Year  
Assessment Code  
Mill Levy  
Legal Description  
Geocode  
Property Classification  
Quantity  
Previous Year Value  
2003 Reappraisal Value  
2002 Value before Reappraisal  
2003 Phase-In Value  
Exemption amount  
Taxable Market Value  
Taxable Percent  
Taxable Value

## Property Tax Liability, Billing and Collection

- **Levies** - Department required to tell the local taxing authority what the total "taxable" value is in each taxing jurisdiction (15-10-202 MCA)
- **Tax Revenue** - Taxing Jurisdictions must determine how much property tax revenue they need to fund the budgets
- **Computing Taxes** - County Clerk & Recorder required to notify the department of the number of mills needed in each taxing jurisdiction.

## Realty Transfer Certificates

A document transferring real property cannot be recorded without also filing a Realty Transfer Certificate.

Realty Transfer Act - to provide sales price data for the market data approach. The information on the certificate is confidential

- NOTE:**        **REALTY TRANSFER CERTIFICATES MUST CONTAIN:**
- Federal Employer Identification Number (FEIN) and/or
  - the last four digits of Social Security Number (SSN) for BOTH buyer and seller

# Real Property Assessment Notices

## Explanation of Information & Column Headings

**Date**- Date of assessment. This is post-dated to allow for mail time. Appeal must be filed within 30 days of this notice.

**Assessment Code**- Unique number that identifies one or more properties for the county tax billing process.

**Mill Levy**- Previous year consolidated mill levy for the levy district in which the property is located.

**Legal Description**- Description includes subdivision name, lot, block, section, township, range or whatever information describes the property for legal ownership purposes.

**Geocode**- Geographical identification number used by DOR to identify the property.

**Property Classification**- Current class that the property is listed in (ex: residential, commercial, agricultural).

**Quantity**- Number of acres for real property. This does not include property valued on the square foot or front footage basis.

**Previous Year Value**- Actual Taxable Market Value and Taxable Value from the previous year assessment notice. Taxpayer should compare the taxable value from previous year to current year for best comparison. If there is no figure in that column from last year, the parcel is either new or may have been assigned to a new geocode or assessment code.

**2003 Reappraisal Value**- Current Reappraisal value of the property (date of appraisal 1-1-2002).

**2002 Value Before Reappraisal (VBR)**- Reappraisal value of the property for the previous appraisal cycle (date of appraisal 1-1-1996). If the value is followed by an asterisk, the property had new construction, destruction or other adjustments since 2002 that made it necessary for the DOR to calculate this value.

**2003 Phase-in Value**- Value calculated based on 16.6% (for every year of the 6 year cycle) of the difference between the 2003 reappraisal value and the 2002 VBR, added to the 2002 VBR. A property is fully phased in by the end of the cycle. So, in 2008 the phase in 100%.

**Exemption Amount**- Actual dollar amount of either the homestead or comstead exemption. The exemption percentage changes every year. The dollar amount is calculated by multiplying the appropriate percentage times the phase-in value.

**Taxable Market Value**- This is the 2003 phase-in value less the residential or commercial exemption. It is the value that the tax rate is multiplied by to determine taxable value.

**Taxable Percent**- This is the tax rate for the type of property being assessed.

**Taxable Value**- The taxable market value times the taxable percent. This is the final value used to determine the amount of tax due.



## **CLERK & RECORDER**

800 South Main, Second Floor

Phone (406) 758-5527

Fax (406) 758-5865

[http://flathead.mt.gov/clerk\\_recorder/](http://flathead.mt.gov/clerk_recorder/)

### **MISSION**

The Clerk and Recorder's Recording Office, is, by statute, the official records center for Flathead County. It is the responsibility of this office, according to law, to maintain records at a maximum level of efficiency for the benefit of public accessibility. The indexes to recorded/filed documents (714,347) are the primary directive to all the permanent records on file, and it is important that they be accurate and current. The importance of records is seen clearly on a daily basis as private individuals, companies, government agencies, and lending institutions use the office as a research center. In addition, the staff assists the public in attaining necessary information from the records and makes copies of all materials.

The recording Office in conjunction with the Plat Room policies land transfer documents, certificates of survey and subdivision plats to enforce statutory requirements and subdivision regulations. The vital statistics records for Flathead County are another important resource in recording. They back up records for the Montana State Department of Health and Environmental Services in Helena.

The Flathead County Clerk and Recorder serves as the recording secretary of the Board of County Commissioners. The Finance Office has the responsibility of maintaining the County's financial records. This responsibility includes items such as: county-wide payroll and accounts payable processing and management, internal financial reporting to department heads and the commissioners, technical and clerical support for the budget process and external financial reporting including the final budget document and the Comprehensive Annual Financial Report. The Clerk and Recorder's office is often seen as the administrative center of the courthouse.

# CLERK & RECORDER

(continued)

## Divisions within the Clerk & Recorder:

Recording  
Finance  
Auditor  
Election  
GIS (Geographic Information System)  
Plat Room/Surveyor  
Records Preservation

## Information available for public research:

- ❖ Grantor/Grantee Index Books
  - Deeds
  - Miscellaneous Real Estate
    - Easements
    - Contracts
  - Powers of Attorney
  - Mortgages
  - Leases
  - Plats/Surveys
  - Permanent Files
  - Water Rights
  - Official Bonds
  - Construction Liens
  - Attachments
  - Notices of Attachments
  - Assignments
  - Wills
  - Transcript of Judgments

## Information available for public research:

- ❖ Grantor/Grantee Index Books
  - Notices of Action
  - Certificates of Sale
  - Individual Property of Married Persons
  - Annual Work on Mining Claims
  - Notices of Location of Mining Claims
  - Declaration of Water Rights
  - Military Discharges

## CLERK & RECORDER (continued)

### Recordation/Filing of:

- ◆ Certificates of Surveys
- ◆ Subdivision Plats
- ◆ Miscellaneous Recorded Documents (see list)
- ◆ Miscellaneous Filed Documents (see list)
- ◆ Conveyance Documents
- ◆ Loan Documents
- ◆ Powers of Attorney
- ◆ Leases
- ◆ Judgments and Decrees
- ◆ Uniform Commercial Code documents
- ◆ Federal Tax Liens
- ◆ Road Abandonment documents
- ◆ Annexation documents
- ◆ Birth Certificates
- ◆ Death Certificates
- ◆ Official Bonds
- ◆ Wills
- ◆ Military Discharge Papers
- ◆ Declaration of Homestead
- ◆ Tax Sale Assignments & Redemptions
- ◆ Notary Public Documents
- ◆ Foreclosure Documents
- ◆ Detitling of Mobile Homes
- ◆ Conservation Easements



**ELECTION DEPARTMENT**  
800 South Main, Second Floor  
Phone (406) 758-5535  
Fax (406) 758-5877  
<http://flathead.mt.gov/election/>

## MISSION

The Election Department is under the direction of the Clerk & Recorder/Election Administrator. The Election Administrator is responsible for the administration of all procedures relating to the registration of electors and conduct of elections, keeping all county records relating to elector registration and elections, and is the primary point of contact for the county with response to state-wide voter registration list and implementation of other provisions of applicable federal law governing elections. The Election Department is mandated by Federal and State statutes.

The office consists of:

One elected official - Clerk & Recorder/Surveyor/Auditor/Election Administrator

Election Services Manager

Two full-time staff members

- **VOTER REGISTRATION**
  - Register new voters
  - Keep address library updated
    - Update new districts
    - Update splits
- Maintain voter status
- Maintain permanent absentee list
  
- **ELECTION ADMINISTRATION**
  - State and County Elections
  - City Elections
  - School Elections
  - Water & Sewer District Elections
  - Fire District Elections
  - Elections for Special Districts
  - Special Elections

# ELECTION DEPARTMENT

(continued)

- **WATER & SEWER DISTRICTS**
  - Creation of new districts
  - Oversee annexations into districts
  - Maintain list of Directors
  
- **PETITION VERIFICATION**
  - State Constitutional Amendments, Initiatives & Referendums
  - Local Initiatives & Referendums
  - Establish boundaries for School District Petitions



## **RECORDS PRESERVATION**

800 South Main, Second Floor

Phone (406) 758-2485

Fax (406) 758-4410

Government is in the business of providing services to the public. These services are documented in the records and files of the government. Without good records, no local government can render good service to the public, because records and information are the institutional memory of that government. Records serve as evidence of the relationship between the government and its citizens. They prove that statutes, regulations, and ordinances have been faithfully executed and that public funds have been properly expended on behalf of the taxpayers.

- **Active Records**
  - Records that are accessed on a daily basis and are therefore stored in close proximity to the people using them either at their desks or their office
- **Inactive Records**
  - Records that are accessed on a monthly basis or even less frequently but are still needed for continuing office activities.
- **Archived Records**
  - Records that have become non-current but are still invaluable because they show the history and process of the community, and are used mainly in research

### **Custodians of the Demersville Cemetery**

- Maps and up-to-date listings of all burials
- Forensic project to locate all burials in the cemetery
- Restoration of headstones and other monuments

# CLERK TO THE BOARD OF COMMISSIONERS

800 South Main, Second Floor

Phone (406) 758-5537

Fax (406) 758-5865

- **COMMISSIONER MINUTES/JOURNALS**
  - Record and Transcribe Board Minutes
  - Put into County Commissioner Journals
  - Post minutes on County Web Page



- **PREPARE/MAINTAIN FILES FOR PUBLIC HEARING PROCESS FOR THE FOLLOWING AGENDA ITEMS:**
  - Road Abandonments
  - Road Naming
  - Resolutions
  - Ordinances
  - Zoning Districts & Amendments
  - Master Plan Amendments
  - Neighborhood Plans
  - Rural Special Improvement Districts
  - Annexations
  - Call for Bids
  - Public Hearings
  - Final Subdivision Approvals
  - Tax Incentive Requests
  - Board Appointments



**CLERK OF COURT**  
Justice Center, Third Floor  
920 South Main  
Phone (406) 758-5870  
[http://flathead.mt.gov/clerk\\_of\\_court/](http://flathead.mt.gov/clerk_of_court/)

The mission of the Clerk of District Court is to provide professional judicial and administrative services to all stakeholders of the judiciary, which include the citizens of Flathead County, the District Courts and staff, and various government agencies and departments of the County, the Supreme Court, and Northwest Montana Bar Association, and the Montana Association of Clerks of District Court.

### **Actions filed in Clerk of Court Office:**

- ◆ Judgment
- ◆ Abstract of Judgment
- ◆ Declaratory Judgment
- ◆ Default Judgment
- ◆ Deficiency Judgment
- ◆ Transcript of Judgment
- ◆ Foreign Judgment
- ◆ Quiet Title
- ◆ Foreclosure
- ◆ Marriage License
- ◆ Dissolution of Marriage
- ◆ Parenting Plans
- ◆ Adoption
- ◆ Wills
- ◆ Probate
- ◆ Guardianship
- ◆ Conservatorship
- ◆ Passport Applications
- ◆ Special Bonds
- ◆ Civil Action
- ◆ Criminal Action
- ◆ Child Support Records
- ◆ Jury Duty

**Any final judgment or decree that intends to transfer title to real property must:**

- A certified copy of judgment or decree must be obtained from the Clerk of District Court
- The document must be approved at the Plat Room
- The document must be recorded at the Clerk & Recorder's Office



## COUNTY ATTORNEY OFFICE

Justice Center, Second Floor  
920 South Main

Phone (406) 758-5630

Fax (406) 758-5642

<http://flathead.mt.gov/attorney/>

There are two areas in which attorneys are employed - Criminal Prosecution and Civil Matters. The County Attorney's Office also offers assistance with prosecution of federal crimes in Glacier National Park and on Forest Service Property.

In 2006, 2380 reports were submitted for review and consideration of charges. Of those, 657 felony cases and 306 misdemeanor cases were filed and 68 juveniles were prosecuted. In addition, 56 children were protected; 12 guardianships were established; and 101 petitions for mentally ill commitments were filed.

- **CRIMINAL**

- Prosecute all felony crimes committed within Flathead County.
- Prosecute all misdemeanor crimes committed outside the limits of the incorporated cities and towns.
- Prosecute juveniles.

- **CIVIL**

- Advise, defend and litigate on behalf of all elected and appointed county department heads
- Advise and represent all Boards appointed by the County Commissioners
- Advise and represent Flathead Valley Community College and all school districts, fire districts and conservation districts within the county
- Advise county department heads on personnel policies and matters such as employee grievances and hiring and firing policies
- Petitioning for involuntary commitment of serious mentally ill persons
- Advocate for children who are abused or neglected by their parents or guardians
- Petition on behalf of the State for appointment of guardians or conservators in cases where no funds or individuals are available for such positions.

# COUNTY ATTORNEY OFFICE

(continued)

## SUBDIVISION REVIEW

### PLATS

When a plat is in its final stages, the Commissioners' office sends the plat along with substantiating documents to the County Attorney's Office for review. The County Attorney's main interest is title to the property and checking to see that the owners and lien holders have signed off appropriately. A review of the Plat is made to make sure all the appropriate documents have been provided - double checking what some of the other offices have done just to be sure. The plat is signed off by the County Attorney Office (**there is no County Attorney seal**) and forwards it back to the Commissioners office to be put on the agenda for final approval. The Clerk & Recorder must not record this plat if it has not been signed by the County Attorney's office. (MCA 76-3-612(2))

### 509 MEETINGS

Regular Weekly Meetings

Attendance by Plat Room, Health Department, Planning and Zoning & County Attorney Office

Review of Proposed Subdivisions

Review of Proposed Certificates of Surveys

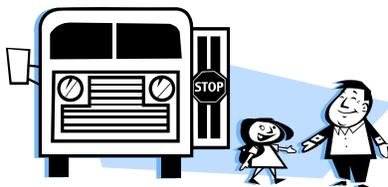
Review of 509 Exemption Criteria

# SUPERINTENDENT OF SCHOOLS

County Blue Building  
935 First Avenue West  
Phone (406) 758-5720  
Fax (406) 758-5850  
<http://flathead.mt.gov/schools/>

Education is a recognized priority. It is a constitutional right of every child in our state. It is the most important investment for the future.

- Flathead County has 23 public school districts (37 schools).
- Approximately 60% of money collected by the county goes to schools.
- **Oversight of the aforementioned items is the statutory responsibility of the County Superintendent of Schools.**
- Administrative Rules of Montana (ARM), Montana Code Annotated (MCA), the Board of Public Education (BPE) and the Office of Public Instruction (OPI) set the standards.



## RESPONSIBILITIES AND SERVICES

- ✓ Advocate for children's education
- ✓ Provide conscientious stewardship of taxpayers' supporting dollars
- ✓ Register teacher and administrator certificates
- ✓ Notify schools of elapsing staff/administrator certification
- ✓ Fingerprint and conduct background checks for school employees/volunteers
- ✓ Provide teacher-substitute lists for rural schools
- ✓ Approve and list courses on website for teacher-training
- ✓ Annually review school districts' accreditation status and counsel
- ✓ Establish the classification of elementary districts according to the population
- ✓ Review school district boundaries as required by Office of Public Instruction
- ✓ Register home schoolers, provide legal rights and responsibilities, maintain files
- ✓ Track and bill school districts for all out-of-district/county/state students
- ✓ Service as the Attendance/Truancy office for prescribed school districts
- ✓ Review and reconcile school district reports submitted to the Office of Public Education
- ✓ Provide conflict resolution intra- and inter-school districts

## SUPERINTENDENT OF SCHOOLS (continued)

- ✓ Oversee the budget preparation process for schools which includes providing estimates of district general fund budget caps and district transportation fund revenue, calculating county retirement and county transportation mills, and compiling all for inclusion on tax notices
- ✓ Review and approve specified state disbursements to school districts
- ✓ Provide an accounting cooperative for specified rural schools
- ✓ Review all school audits, help prescribed schools prepare for audits, monitor findings
- ✓ Present all school budgets to the County Commissioners for approval
- ✓ Inform the taxpayers, county officials, legislators and interested citizenry of school statistics (enrollment, costs, comparisons) through an annual publication and website
- ✓ Provide to the public information regarding school district organization, abandonment, nominating districts, school board meeting minutes, attendance agreements, budgets, trustee annual reports, student enrollment ledgers.
- ✓ Maintain data bases on buses operated by school districts in Flathead County and school district bus driver certificates
- ✓ Notify schools and monitor semi-annual bus inspections
- ✓ Provide bus information and bus stop specifications for all new development applications
- ✓ Review and approve all school bus routes in Flathead County through the County Transportation board which the County Superintendent of Schools chairs.
- ✓ Maintain local school board information - terms of service, oaths of office, elections, minutes of all school board meetings
- ✓ Offer school board membership training
- ✓ Direct a cooperative for health insurance for schools through MUST (Montana Unified School Trust)
- ✓ Serve as fiscal agent for two educational cooperatives - a special education co-op and a curriculum co-op for serving rural schools
- ✓ Request and review Emergency Procedure handbooks from each school district
- ✓ Provide emergency procedure/evacuation information to the schools to the Sheriff's Office and to the Highway Patrol
- ✓ Request and maintain inventories of school facilities equipped for county emergencies and evacuation centers.



## FLATHEAD COUNTY ROAD DEPARTMENT

1249 Willow Glen Drive

Phone (406) 758-5790

Fax (406) 758-5794

[http://flathead.mt.gov/roads\\_bridges/](http://flathead.mt.gov/roads_bridges/)

The Flathead County Road Department maintains approximately 1,100 miles of roads, over 5,000 signs and approximately 400 pieces of equipment.

The geographical range of the county road system is as follows:

- Northern Edge: North Fork to Canadian Border
- Eastern Edge: Essex to Ferndale to Bigfork
- Southern Edge: Bigfork to Lakeside to Nirada to Thompson River
- Western Edge: Thompson River to Pleasant Valley to Olney

In order to accomplish this task, the Road Department has strategically located equipment around the county. The county is divided into 12 maintenance districts. The road grader in each district is the focal point for operations in that district. This arrangement is complimented by the addition of a plow/sand truck in the winter months. During peak paving or gravel hauling to roads in that particular district during the spring, summer and fall months all available trucks may be dispatched to one district. During the fall and winter, the crusher produces sanding materials for all 12 districts of the County. During the spring and summer months the crusher produces gravel for the county's 600+ miles of gravel roads. During peak paving months we produce the majority of our asphalt needs for our department. The road Department also operates the County Shop maintaining county owned vehicles and pieces of equipment. All aspects of vehicle maintenance and repairs are performed our by crew.

### Departmental Organization:

This department consists of a Public Works Director, an Operations Manager, a Right-of-way Specialist and 3 Office Assistants. Currently there are 14 employees in the Operator's Union, and 14 employees in the Teamster's Union. The Road Department performs year round maintenance of 391.5 miles of paved, 454.9 miles of gravel, and 67.6 miles of improved dirt roads. The County Shop consists of twelve (12) employees; one parts manager, one janitor, eight mechanics and two welders. The shop maintains approximately two hundred and fifty (250) road and Bridge Department vehicles and equipment, including our crusher and asphalt plant. The shop also maintains over two hundred (200) vehicles for other departments within the county. The Administrative Staff consists of seven (7) employees; one Superintendent, one Shop Supervisor, one Right of Way Specialist, one Office Administrator, three Office Assistants, and the possibility of adding a Surveyor to the office staff.

# FLATHEAD COUNTY ROAD DEPARTMENT

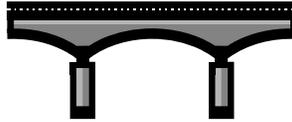
(continued)

Other operations include, but are not limited to:

- Installation and upgrade of signs, guardrails, culverts, bridges, repairs of road damage
- Clearing out obstructions on roads and rights-of-way
- Striping of roads, crosswalks and walkways
- Rock raking
- Removal of trees that blow down
- Sweeping roads

In addition, our office deals with

- Budget issues
- Rights-of-way issues
- Encroachment permits
- Load limits
- Variety of public issues including road reviews for subdivisions, etc.



## FLATHEAD COUNTY BRIDGE DEPARTMENT

1249 Willow Glen Drive

Phone (406) 758-5790

Fax (406) 758-5794

[http://flathead.mt.gov/roads\\_bridges/](http://flathead.mt.gov/roads_bridges/)

The Flathead County Bridge Department is responsible for the construction, repair and maintenance of approximately 100 bridges, 1,000 culverts, installs and maintains all guardrails, maintains several dikes within the county, and helps the Road Department with plowing and sanding during winter months.

The geographical range of the county road system is as follows:

- Northern Edge: North Fork to Canadian Border
- Eastern Edge: Essex to Ferndale to Bigfork
- Southern Edge: Bigfork to Lakeside to Nirada to Thompson River
- Western Edge: Thompson River to Pleasant Valley to Olney

In order to accomplish this task, the Bridge Department operates primarily from the main yard in Kalispell, and from there they are dispatched to different job locations throughout the county. Other operations include, but are not limited to, installation of signs, guardrails, culverts, bridges, and flooding.

Departmental Organization:

This department is separate from the county department organized within the Road Department, but maintains a separate budget as per Montana Code. The Bridge Department consists of six (6) employees. Currently there are four (4) employees in the Operators Union, and two (2) employees in the Teamster's Union. The Bridge Department maintains approximately one hundred (100) bridges, over one thousand (1,000) culverts, cattle passes, and cattle guards, along with guardrails and several dikes within the county.



## FLATHEAD COUNTY SOLID WASTE DISTRICT

4098 Highway 93 North

Phone (406) 758-5910

Fax (406) 758-5918

<http://flathead.mt.gov/waste/>

### **LANDFILL HOURS:**

Monday - Sunday

8:00 a.m. to 5:00 p.m.

Closed - Thanksgiving and Christmas

### **MISSION STATEMENT:**

Flathead County Solid Waste District provides environmentally sound and cost effective refuse collection, disposal and recycling opportunities for Flathead County residents. Our facilities are a major part of the economic and environmental infrastructure of Flathead County. Long range planning and fiscal integrity ensures decades of capacity without financial burdens in the future.

### **SOLID WASTE DATA**

In FY08, 120,515 tons of refuse was disposed of, 30,313 tons was collected from the green box sites, 724 tons were recycled, 16,381 appliances were stockpiled for recycling, 3,512 appliances had freon/CFC's removed, 1,139.46 tons of brush was ground for composting, 303 junk vehicles were retrieved, and 4,204 pounds of household hazardous waste collected.

Recycling boxes for cardboard, newspaper, tin & aluminum cans, plastic soda bottles and milk jugs are provided at the Landfill, Bigfork, Columbia Falls, Coram, Creston, Kila and Lakeside sites. Kalispell recycling locations include Albertson's, Flathead High School, Glacier High School, Kalispell Middle School, Tire Rama and the former Tidyman's building. To ensure quality, rinse cans, bottles and jugs. Magazine recycle box is located at the landfill.

Items accepted at the Landfill site include: Refuse, construction debris, appliances, used motor oil, batteries, brush and yard waste... as a service to County residences we also retrieve junk vehicles.

# FLATHEAD COUNTY SOLID WASTE DISTRICT (continued)

## JUNK VEHICLE RECYCLING PROGRAM

FCSWD offers free pick up and removal of Junk Vehicles within Flathead County. "If you own a vehicle that is unlicensed, inoperative, discarded, dismantled or wrecked ~ State law requires that you remove it from your property, or if you have three vehicles or less, conceal them from public view." Click on *Downloads* for a junk vehicle release form or call for more information.

## GREEN BOX SITES

For your convenience there are 13 drop off sites for household refuse in Flathead County. Most Green Box sites are accessible 24 hours a day, seven days a week.

The Columbia Falls, Coram, Creston, Marion and Somers sites are open daily from 6:00 a.m. to 7:00 p.m.

Bigfork*	Landfill* **
Columbia Falls*	Lakeside*
Coram*	Nyack
Creston*	Marion
Denny's	Olney
Essex	Somers*
Kila*	

\*Recycle Box Location  
\*\*Magazine Recycle Box

## WHAT IS HAZARDOUS WASTE?

It is any substance that has the potential to injure people, pets or the environment through skin contact or ingestion. Hazardous waste is in your kitchen, basement, garage, shop or greenhouse.

Examples:

Oil base paint, thinner, solvents, adhesives, stains, cleaners, furniture stripper, ammonia, pesticides, herbicides, insecticides, poisons, fertilizers, tree sprays, fuel carburetor cleaner, flea powder, lye, turpentine . . .etc.

Many items like these can be taken for granted. But if they are not used properly as instructed on the label, or used completely, they have the potential to cause harm to you, your family, pets, neighbors and our drinking

# FLATHEAD COUNTY SOLID WASTE DISTRICT

(continued)

## HOUSEHOLD HAZARDOUS WASTE SIGN UP

They don't belong lying around!  
They don't belong in the greenboxes or landfill  
They shouldn't be dumped out!  
Take them to the FREE Household Hazardous  
Waste Collection Day held the third Saturday of  
every month.

- Do not mix wastes
- Accepting original, clearly marked containers only
- No barrels
- No Latex Paint (Hardened latex paint can be thrown away in the regular trash.)

### TO PARTICIPATE:

Send us a completed Household Hazardous Waste  
registration form and we'll mail back a post card with  
your appointment time.  
(Only morning appointments are available.)

## HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY

FCSWD holds a Household Hazardous Waste Collection day on the 3rd Saturday  
of every month. Click on *Downloads* for a sign-up form or call for more  
information.

### WHEN YOU ARRIVE AT THE LANDFILL:

Proceed to the Hazardous Waste building and present your card to the staff.  
Please stay in your vehicle, our staff will do the unloading.



## FLATHEAD COUNTY NOXIOUS WEED DISTRICT

309 FFA Drive

Phone (406) 758-5798

Fax (406) 758-5888

<http://flathead.mt.gov/weeds/>

The Noxious Weed District operates under a 5-person Board of Directors who is appointed by the County Commission. In the case of Flathead County, this Board serves a dual purpose as a County Parks & Recreation Board. The Board hires a Noxious Weed Coordinator/Department head who is responsible for the implementation of the Flathead County's Weed Management Plan to control weeds that have been identified and adopted as Noxious Weeds within Flathead County. Activities of department include roadside mowing, revegetation, biocontrol releases, as well as education and compliance programs.

Flathead County adopted its weed district in 1948 and since then has worked in cooperation with the state department of agriculture and all other weed districts statewide. At peak season, we have six full-time licensed herbicide applicators and two full-time roadside mowers, in addition to a part-time education/compliance officer. Our office staff is also licensed and is well trained in the many management techniques for weed control. We also have 6 100-gallon skid mounted rental sprayers and 5-gallon backpack sprayers. This makes it easy for the private landowners to lower costs for weed control.

Not only is the weed district responsible for the 2,500 miles of county roads and property, we are the promoters of the state noxious weed law. This law states that it is illegal to allow noxious weeds to propagate or be allowed to go to seed unless there is a management plan in place and a recognized concerted effort in its implementation. Yes, this even includes us, the county itself. In 1993, our goals for management were included in the Flathead County Weed management Plan and the plan itself was used as a template for other weed districts statewide.

We've also worked hard in gaining the cooperation of several public agencies that have since recognized their responsibilities in proper weed management of their lands. Glacier National Park, Flathead National Forest, Department of State Lands and Natural Resources, BPA, Stoltze, Montana Fish, Wildlife & Parks, U.S. Fish & Wildlife and last, but not least, the Montana Department of Transportation. In fact, the Department of Transportation has increased its funding statewide accepting the fact that these corridors are the main avenues of travel for most noxious weeds.

## FLATHEAD COUNTY NOXIOUS WEED DISTRICT (continued)

One current goal of ours is to see that the land that once was farmed and maintained and is now being divided, remains maintained while under construction. You've seen it. Once ground is disturbed, it creates an easy opportunity for worthless vegetation, or noxious weeds, to take over. Some of this vegetation will later become your problem, blowing onto your property, tumbling its thousands of seeds along with it. We are actively pursuing management plans with developers to recognize their responsibility in this cause and effect and have many already on board.

The board and its Coordinator/Department Head have identified essential components of a successful county noxious weed management department.

These components are:

- **Annual Treatment** - A management program of annual noxious weed treatment on county properties and rights of ways;
- **Annual Mowing** - A (sub) program of weed maintenance mowing all county rights-of-way;
- **Complete Contracts** - Performs management methods for state and federal agencies unable to handle projects internally, i.e. Dot, DSL, GNP, US FW&P, MT FW&P, and USFS;
- **An Educational Program** - An educational program to provide information and assistance to county residents regarding noxious weed management on their property;
- **A Compliance/Enforcement Program** - An enforcement program to contact private landowners regarding uncontrolled noxious weed infestations on their property and their compliance to the state and county noxious weed laws;
- **A Rental Program** - To ensure safe and properly maintained equipment is available to the residents of Flathead County;
- **Property Trained Staff** - Limiting exposure and liability;
- **Leader in Safety** - Ensuring safe, modern and well maintained equipment; and
- **Prevention** - Saving the taxpayer potential expense in the future by early detection of new invaders



## FLATHEAD COUNTY PARKS & RECREATION

309 FFA Drive

Phone (406) 758-5800

Fax (406) 758-5888

[http://flathead.mt.gov/parks\\_rec/](http://flathead.mt.gov/parks_rec/)

In July 1997, the County Commission merged the Parks & Recreation Department with the Weed Department and its Board of Directors. This is unique to Flathead County. Its Parks & Recreation Director/Department Head also represents the Noxious Weed Coordinator (and Facilities Manager). The Board of Directors, along with the Department Head's role, is to advise staff and the County Commission on community needs and provides input related to parks and recreation issues, service delivery to the community, and long-range planning.

To meet the components of this program, the Department actively pursues:

- **Revising the Flathead County Parks' Master Plan** - In 2001 the Board and Department Head revised the Flathead County Park Management Plan. Its intent was to assist policy makes with general guidelines for administration in its purchases or its disposal criteria of surplus parks in Flathead County. The Board recognizes that further adjustments are required in the Plan in 2007.
- **Seek Donations** - Funding of some of the maintenance and upgrades of parks has been by donation;
- **Provide Public Water Access Sites** - the Board and its Department Head also work to increase the county residents' public access to water sites. Through community effort, donations and labor, several water access sites have been developed or improved.
- **Be Good Stewards of Flathead County Parkland** - Being a good neighbor to private property near parks means the proper fencing and posting are used to define the public's area of access.
- **Seek Public Input** - the Board and its Department Head value the opinions of county residents on parks in their area. Today, we have the Bigfork Parks Advisory Committee and the Lakeside Parks Advisory Committee. It is a goal of this Board and its Department Head to have these types of committees throughout the county parks system.
- **Keep Flathead County Residents Active** - the health and productivity of Flathead County's residents should matter to all of us. This counteracts juvenile delinquency, drug use, obesity, and helps create healthier and more productive citizens. Programs provided include volleyball, basketball, t-ball, flag football, and softball.

## FLATHEAD COUNTY PARKS & RECREATION (continued)

- **Continue to conduct Background Checks** - Many recreational programs rely on volunteers. In 2006, we implemented the process of background checks, to ensure the safety of our children.
- **Seek Other Funding and work With Local Clubs for Leisure Activities** - Many times our department works in conjunction with others and has used available grants or donations to help fund programs, such as the Daybreak Rotary Volleyball, the National Flag Football Association, and even the City of Columbia Falls. Our role is to strive to provide the youth with the best possible instruction and guidance, instilling teamwork and community spirit, while encouraging the sheer enjoyment of the activity.

The purpose of the Parks & Recreation Department is to provide parks, recreational facilities, and recreation programs for the benefit of individuals and various supporting organizations in the Flathead Valley and its history can be traced back into the 1970s.

The current management has been in place since 1997 when the County Commission merged the former Parks & Recreation Department as a money saving measure with the Noxious Weed District. The success of this merger has shown through the quality and consistency of its programs. We continue to be partners with the City of Columbia Falls and Daybreak Rotary in providing much needed activities to the valley's youth. We also work with the Flathead National Forest in grooming the cross country ski trials at Blacktail Mountain.

The taxpayer is our foremost concern in all areas within this department. Our staff is qualified and continuously strives for excellence. We offer several youth programs and operate adult basketball, flag football, and softball leagues. Our youth programs begin in the fall with the preparatory flag football, then girls' basketball in Columbia Falls, followed by boys basketball in Columbia Falls, Wendy's Lil' Hoopsters in Kalispell, Columbia Falls Girls' Volleyball, and Daybreak Rotary Volleyball and our youth programs season ends with t-ball. Our leased facility at the Conrad Complex provides the home of the Flathead High Schools Bravettes softball Team and provides the facilities for our flag football and adult softball leagues. Our other recreational programs rely on the cooperation and availability of local school gyms. Much of our recreational programs also rely on the volunteer. We are grateful for the many parents and others who volunteer their time to help educate our local youth in the various athletic programs!

## FLATHEAD COUNTY PARKS & RECREATION (continued)

Aside from providing the county's taxpayers with recreation, we also provide much needed areas for leisure. Iven Herron Memorial Parks is a 117 acre park that has hosted several equestrian events, but is available for any of the public to use (although our parks do not tolerate motorized vehicles. This park borders much state owned land, as well as private landowners who are in the process of considering offering a trail that would start from Herron Park and go all the way to Blacktail Mountain. Some of this is in the negotiation stage, but it is hoped that this access can be gained for future generations.

Many of our parks give the public access to waterways, such as Foy's Lake Beach and Boat Access, two developed sites at Bitterroot Lake, a couple less known parks on Whitefish Lake and 4 developed accesses to Flathead Lake, as well as one water only access to Swan River, in addition to others. In addition, many of our parks are available for the taxpayer to rent. Please contact the office at 758-5800 for a list of parks.

County Parks has approximately 90 parks in our inventory, yet only 32 of these are well maintained due to funding staffing constraints. Some of these parks, however, are just unusable and will be considered by staffing criteria, along with advisory committee's recommendations, on whether they should be sold for surplus. If a decision is made to surplus a park, there will always be a public hearing conducted and the public invited to voice their own opinions and concerns.

One goal during the current administration is to acquire a gymnasium due to the increase of population and the desire for many taxpayers and children to have a facility that is easily accessible. Plans are in the first phase of research for funding mechanisms, grants, donations and possible sale of surplus parks to implement this goal. It is not the desire of the current administration to burden the taxpayer further by any levy or ballot issue.

# FLATHEAD COUNTY SHERIFF'S OFFICE

Justice Center, Main Floor  
920 South Main  
Phone (406) 755-5585  
Fax (406) 758-5862  
<http://flathead.mt.gov/sheriff/>

The Flathead County Sheriff's Office consists of 48 sworn deputies, 27 detention officers, 2 court security officers, 19 dispatchers, 1 evidence tech, 1 nurse, and 6 clerical staff. The Sheriff is an elected position and is responsible for maintaining a detention facility and the civil process in the county.



## **Additional duties include:**

- Search and Rescue operations in the county
- Preserving the Peace
- Serve as County Coroner (there are 7 sworn deputies that are deputy coroners)

## **Duties of Sworn Deputies:**

- Road Patrol
- Detective Work
- Serving Civil Papers
- Traffic Control
- Responding to calls for service from the public

## **Duties of Detention Officer**

- Care and custody of inmates

## **Duties of 911 Dispatch**

- Responsible for all incoming calls for law enforcement in the county
- Responsible for all Fire calls
- Responsible for all EMS calls

## **Divisions of the Sheriff's Office**

- Drug Task Force
- Alcohol Enforcement Team
- Snowmobile Patrol
- SWAT
- Marine Patrol
- Bike Patrol
- Dive Team

# OFFICE OF EMERGENCY SERVICES (OES)

Justice Center, Basement Floor

920 South Main

Phone (406) 7585561

Fax (406) 758-5562

<http://flathead.mt.gov/oes/>

The mission of the Office of Emergency Services is to provide public safety and preservation of the environment through responsible management and coordination of comprehensive, all-hazards, emergency management program. OES coordinates with city, county, tribal, state, federal, and private entities.

## Four Phases of Emergency Services

- Mitigation
- Preparedness
- Response
- Recovery



## Duties

- Identifies potential hazards, plans for mitigating their effects, prepares for responding to and managing the incident, and coordinates the post-incident recovery process
- Responsible for management and operation of county Emergency Operations Center
- Development and coordination of the Local Emergency Planning Committee (LEPC)
- Development, implementation, and management of all emergency services activities.

## Coordinates with

- 19 rural fire departments
- 3 city fire departments
- 3 city police departments
- Sheriff's Office
- 27 Emergency Medical Service units
- Tribal officials
- U.S. Forest Service
- National Park Service
- Montana Department of Natural Resources
- Montana Department of Transportation
- National Weather Service
- Multiple private industry stakeholders.



## DNRC WATER RESOURCES DIVISION

109 Corporate Way, Suite 110

Kalispell, Montana

Phone (406) 752-2288

Fax (406) 752-2843

<http://dnrc.mt.gov/wrd/default.asp>

### Motto

The Water Resources Division (WRD) promotes and coordinates the wise use and conservation of Montana's water resources for current and future generations.

### Mission Statement

The Water Resources Division is responsible for promoting and coordinating the beneficial use, conservation, protection, and development of the Montana's water resources. The Water Resources Division carries out its duties for the purpose of promoting the general welfare and economic and social prosperity of the people of Montana. Sound coordination of the development and utilization of the state's waters allows the Water Resources Division to protect existing uses and to promote adequate future supplies for domestic, industrial, agricultural, recreation, the conservation of water for wildlife, aquatic life, and other beneficial uses.

### Guiding Principals

- We believe that our success is derived from the people we serve, the citizens of Montana, who deserve our respect, concern, care, and attention.
- We use education and outreach to promote compliance with regulations and to encourage cooperation and communication between user groups.
- We strive to make fair and impartial decisions utilizing best scientific practices.
- We believe in open communication and mutually beneficial partnerships with all water use groups.
- We recognize that our personal conduct is inseparable from the professional reputation of the Water Resources Division.
- We are committed to cost efficient resource management in delivery of services.
- We recognize that our employees are our most valuable resource and we are committed to their professional development.
- We support an organizational climate of mutual trust and respect.

# GLOSSARY OF TERMS

**ABANDONMENT (ROAD)** - The voluntary relinquishment of rights of ownership or another interest (such as an easement) by failure to use the property coupled with the intent to give up the interest.

Clerk of Board	Receive Petition & collect fee
Plat Room -	Verify Legal Description
	Verify Signatures on Petition
	Supply list of Abutters for Notification
	Write Cover Letter for Commissioners
County Attorney	Review Process
Road Department	Review Process
Commissioners	View subject property with Surveyor
	Hold Public Hearing
GIS	creation of new maps
Dept of Revenue	Valuation
Treasurers Office	Tax Rolls

**ABATEMENT** - A reduction or decrease. Commonly used to describe a decrease of assessed valuation of property for ad valorem taxes.

Treasurer	Taxation
Commissioners	Approval Process

**ABSTRACT OF JUDGMENT** - A summary of the essential provisions of a court judgment, which when recorded in the county records, creates a lien upon the property of the defendant in that county, both presently owned or after acquired.

District Court	Action Filed
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**ABSTRACT OF TITLE - TITLE REPORT - SUBDIVISION GUARANTEE** - The condensed history of a title to a particular parcel of real estate, consisting of a summary of the original grant and all subsequent conveyances and encumbrances affecting the property and a certification by the abstractor that the history is complete and accurate.

Title Company	Prepares the report
Planning & Zoning	Subdivision Review
County Attorney	Subdivision Review
Plat Room	Approval Process for Recording
Clerk & Recorder	Recording of Subdivision Plat & documentation

**ACTIVE RECORDS** - records that are accessed on a daily basis and are therefore stored in close proximity to the people using them either at their desks or in their office

Records Preservation

**AD VALOREM** - "According to Value" A method of taxation using the value of the thing taxed to determine the amount of tax.

Department of Revenue

**ADOPTION** - To take into one's family through legal means and raise as one's own child.

District Court	Action Filed
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**AFFIDAVIT** - A written statement of declaration, sworn to before an officer who has an authority to administer an oath.

**AGRICULTURAL PROPERTY**- (1) Land which is zoned agricultural; (2) Land used for growing agricultural products or raising livestock.

**ANNEXATION** - Permanently affixing to real property, such as a city adding additional land to increase its size. Fire Districts and Water/Sewer Districts also add additional lands to increase boundaries.

City Annexations  
Fire Districts  
Water/Sewer Districts  
School Districts

**APPURTENANT** - Belonging to something else, either attached or, such as a barn to a house, or an easement to land. The appurtenance is part of the property and passes with it upon sale or other transfer

**ARCHIVED RECORDS** - records that have become non-current but are still invaluable because they show the history and progress of the community, and are used mainly in research. These records must be preserved permanently.

Records Preservation  
Each Individual Department has Own Records as well

**ASSESSMENT** - (1) A charge in a common interest subdivision that is in addition to the regular association assessments levied against all owners in the development for unanticipated repairs or maintenance on the common area or capital improvement of the common area. (2) A legal charge against real estate by a public authority to pay cost of public improvements such as street lights, sidewalks or street improvements.

Department of Revenue

**ASSIGNMENT** - The transfer in writing of interest in a bond, mortgage, lease or other instrument.

**ASSUMPTION OF MORTGAGE** - Acquiring title to property on which there is an existing mortgage and agreeing to be personally liable for the terms and conditions of the mortgage, including payments.

**ATTORNEY IN FACT (POWER OF ATTORNEY)** - An authority by which one person enables another to act for him while that person is alive. An attorney should be retained to determine which type of Power of Attorney should be used.

**BARGAIN AND SALE DEED** - A deed that carries with it no warranties against liens or other encumbrances but that does imply that the grantor has the right to convey title. The grantor may add warranties to the deed at his or her discretion.

**BENEFICIARY** - (1) The person for whom a trust operates or in whose behalf the income from a trust estate is drawn. (2) A lender in a deed of trust loan transaction.

**BIRTH CERTIFICATE** - A certificate issued at the county and state level certifying a birth. Protected under state law. Considered personal property

**BOARD OF ADJUSTMENT** - A governmental body empowered to hear real estate appeals from petitioners which has the power to overturn local permitting agency and code enforcement agency decisions.

**BOND** - (1) An insurance agreement by which one is insured against loss by acts or defaults of a third party. In construction, a performance bond insures that the builder will finish his project. The insured could be a lender, purchaser, or other interested party. (2) A method of financing long-term debt, issued by a government or private corporation.

City Governments  
Board of Commissioners

**BOUNDARY LINE ADJUSTMENT** - A re-alignment of property lines through a survey. The number of parcels to be created cannot be more than the number of parcels included in the survey.

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
County Attorney	Review Process
Treasurer	Payment of Taxes
Clerk & Recorder	Recording of Survey
GIS	Drafts Splits on Section Maps
Dept Revenue	Assessments

**BRIDGE** - A structure spanning and providing passage over a river, chasm, road or the like.

Flathead County Road/Bridge Department

**BUY/SELL** - An offer of a party or parties to purchase a piece real property from another party(s). Terms of the sale as set forth within the agreement.

**CEMETERY LOT** - Cemetery property is governed by special and restrictive state statutes or common law. The purpose of cemetery law is to protect, through rather intricate restrictions and dispositions, against subsequent changes or disturbance in the use of dedicated cemetery property. If a piece of land is dedicated or established for cemetery purposes in accordance with common law or statutory procedure, it will remain perpetually devoted to cemetery purposes until removed by statutory procedures or by judicial proceedings.

**CERTIFICATE OF SURVEY** - A pictorial depiction of land and the improvements on it and shows boundary lines with measurements and bearings, buildings, easements, etc. (See Section on Plat Room to find the various types of surveys)

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
Treasurer	Payment of Taxes
Clerk & Recorder	Recording of Survey
GIS	Drafts Splits on Section Maps
Dept Revenue	Assessments

**CERTIFIED OWNERSHIP LIST** - A mailing list of property owners within a specified vicinity of a subject property, often for the purposes of applying for a zoning variance or as a part of the preliminary plat process. Lists can be prepared by either GIS/Plat Room or a Title Company.

**CHAIN OF TITLE** - The chronological list of documents which comprise the recorded history of title of a specific piece of real estate.

**CHATTEL** - See personal property

**CIVIL ACTION** - Any action which is not a criminal action.

District Court                      Action Filed

**CLAIM** - An assertion of some right or demand.

**CLOUD ON TITLE** - Any document, claim, unreleased lien or encumbrance that may impair the title to real property or make the title doubtful; usually revealed by a title search and removed by either a quitclaim deed or suit to quiet title.

**CONDEMNATION** - The taking private property for public use. Consent of the owner is not required but fair compensation must be paid. See Eminent Domain

**CONDITIONAL-USE PERMIT** - Written governmental permission allowing a use inconsistent with zoning but necessary for the common good, such as locating an emergency medical facility in a predominantly residential area.

Board of Adjustment

**CONDOMINIUM** (See Declaration of Unit Ownership) - The absolute ownership of a unit in a multi-unit building based on a legal description of the airspace the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are owned jointly with the other condominium unit owners.

Planning & Zoning	Review Process
Plat Room	Review Process
Treasurer	Payment of Taxes
Dept of Revenue	Review Process
Clerk & Recorder	Recording of Document
GIS	Drafts on Section Maps
Dept Revenue	Assessments

**CONSERVATORSHIP** Legal right given to a person to manage the property and financial affairs of a person deemed incapable of doing that for himself or herself. (See also guardianship.)

District Court

**CONTRACT FOR DEED** - An installment contract for the sale of land. The seller (vendor) has legal title until the contract is paid in full. The buyer (vendee) has equitable title during the term of the contract.

**CONSTRUCTION LIEN (Mechanic's Lien)** - A statutory lien created in favor of contractors, laborers and materialmen who have performed work or furnished materials in the erection or repair of a building.

**CONSTRUCTION LOAN** - Short-term financing for real estate construction. Generally followed by long term financing called a "take out" loan, issued upon completion of improvements.

**CONVEYANCE** - A term used to refer to any document that transfers title to real property. The term is also used in describing the act of transferring.

**CONVEYANCE DOCUMENTS**

All Conveyance Documents must have a Realty Transfer Certificate attached. The Plat Room must review the documents to verify the Legal Description & Current Ownership. The Clerk & Recorder's Office records the documents.

**BARGAIN AND SALE DEED** A deed that carries with it no warranties against liens or other encumbrances but that does imply that the grantor has the right to convey title. The grantor may add warranties to the deed at his or her discretion.

**CONVEYANCE DOCUMENTS**  
(continued)

**CONDEMNATION** - A judicial or administrative proceeding to exercise the power of eminent domain, through which a government agency takes private property for public use and compensates the owner.

**CONTRACT FOR DEED** - An installment contract for the sale of land. The seller (vendor) has legal title until the contract is paid in full. The buyer (vendee) has equitable title during the term of the contract.

**CORPORATION DEED** - A deed in which the grantor is a Corporation and signed by directors or managers of said corporation

**DECREE OF DISTRIBUTION** - The final determination of the rights of heirs to receive the property of an estate.

**DEED** - A written instrument that, when executed and delivered, conveys title to or an interest in real estate.

**DEED IN LIEU OF FORECLOSURE** - deed given by the mortgagor to the mortgagee when the mortgagor is in default under the terms of the mortgage. This is a way for the mortgagor to avoid foreclosure.

**DEED IN TRUST** - An instrument that grants a trustee under a land trust full power to sell, mortgage and subdivide a parcel of real estate. The beneficiary controls the trustee's use of these powers under the provisions of the trust agreement.

**GENERAL WARRANTY DEED** - A deed in which the grantor fully warrants good clear title to the premises. Used in most real estate deed transfers, a general warranty deed offers the greatest protection of any deed.

**GRANT DEED** - One of the many types of deeds used to transfer real property. Contains warranties against prior conveyances or encumbrances.

**GRANTOR** - The party transferring title to or an interest in real property to a grantee.

**GRANTEE** - The party that receives the transfer of an interest in real property.

**HEREDITAMENTS** - Anything which could be considered real property; anything which may be inherited.

**MINERAL DEED** - A deed that conveys the rights to subsurface land or profits.

**NOTICE OF PURCHASER'S INTEREST** - A memorandum of a Contract for Deed. The memorandum is typically filed at the Clerk & Recorder's Office while the full contract is held with other documentation in an escrow account.

**QUITCLAIM DEED** - A conveyance by which the grantor transfers whatever interest he or she has in the real estate, without warranties or obligations.

**RECONVEYANCE DEED** - A document, also known as a deed of reconveyance that transfers legal title from the Trustee under a Deed of Trust/Trust Indenture to the borrower after the outstanding indebtedness has been paid in full.

**CONVEYANCE DOCUMENTS  
(continued)**

**RELEASE DEED** - A document, also known as a deed of reconveyance that transfers all rights given a trustee under a deed of trust loan back to the grantor after the loan has been fully repaid.

**SHERIFF'S DEED** - Deed given at sheriff's sale in foreclosure of mortgage. The giving of said deed begins a statutory redemption period. Also given at court ordered sale, pursuant to the execution of a judgment.

**SPECIAL WARRANTY DEED** -A deed in which grantor warrants, or guarantees, the title only against defects arising during the period of his or her ownership of the property, and not against defects existing before that time. Generally using the language "by, through, or under the grantor, but not otherwise"

**TAX DEED** - The instrument of conveyance when a property is sold by a government body to pay for arrears of taxes. Deed to a purchaser at a public sale of land taken for delinquent taxes. The purchaser receives only such title as the former owners had, and strict procedures must be followed to prevent attachment of prior liens.

**TERMINATION OF JOINT TENANCY** - A document signed by a surviving joint tenant to transfer the interest of the deceased. A death certificate must be attached to the Realty Transfer Certificate.

**TRUST DEED** - An instrument of conveyance of title to property wherein the transferred will be holding the title to the property on behalf on another person.

**TRUSTEES DEED** - A deed by a trustee under a deed of trust, issued to a purchaser at auction, prior to foreclosure.

**WARRANTY DEED** - A deed used in many states to convey fee title to real property.

**CORPORATION** - A legal entity established by a group of people called the stockholders which is endowed with certain rights, privileges, duties and liabilities similar to an individual but is distinct and apart from those natural persons composing it and which under law may continue for any legal length of time.

**COURTESY NOTICE** - Notice to taxpayer that personal or real property taxes are delinquent.

Treasurer's Office

**CRIMINAL ACTION**

District Court

**CULVERT** - A sewer or drain crossing under a road or embankment; the part of a road or embankment that passes over such a sewer or drain; the channel or conduit for such sewer or drain.

**DEATH CERTIFICATE** - A certificate issued at the county and state level certifying a death. Protected under state law. Considered personal property

Attached to    Realty Transfer Certificates  
                  Vehicle Titles  
                  Mobile Home Titles  
                  Termination of Joint Tenancy  
                  Affidavits to Release Cloud on Title

DD 214 - Military Discharge Papers. Protected under state law. Considered personal property.

**DECLARATION OF HOMESTEAD** - A recorded document that protects a homeowner from foreclosure by certain judgment creditors.

**DECLARATION OF UNIT OWNERSHIP (DUO)** A legal document that allows a condominium to be built or sold under relevant state law.

Planning & Zoning	Review Process
Plat Room	Review Process
Treasurer	Payment of Taxes
Dept of Revenue	Review Process
Clerk & Recorder	Recording of Document
GIS	Drafts on Section Maps
Dept Revenue	Assessments

**DECLARATORY JUDGMENT** - A determination by the court as to the legal rights of the plaintiff, with no order for relief. The judgment is binding on future litigation.

District Court

**DECREE OF DISTRIBUTION** - The final determination of the rights of heirs to receive the property of an estate.

District Court

**DEED** - A written instrument that, when executed and delivered, conveys title to or an interest in real estate.

**DEED IN LIEU OF FORECLOSURE** - A deed given by the mortgagor to the mortgagee when the mortgagor is in default under the terms of the mortgage. This is a way for the mortgagor to avoid foreclosure.

**DEED IN TRUST** - An instrument that grants a trustee under a land trust full power to sell, mortgage and subdivide a parcel of real estate. The beneficiary controls the trustee's use of these powers under the provisions of the trust agreement.

**DEED OF TRUST (Trust Deed/Trust Indenture)** - An instrument of conveyance of title to property wherein the transferee will be holding the title to the property on behalf on another person.

**DEED RESTRICTION** - Clauses in a deed limiting the future uses of the property. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected or prevent buildings from being used for specific purposes or even from being used at all.

**DEFAULT JUDGMENT** - A judgment in consequence of the nonappearance of the defendant at the appointed time.

District Court

**DEFICIENCY JUDGMENT** - A personal judgment in a foreclosure action for any remaining balance of an obligation secured by a mortgage, if enough money is not realized to liquidate the mortgage debt under the foreclosure sale.

District Court

**DEMERSVILLE CEMETERY** - Oldest cemetery in Flathead County. Currently under the jurisdiction of Flathead County Board of Commissioners. The custodian of the records is Records Preservation.

Records Preservation

**DE-TITLING** - Cancellation of the motor vehicle registration of the mobile home or similar housing unit.

Title Company	Part of the land transaction
Dept of Revenue	Verification of attachment to real estate
Treasurers Office	Verification of paid taxes
Plat Room	Verify Legal Description & Ownership
Clerk & Recorder	Recording of forms

**DIKE** - An embankment for controlling or holding back the waters of a sea or river.

Flathead County Road & Bridge Department  
Office of Emergency Services

**DISSOLUTION OF MARRIAGE** - Cancellation or annulment of a marriage.

District Court

**DISTRIBUTION** - The division and transfer of the property of a decedent

**DOMINANT TENEMENT** - A property that includes in its ownership the appurtenant right to use an easement over another person's property for a specific purpose.

**EASEMENT** - A right to use the land of another for a specific purpose, such as for a right-of-way or utilities; an incorporeal interest in land.

#### EASEMENTS

**DOMINANT TENEMENT** - A property that includes in its ownership the appurtenant right to use an easement over another person's property for a specific purpose.

**EASEMENT APPURTENANT** - An easement which is annexed to the ownership of one parcel of land that allows one party the use of his or her neighbor's land and which runs with the land when the title is transferred to another party.

**EASEMENT BY CONDEMNATION** - An easement created by the government or Government agency that has exercised its right under eminent domain.

**EASEMENT BY NECESSITY** - An easement allowed by law as necessary for the full enjoyment of a parcel of real estate; for example, a right of ingress and egress over a grantor's land.

**EASEMENT BY PRESCRIPTION** - An easement acquired by continuous, open and hostile use of the property for the period of time prescribed by state law.

**EASEMENT IN GROSS** - An easement that is not created for the benefit of any land owned by the owner of the easement but that attaches personally to the easement owner. For example, a right granted by Eleanor Franks to Joe Fish to use a portion of her property for the rest of his life would be an easement in gross.

**SERVIENT TENEMANT** - An estate burdened with a servitude. Most commonly, a parcel of land burdened by an easement.

**EMINENT DOMAIN** - The right of a government or municipal quasi-public body to acquire property for public use through a court action called condemnation, in which the court decides that the use is a public use and determines the compensation to be paid to the owner.

**ENCROACHMENT** - A building--or some portion of it--a wall or fence for instance, that extends beyond the land of the owner and illegally intrudes on some land of an adjoining owner or a street or alley.

**ENCROACHMENT PERMITS** - Permits issued to allow an encroachment on any public right-of-way.

Flathead County Road & Bridge Department

**ENCUMBRANCE** - Anything, such as a mortgage, tax, or judgment lien, an easement, a restriction on the use of the land or an outstanding dower right that may diminish the value or use and enjoyment of a property.

**ESTOPPEL CERTIFICATE** - A document in which a borrower certifies the amount owed on a mortgage loan and the rate of interest.

**EXPRESS** - Clear and definite

**FAMILY TRANSFER** - Division of land by a survey, the purpose of the division to convey a parcel to an immediate family member.

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
Treasurer	Payment of Taxes
Clerk & Recorder	Recording of Survey
GIS	Drafts Splits on Section Maps
Dept Revenue	Assessments

**FEE SIMPLE ABSOLUTE** - The maximum possible estate or right of ownership of real property, continuing forever.

**FEDERAL TAX LIEN (IRS LIEN)** - A lien attaching to property for non-payment of a federal tax. A federal lien differs from other liens in that it is not automatically wiped out by foreclosing on a mortgage or deed of trust recorded before the tax lien (except by judicial foreclosure).

Clerk & Recorder

**FILE** - The act of entering or recording documents affecting or conveying interests in real estate in the recorder's office established in each county

**FINANCING STATEMENT** - A lien on personal property. See Uniform Commercial Code

**509 RESOLUTION** - Resolution adopted by the County Commissioners outlining review criteria for subdivision review. A review of a pattern of development and evasion of the Montana Subdivision and Platting Act

**FORECLOSURE** - A legal procedure whereby property used as security for a debt is sold to satisfy the debt in the event of default in payment of the mortgage note or default of other terms in the mortgage document. The foreclosure procedure brings the rights of all parties to a conclusion and passes the title in the mortgaged property to either the holder of the mortgage or a third party who may purchase the realty at the foreclosure sale, free of all encumbrances affecting the property subsequent to the mortgage.

Clerk & Recorder  
District Court

**FOREIGN JUDGMENT** - A judgment rendered by the courts of a state or country politically and judicially distinct from the jurisdiction where the judgment or its effect is brought in question.

District Court

**GIS (GEOGRAPHIC INFORMATION SYSTEM)** - The GIS Department shall function as the coordinating body for mapping and data development within Flathead County and will be a central point of contact for the public to quickly access accurate and current geographic information.

**GENERAL WARRANTY DEED** - A deed in which the grantor fully warrants good clear title to the premises. Used in most real estate deed transfers, a general warranty deed offers the greatest protection of any deed.

**G.L.O.** - The General Land Office of the United States. An agency created in 1812 to take charge of "all such acts and things touching or respecting the public lands of the U.S.", which included the surveying of the public lands. On July 16, 1946, the B.L.M. was established in the Department of Interior. Under that plan, the G.L.O. was abolished and its functions were transferred to the B.L.M. The office of the U.S. Supervisor of Surveys, together with the field surveying services known as the Cadastral Engineering Service, was abolished and the functions were transferred to the Secretary of the Interior. In July of 1946, the Secretary of the Interior ordered that the functions and powers of the G.L.O., and the U.S. Supervisor of Surveys, together with the Field Surveying Service, be exercised by the Director of the B.L.M. and subject to the direction and control of the Secretary.

**GOVERNMENT LOT** - Fractional sections in the rectangular (government) survey system that are less than one quarter-section in area.

**GRANT DEED** - A deed containing an implied promise that the person transferring the property actually owns the title and that it is not encumbered in any way, except as described in the Deed.

**GRANTOR** - The party transferring title to or an interest in real property to a grantee.

**GRANTEE** - The party that receives the transfer of an interest in real property.

**GUARDIANSHIP** - Court appointed representative to manage the affairs of a minor or incompetent.

District Court

**GUARDRAIL** - A protective railing placed along a road for safety.

Flathead County Road & Bridge Department

**HEIR** - One, who by law, rather than by will, receives the estate of a deceased person.

**HOMESTEAD** - Land that is owned and occupied as the family home. In many states a portion of the area or value of this land is protected or exempt from judgments for debts.

**IMPLIED** - Something apparent from the circumstances, rather than from direct action or communication.

**IMPROVEMENT** - A building or appurtenance that is erected or constructed upon land but taxed separately from the real estate.

**INACTIVE RECORDS** - records that are accessed on a monthly basis or even less frequently but are still needed for continuing office activities. These records must be moved from prime office space and stored in such a manner that they are protected, indexed, and retrievable at any time.

Records Preservation

**INTESTATE** - The condition of a property owner who dies without leaving a valid will. Title to the property will pass to the decedent's heirs as provided in the state law of descent.

District Court

**INVOLUNTARY LIEN** - A lien placed on property without the consent of the property owner.

**IRS LIEN (FEDERAL TAX LIEN)** - - A lien attaching to property for non-payment of a federal tax. A federal lien differs from other liens in that it is not automatically wiped out by foreclosing on a mortgage or deed of trust recorded before the tax lien (except by judicial foreclosure).

Clerk & Recorder

**JOINT TENANCY** - Ownership of real estate between two or more parties who have been named in one conveyance as joint tenants. Upon the death of a joint tenant, the decedent's interest passes to the surviving joint tenant or tenants by the right of survivorship.

**JUDGMENT** - The formal decision of a court upon the respective rights and claims of the parties to an action or suit.

District Court

#### JUDGMENTS

**ABSTRACT OF JUDGMENT** - A summary of the essential provisions of a court judgment, which when recorded in the county records, creates a lien upon the property of the defendant in that county, both presently owned or after acquired usually becomes a general lien on the property of the defendant.

**DECLARATORY JUDGMENT** - A determination by the court as to the legal rights of the plaintiff, with no order for relief. The judgment is binding on future litigation.

**DEFAULT JUDGMENT** - A judgment in consequence of the nonappearance of the defendant at the appointed time.

**DEFICIENCY JUDGMENT** - A personal judgment in a foreclosure action for any remaining balance of an obligation secured by a mortgage, if enough money is not realized to liquidate the mortgage debt under the foreclosure sale.

**FOREIGN JUDGMENT** - A judgment rendered by the courts of a state or country politically and judicially distinct from the jurisdiction where the judgment or its effect is brought in question.

**LIS PENDENS** - A recorded legal document giving constructive notice that an action affecting a particular property has been filed in either a state or a federal court.

**TRANSCRIPT OF JUDGMENT** - - A judgment filed in a court from a formal decision of a different court.

**QUIET TITLE** - Court action to remove a cloud on the title.

**JUNIOR LIEN** - An obligation, such as a second mortgage, that is subordinate in right or lien priority to an existing lien on the same realty.

**LLC (Limited Liability Corporation)** - A restriction of a party's personal liability for potential business losses not to exceed the amount invested.

**LEASE** - A written or oral contract between a landlord (the lessor) and a tenant (the lessee) that transfers the right to exclusive possession and use of the landlord's real property to the lessee for a specified period of time and for a stated consideration (rent). By state law leases for longer than a certain period of time (generally one year) must be in writing to be enforceable.

**LEASEHOLD ESTATE** - A leasehold estate is an ownership interest in land in which a lessee or a tenant holds real property by some form of title (usually a lease accompanied by the payment of rent) from a lessor or landlord.

**LEVY** - A collection, seizure, assessment, etc. such as to levy (assess and collect) taxes.

Department of Revenue

**LICENSE** - A permission, whether express or implied. (1) A permit or authorization to do what without a license would be unlawful to do. (2) A personal privilege to perform some act or series of acts upon the land of another without possessing any estate therein

Treasurer's Office

**LIEN** - A right given by law to certain creditors to have their debts paid out of the property of a defaulting debtor, usually by means of a court sale.

**LIFE ESTATE** - An interest in real or personal property that is limited in duration to the lifetime of its owner or some other designated person or persons.

**LIMITED LIABILITY** - A restriction of a party's personal liability for potential business losses not to exceed the amount invested.

**LIMITED LIABILITY PARTNERSHIP** - A partnership consisting of one or more general partners plus limited partners in which the general partners manage and control the business affairs of the partnership and where the limited partners are essentially investors who have funded the partnership and are silent and take no part in its management and lawfully have no liability for its debts in excess of their invested capital.

**LIS PENDENS** - A recorded legal document giving constructive notice that an action affecting a particular property has been filed in either a state or a federal court.

District Court	Filing of document
Plat Room	Verify Legal Description
Clerk & Recorder	Recording of document

**LOAN**- A lending of a principal sum of money, to one who promises to repay said sum, plus interest.

#### LOAN DOCUMENTS

**ASSIGNMENT** - The transfer to another of any property, real or personal, of any rights or estates in said property. Common assignments are of leases, mortgages, deeds of trust, but the general term encompasses all transfers of title.

**LOAN DOCUMENTS**  
(continued)

**ASSUMPTION OF MORTGAGE** - Agreement by a buyer to assume the liability under an existing note secured by a mortgage or deed of trust. The lender usually must approve the new debtor in order to release the existing debtor (usually the seller) from liability.

**BENEFICIARY** -

(1) The person for whom a trust operates or in whose behalf the income from a trust estate is drawn. (2) A lender in a deed of trust loan transaction.

**CONSTRUCTION LOAN** - See interim financing

**DEED OF TRUST/TRUST INDENTURE** - An instrument used in place of a mortgage. (property over 40 acres must be encumbered by a mortgage) Property is transferred to a trustee by the borrower, in favor of the lender, and reconveyed upon payment in full.

**FINANCING STATEMENT** - A recorded instrument, taking the place of personal property liens in some states.

**JUNIOR LIEN** - An obligation, such as a second mortgage, that is subordinate in right or lien priority to an existing lien on the same realty.

**MORTGAGE** - A conditional transfer or pledge of real estate as security for the payment of a debt. Also, the document creating a mortgage lien.

**MORTGAGEE** - A lender in a mortgage loan transaction.

**MORTGAGE LIEN** - A lien or charge on the property of a mortgagor that secures the underlying debt obligations.

**MORTGAGOR** - A borrower in a mortgage loan transaction.

**PROMISSORY NOTE** - A financing instrument that states the terms of the underlying obligation, is signed by its maker and is negotiable (transferable to a third party).

**PURCHASE-MONEY MORTGAGE (PMM)** - A note secured by a mortgage or deed of trust given by a buyer, as borrower, to a seller, as lender, as part of the purchase price of the real estate.

**SATISFACTION** - Discharge of an obligation by payment of the amount due, as on a mortgage, deed of trust, or contract; payment of a debt awarded, such as satisfaction of a judgment. Also the recorded instrument stating that said payment has been made.

**SUBORDINATION AGREEMENT** - An agreement by which an encumbrance is made subject (junior) to a junior encumbrance. For example, a loan on vacant land is made subject to a subsequent construction loan.

**SUBSTITUTION OF TRUSTEE** - A document which is recorded to change the trustee under a deed of trust or trust indenture.

**TRUSTEE** - A person who holds title to property on behalf of another under a deed of trust. One who is appointed, or required by law, to execute a trust.

**LOCAL EMERGENCY PLANNING COMMITTEE (LEPC)** - Organization composed of public officials working together to develop plans to educate, communicate and protect the local community.

County Commissioners  
Office of Emergency Services

**LOT-AND-BLOCK (RECORDED PLAT) SYSTEM** - A method of describing real property that identifies a parcel of land by reference to lot and block numbers within a subdivision. as specified on a recorded subdivision plat.

**MANUFACTURED HOME** - A popular broad group of alternative housing construction types such as mobile homes which are produced mainly in and by factories and later moved to a permanent site.

**MARRIAGE LICENSE** - A permit or authorization to get married. Not public information until actually married.

District Court

**MECHANIC'S LIEN (Construction Lien)** - A statutory lien created in favor of contractors, laborers and materialmen who have performed work or furnished materials in the erection or repair of a building.

**METES-AND-BOUNDS DESCRIPTION** - A legal description of a parcel of land that begins at a well-marked point and follows the boundaries, using directions and distances around the tract, back to the place of beginning; legal description could also cite owners of abutting lands; boundaries could be along some apparent line such as "along a stream" or "along a road".

**MINERAL DEED** - A deed that conveys the rights to subsurface land or profits.

**MOBILE HOME** - Homes which are not truly mobile but are constructed in the same manner as trailers, as opposed to convention on-site construction.

**MOBILE HOME DE-TITLING** - The process of extinguishing the title to a mobile home in an effort to tax said home as a part of the real property.

Title Company	Part of the land transaction
Dept of Revenue	Verification of attachment to real estate
Treasurers Office	Verification of paid taxes
Clerk & Recorder	Recording of forms

**MORTGAGE** - A conditional transfer or pledge of real estate as security for the payment of a debt. Also, the document creating a mortgage lien.

**MORTGAGEE** - A lender in a mortgage loan transaction.

**MORTGAGE LIEN** - A lien or charge on the property of a mortgagor that secures the underlying debt obligations.

**MORTGAGOR** - A borrower in a mortgage loan transaction.

**MUNICIPAL CORPORATION**- A town, city or village, incorporated as a political corporation under state statutes. Would not include a county, or such political divisions as a district.

City of Kalispell  
City of Columbia Falls  
City of Whitefish

**NOTICE OF PURCHASER'S INTEREST** - A memorandum that is recorded summarizing the information on a Contract for Deed.

**NOTICE OF RIGHT TO CLAIM A LIEN** - A document filed that gives notice to the property owner and general contractor that services and/or labor has been provided to the property. The actual construction lien must be filed within one year of filing the Notice of Right.

**OPTION** - An agreement to keep open for a set period an offer to sell or purchase property.

**ORDINANCE** - A law of statute. The term used to designate the enactments of the legislative body of a municipal corporation or a county.

City Governments  
County Commissioners

**OWNERSHIP** - Rights to the use, enjoyment, and alienation of property, to the exclusion of others. Concerning real property, absolute rights are rare, being restricted by zoning laws, restrictions, liens, etc.

Plat Room  
GIS  
Title Companies

**PR** - A tax searched conducted by the Plat Room for the purposes of filing certain Certificates of Surveys.

**PATENT** - The first transfer of title from the federal or state government to a private party. A grant or franchise of land from the United States government.

Plat Room  
Clerk & Recorder

**PARENTING PLANS** - Plans approved by the Courts - contained within divorce decrees, or filed separately.

District Court

**PARTNERSHIP** - An association of two or more individuals who carry on a continuing business for profit as co-owners. Under the law a partnership is regarded as a group of individuals rather than as a single entity. A general partnership is a typical form of joint venture in which each general partner shares in the administration, profits and losses of the operation. A limited partnership is a business arrangement whereby the operation is administered by one or more general partners and funded, by and large, by limited or silent partners, who are by law responsible for losses only to the extent of their investments.

**PARTY WALL** - A wall that is located on or at a boundary line between two adjoining parcels of land and is used or is intended to be used by the owners of both properties.

**PASSPORT** - An official document issued by the government of a country to one of its citizens and, varying from country to country, authorizing travel to foreign countries and authenticating the bearer's identity, citizenship, right to protection while abroad, and right to reenter his or her native country.

District Court

**PERSONAL PROPERTY** - Items, called chattels, that do not fit into the definition of real property; movable objects.

**PERSONAL REPRESENTATIVE** - An executor, guardian or administrator who represents another party under contract or judicial appointment

District Court

**PLANNED UNIT DEVELOPMENT (PUD)** - A planned combination of diverse land uses, such as housing, recreation and shopping, in one contained development or subdivision.

**PLAT** - A map dividing a parcel of land into lots, as in a subdivision.

**POWER OF ATTORNEY (ATTORNEY IN FACT)** - An authority by which one person enables another to act for him while that person is alive. An attorney should be retained to determine which type of Power of Attorney should be used.

**PRINCIPAL MERIDIAN** - The main imaginary line running north and south and crossing a base line at a definite point, used by surveyors for reference in locating and describing land under the rectangular (government) survey system of legal description.

**PRIORITY** - The order of position or time. The priority of liens is generally determined by the chronological order in which the lien documents are recorded; tax liens, however, have priority even over previously recorded liens.

**PROBATE** - A legal process by which a court determines who will inherit a decedent's property and what the estate's assets are.

District Court

**PROMISSORY NOTE** - A financing instrument that states the terms of the underlying obligation, is signed by its maker and is negotiable (transferable to a third party).

**PROPERTY** - Anything which is owned by someone.

**PROPERTY TAX** - A tax levied on both real and personal property, the amount of tax dependent on the value of the property.

**PURCHASE-MONEY MORTGAGE (PMM)** - A note secured by a mortgage or deed of trust given by a buyer, as borrower, to a seller, as lender, as part of the purchase price of the real estate.

**QUIET TITLE** - Court action to remove a cloud on the title.

District Court

**QUITCLAIM DEED** - A conveyance by which the grantor transfers whatever interest he or she has in the real estate, without warranties or obligations.

**REAL PROPERTY** - The interests, benefits and rights inherent in real estate ownership.

**REALTY TRANSFER CERTIFICATES** - Realty Transfer Act - A form to provide sales price data for the market data approach. The information on the certificate is confidential.

Department of Revenue

**RECONVEYANCE DEED** - A deed used by a trustee under a deed of trust to return title to the trustor.

**RECORD PRESERVATION** - Records serve as evidence of the relationship between the government and its citizens. They prove that statutes, regulations, and ordinances have been faithfully executed and that public funds have been properly expended on behalf of the taxpayers.

**RECORDING** - The act of entering or recording documents affecting or conveying interests in real estate in the recorder's office established in each county. Until it is recorded, a deed or mortgage ordinarily is not effective against subsequent purchasers or mortgagees.

**RECTANGULAR (GOVERNMENT) SURVEY SYSTEM** - A system established in 1785 by the federal government, providing for surveying and describing land by reference to principal meridians and base lines.

**REDEMPTION** - The right of a defaulted property owner to recover his or her property by curing the default.

**REDEMPTION PERIOD** - A period of time established by state law during which a property owner has the right to redeem his or her real estate from a foreclosure or tax sale by paying the sales price, interest and costs.

**RESOLUTION** - A law or statute. The term used to designate the enactments of the legislative body of a municipal corporation or a county.

City Government  
County Government

**RESTRICTIVE COVENANTS** - A clause in a deed that limits the way the real estate ownership may be used.

**RETRACEMENT** - A survey depicting a retracement of the existing boundaries.

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
Clerk & Recorder	Recording of Survey

**RIGHT OF FIRST REFUSAL** - Clause in a document which gives the First Party the right to purchase the property if the owner of the property decides to sell. The owner must have a legitimate offer which the First Party can either match or refuse. If the First Party does not accept the offer, the property can be sold to another Party.

**RIGHT OF WAY** - A strip of land which is used as a roadbed, either for a street or railway. The land is set aside as an easement or in fee, either by agreement or condemnation. May also be used to described the right itself to pass over the property of another.

**ROAD ABANDONMENT** - The voluntary relinquishment of rights of ownership or another interest (such as an easement) by failure to use the property coupled with the intent to give up the interest.

Clerk of Board -	Receive Petition & collect fee
Plat Room -	Verify Legal Description
	Verify Signatures on Petition
	Supply list of Abutters for Notification
	Write Cover Letter for Commissioners
County Attorney	Review Process
Road Department	Review Process
Commissioners -	View subject property with Surveyor
	Hold Public Hearing
GIS -	creation of new maps
Dept of Revenue -	Valuation
Treasurers Office -	Tax Rolls

**RURAL SPECIAL IMPROVEMENT DISTRICT** - A legal charge against real estate by a public authority to pay cost of public improvements such as street lights, sidewalks or street improvements.

County Administrator	Application Process
County Attorney	Preparation of Documents
County Commissioners	Public Hearing/Bond Sale
Department of Revenue	Taxation
Clerk & Recorder	Maintain Files
GIS	Create boundaries

**SANITARY SEWER** - A sewer carrying waste products, as opposed to rainwater.

Environmental Health

**SERVIENT TENEMANT** - An estate burdened with a servitude. Most commonly, a parcel of land burdened by an easement.

**SHERIFF'S DEED** - Deed given at sheriff's sale in foreclosure of mortgage. The giving of said deed begins a statutory redemption period. Also given at court-ordered sale, pursuant to the execution of a judgment.

**SPECIAL BOND (construction liens)** - The amount of money put up and filed in District Court in order to release the lien from the records of the Clerk & Recorder. The lien must be perfected through the court system.

District Court	Bond filed
Clerk & Recorder	Letter from District Court filed

**SPECIAL IMPROVEMENT DISTRICT** - A legal charge against real estate by a public authority to pay cost of public improvements such as street lights, sidewalks or street improvements.

City Government	Public Hearing/Bond Sale
Department of Revenue	Taxation
Clerk & Recorder	Maintain Files
GIS	Create boundaries

**SPECIAL WARRANTY DEED** - A deed in which grantor warrants, or guarantees, the title only against defects arising during the period of his or her ownership of the property, and not against defects existing before that time. Generally using the language "by, through, or under the grantor, but not otherwise"

**STATUTE OF LIMITATIONS** - That law pertaining to the period of time within which certain actions must be brought to court.

**STORM SEWER** - A sewer carrying off rainwater.

Environmental Health

**SUBDIVISION** - A tract of land divided by the owner, known as the subdivider, into blocks, building lots and streets according to a recorded subdivision plat, which must comply with local ordinances and regulations. **SURETY BOND** - A legal document issued to assure the completion of an act by another person.

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
County Attorney	Review Process
Treasurer	Payment of Taxes
Clerk & Recorder	Recording of Survey
GIS	Drafts Splits on Section Maps
Dept Revenue	Assessments

**SUBDIVISION GUARANTEE - ABSTRACT OF TITLE** - The condensed history of a title to a particular parcel of real estate, consisting of a summary of the original grant and all subsequent conveyances and encumbrances affecting the property and a certification by the abstractor that the history is complete and accurate.

Title Company	Prepares the report
Planning & Zoning	Subdivision Review
County Attorney	Subdivision Review
Plat Room	Approval Process for Recording
Clerk & Recorder	Recording of Subdivision Plat & documentation

**SURFACE RIGHTS** - A legal interest in the use or occupation of the top of land as opposed to subsurface or mineral rights.

**SURVEY (Certificate of Survey)** - A pictorial depiction of land and the improvements on it and shows boundary lines with measurements and bearings, buildings, easements, etc.

Planning & Zoning	Review Process
Health Department	Review Process
Plat Room	Review Process
Treasurer	Payment of Taxes
Clerk & Recorder	Recording of Survey
GIS	Drafts Splits on Section Maps
Dept Revenue	Assessments

**TAX BASE** - The assessed valuation of real property, which is multiplied by the tax rate to determine the amount of tax due.

**TAX DEED** - The instrument of conveyance when a property is sold by a government body to pay for arrears of taxes.

**TAX DISTRICT** - An area over which a government body has authority to levy property taxes; may contain one or more assessment districts.

**TAX EXEMPTION** - Freedom from payment of property and other taxes granted to religious, educational and similar organizations.

Department of Revenue

**TAX LIEN** - A claim registered against a property by a government authority for non-payment of assessed taxes.

Treasurer's Office

**TAX LIEN CERTIFICATE** - A certificate obtained by the payment of a property tax lien. It entitles the purchaser to the tax owing, including interest and penalties.

Treasurer's Office

**TAX REDEMPTION** - Payment of taxes by property owner after Tax Lien Certificate has been issued.

Treasurer's Office

**TAX ROLL** - A list, usually published by a county, containing descriptions of all parcels in said county, the names of the owners, the assessed value and the tax amount.

Department of Revenue

**TAX SALE** - Sale of property by a government body for non-payment of taxes, either by tender or auction.

Treasurer's Office

**TAX SEARCH** - Form prepared by the Plat Room showing all taxes paid on the property on which a subdivision is being recorded on.

**TENANCY IN COMMON** - Ownership of property in which several owners each own a stated portion of the property (a percentage). Each owner may deal with her portion of the property as she wishes (giving it away, mortgaging it, bequeathing it, etc.) and, upon her death, her share becomes part of her estate.

**TESTATE** - To die leaving a valid will: opposite meaning is to die intestate.

**TESTATOR (TESTATRIX)** - The person who makes a will

**TIME SHARE** - A form of joint ownership of property where numerous owners share title and enjoy use or occupation of the property according to a specific schedule.

**TITLE** - The legal term for one's ownership interest in real property and personal property.

**TITLE INSURANCE** - A form of insurance contract which guarantees to indemnify an owner or mortgagee of property for damages suffered as a result of undiscovered title defects which arise later.

**TITLE REPORT - ABSTRACT OF TITLE - SUBDIVISION GUARANTEE** - The condensed history of a title to a particular parcel of real estate, consisting of a summary of the original grant and all subsequent conveyances and encumbrances affecting the property and a certification by the abstractor that the history is complete and accurate.

Title Company	Prepares the report
Planning & Zoning	Subdivision Review
County Attorney	Subdivision Review
Plat Room	Approval Process for Recording
Clerk & Recorder	Recording of Subdivision Plat & documentation

**TITLE SEARCH** - The act of examining in detail the public records relating to ownership of a parcel of land to ensure that the current owner has clear title, free of any liens, claims, mortgage or competing and adverse interests. Usually performed by a lawyer, qualified title searcher, or title insurance company on behalf of a proposed purchaser or mortgagee.

**TOWNHOUSE** - Certain types of rowhouses created through a Planned Unit Development or through the platting process.

**TRANSCRIPT OF JUDGMENT** - - A judgment filed in a court from a formal decision of a different court.

District Court

**TRUST INDENTURE (Trust Deed/Deed of Trust)** - An instrument of conveyance of title to property wherein the transferee will be holding the title to the property on behalf on another person

**TRUSTEE** - A person who holds title to property on behalf of another. A Trustee acts as a third party in a Deed of Trust/Trust Indenture, holding the property "in trust" until the loan paid in full. The Trustee would also facilitate the foreclosure in case of a default. In a Deed of Trust/Trust Indenture, a Trustee can be 1) a title company; 2) an attorney; 3) a bank - so long as said entity is licensed to do business in the State of Montana.

**TRUSTEES DEED** - A deed by a trustee under a deed of trust, issued to a purchaser at auction for a foreclosure.

**UNIFORM COMMERCIAL CODE** - A set of laws written to make it easier to do business between states by making the law the same for each state that adopted the code. The UCC covers many aspects of business such as transactions involving personal property.

**VALUATION** - The estimating of value.

Appraisal.

**VARIANCE** - An indulgence granted by a local zoning commission or authority to allow a non-conforming use of a property to continue.

Board of Adjustment

**VOLUNTARY LIEN** - A claim that is recorded/registered with the consent of the owner.

**WARRANT** - (1) To legally assure that title conveyed is good and possession will be undisturbed. (2) A check written on behalf of county government.

**WARRANT FOR DISTRAINT** - A judgment by the State of Montana placed of record in order to attach to person and real property in order to satisfy payment of back taxes

District Court

**WARRANTY DEED** - A deed in which the grantor fully warrants good clear title to the premises. Used in most real estate transfers, a general warranty deed offers the greatest protection of any deed.

**WATER RIGHTS** - The collective rights to a water supply or a guarantee of access to nearby body of water.

Department of Natural Resources & Conservation

**WILL** - The written expression of the desire of a person as to the disposition of that person's property after death.

District Court                      Filing  
Clerk & Recorder                  Recording

**WRIT OF ATTACHMENT** - A written order issued in the course of a lawsuit directing the sheriff or other law officer to attach the property of the defendant so it can be used to satisfy the demands of the plaintiff if necessary.

District Court

**WRIT OF EXECUTION** - The writ to carry out the judgment or decree of a court.

District Court

**ZONING** - The division of a city or county by legislative regulations into areas (zones) specifying the uses allowable for the real property in these areas.

Planning & Zoning

**ZONING VARIANCE** - Change of a portion of zoning requirements without changing the zoning.

Planning & Zoning

**ZONING ORDINANCE** - A set of rules passed by local government which regulates the use of property according to its location within the municipality, placement of structures on the property, maximum floor area, minimum lot area, minimum floor-to-lot area ratios, etc.

Planning & Zoning

## ACRONYMS

AKA	Also Known As	IMS	Internet Mapping Site
ASG	Assignment	MTG	Mortgage
BLA	Boundary Line Adjustment	NKA	Now Known As
CCR	Covenants, Conditions & Restrictions	NPI	Notice of Purchaser's Interest
CD	Contract for Deed	POA	Power of Attorney
COS	Certificate of Survey	PR	Personal Representative
DH	Declaration of Homestead	PUD	Planned Unit Development
DT	Deed of Trust	OCD	Quit Claim Deed
DUO	Declaration of Unit Ownership	RSID	Rural Special Improvement District
FBO	For the Benefit Of	RW	Right of Way
FKA	Formerly Known As	SID	Special Improvement District
FS	Financing Statement	TI	Trust Indenture
FT	Family Transfer	UCC	Uniform Commercial Code
GD	Grant Deed	WATA	Who Acquired Title As
HES	Homestead Entry Survey	WD	Warranty Deed
HOA	Homeowners Association		

## UNITS OF MEASURE COMMONLY FOUND IN LEGAL DESCRIPTIONS

<b>Acre</b>	= 10 Square Chains = 43,560 Square Feet = 160 Square Rods	<b>Link</b>	= 7.92 inches
<b>Chain</b>	= 66 Feet = 4 Rods = 100 Links	<b>Mile</b>	= 8 Furlongs = 320 Rods = 80 Chains = 5,280 Feet = 1,760 Yards
<b>Furlong</b>	= 660 Feet = 40 Rods = 10 Chains	<b>Rod</b>	= 16-1/2 feet = 5-1/2 Yards = 25 Links

# Brief History of the Flathead Valley

By The Daily Inter Lake

**1810** – Jasper Howse sent by the Hudson Bay Co. to establish a trading post. Some believe the post was at the north end of Flathead Lake, while others say the unsuccessful settlement was above Lake Pend d'Oreille in Idaho.

**1812** – Canadian explorer David Thompson rides to a hill near Polson and describes Flathead Lake in his journal. His Indian companion notes that there is a gap through the mountains above the lake, but it isn't used because of the Blackfoot Indians on the prairie side.

**1846** – Fort Connah established by Canada's Hudson Bay Co., north of present-day St. Ignatius. The Northwest is disputed territory at the time, with "Fifty-four forty or fight" Americans wanting the Oregon territory to take in British Columbia, while Canadians like Thompson argue that present-day Washington, Oregon, Idaho and western Montana should remain in British hands.

**1854** – St. Ignatius Mission established in the Mission Valley by Father DeSmet. With Indian agents corrupt or, in one case, mentally unbalanced, the Catholic mission becomes the leading force on the reservation.

**1854** – Capt. John Mullan and his party explore the Tobacco Plains near Eureka. The Indians once cultivated tobacco in the area and near Spotted Bear on the South Fork.

**1860** – Missoula County organized. At the time, it was part of Washington Territory. Montana Territory lies four years in the future.

**1880** – "Honest John Dooley" builds a boat landing and store on the Flathead River near Kalispell.

**1883** – Ashley Crossing founded on the southwest edge of present Kalispell. Some of its streets are part of the current city.

**1885** – The U.S. Grant begins hauling freight and passengers on Flathead Lake. It is the first of many steamboats on the lake, running freight up from the Northern Pacific Railroad terminal at Ravalli.

**1887** – Demersville is founded on the Flathead River, southeast of present-day Kalispell. It becomes a ghost town when the railroad reaches Kalispell. Named after store owner T.J. Demers, the town is pronounced "De-MARS-ville" by locals.

**1887** – Two Kootenai Indians lynched by a mob at Demersville after being arrested for the killing of three prospectors near Libby. In 1890, four Kootenai Indians were hanged in Missoula for other murders. A company of "buffalo soldiers" is stationed in the Flathead to deal with the uprising.

**1891** – The Great Northern Railway arrives in the Flathead and businessman Charles Conrad establishes a town around the division point at Kalispell. But the route west, over the Marion hill, proves to be a tougher haul for locomotives than over the Continental Divide.

**1892** – City of Kalispell incorporated.

**1893** – Flathead County created out of Missoula County.

**1899** – Flathead County High School opens. In the first graduating class is a young black woman, daughter of the janitor at Demersville School. He put all his children through college.

## Brief History of the Flathead Valley

By The Daily Inter Lake  
(continued)

**1904** – **The Great Northern** moves its main line to Whitefish to take advantage of a lower route down the Kootenai River that eliminates 165 curves. Kalispell residents are angry about it for years, and one local historian writes a book titled, “The Train Didn’t Stay Long.”

**1903** – **City of Whitefish** incorporated. An early settler described the 160-acre townsite as “a heavily wooded, swampy marsh full of green frogs, lizards and other creepy things with trees so big and so thick that the sun could hardly shine through.” Stumps remain in Central Avenue, resulting in the early nickname “Stumptown.”

**1909** – **Lincoln County** created out of Flathead County.

**1909** – **Columbia Falls** incorporates more than 20 years after it was founded. It had originally been selected as the division point for the Great Northern. But speculators with inside information demanded too much for the land, and angry Great Northern President Jim Hill turned his sights to Kalispell and then Whitefish.

**1910** – **Flathead Reservation** opened for settlement. Kalispell is jammed with hopeful homesteaders. Indians are given 160-acre allotments, which they soon lose.

**1910** – **Glacier National Park** created. Promoted heavily by the Great Northern, it becomes a mecca for rich tourists until World War II.

**1923** – **Lake County** created out of Flathead County. A 36-square-mile section of the Flathead Reservation remains in Flathead County.

**1929** – **The Half Moon fire** starts west of Columbia Falls and sweeps across the mountains into Glacier National Park. In just three days, it burns 103,000 acres in a 30-mile swath that cut across Teakettle and Columbia mountains, across the Flathead River, into the Canyon and on to Apgar. Denuded by the fire, the south-facing slopes of the Belton Hills become prime winter range, still used by elk.

**1938** – **Kerr Dam** built at Polson. The concrete structure is 204 feet high and controls the top 10 feet of Flathead Lake. During World War II, a proposal is made to add 25 feet to the level, which would have flooded much of the valley below Kalispell.

**1947** – **Big Mountain** is launched with a \$100 stock offering in Whitefish. After some nip-and-tuck early years, it grows into a resort boasting 3,600 acres of skiable terrain and 10 lifts. That same year, D.C. Dunham builds a lumber mill in Columbia Falls and names his company after a creek back in Bemidji, Minn. Plum Creek Timber Co. now owns millions of acres of timberland in Montana, Idaho, Washington, Louisiana and Arkansas.

**1953** – **Hungry Horse Dam** completed. At 564 feet high, it is still the United States’ 11th-tallest dam. The Columbia Falls aluminum plant is soon built, consuming about three times the dam’s annual output of electricity.

**1964** – **A major flood hits the Montana Rockies**, wiping out the highway and rail lines across Marias Pass. In Glacier National Park, McDonald Creek runs upstream. The Flathead River laps at the edge of the highway across from the airport and invades Evergreen.

**1967** – **Grizzlies kill two campers**, miles apart, in a single night at Glacier National Park. They are the first fatal attacks since the park’s founding. The incidents are chronicled in the book, “Night of the Grizzlies.”

## Brief History of the Flathead Valley

By The Daily Inter Lake  
(continued)

**1979** – Californian **Ray Thompson** moves his Semitool company to Montana and sets up business in the old Bell Camper factory south of Kalispell. Later moved to West Reserve Drive, Semitool produces the processing tools and cleaning systems used in computer chip fabrication. The business is still thriving and employs 800 people.

**1988** – Forest fires sweep the West, including the 37,500-acre Red Bench Fire on Glacier National Park's west edge.

**1997** – On the heels of the wettest year in Flathead Valley history and fueled by near-record snowpacks, the Stillwater and Swan rivers experience 100-year floods. Hayfields turn into ponds, rising groundwater covers Montana 35 near Woods Bay and closes West Valley Drive. The Stillwater River floods parts of Evergreen and the Causeway road on Echo Lake is submerged.

**1998** – Blacktail Mountain Ski Area opens near Lakeside.

**2001** – The Moose Fire burns for two months across 71,000 acres of Flathead National Forest and Glacier National Park.

**2003** – In a historic fire year, 310,000 acres of forest burn in a series of fires stretching from the Bob Marshall Wilderness to the Canadian border.

**2004** – Flathead County passes Cascade County to become the third-largest county in Montana. The population growth – almost 10 percent since 2000 – fuels record subdivision activity, real estate sales and commercial development.

**2005** – Population growth, investment buying and limited supply combined to drive sales to unprecedented heights in the Northwest Montana real estate market. More than a billion dollars in commercial and residential property changed hands, up 25 percent from 2004.

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