



# Blue Ridge Land Conservancy Conservation Easement Application

Please fill out this form to initiate the process of donating a conservation easement to the Blue Ridge Land Conservancy. For assistance, contact Emily Bender at (540) 746 - 8469 or ebender@brlcva.org.  
Return to:

Blue Ridge Land Conservancy  
The Lemon House  
1305 Maple Ave SW  
Roanoke, VA 24016  
or by email to: ebender@brlcva.org

## Landowner Information

Name(s):

Mailing Address:

Phone Number:

Email:

## Property Information

Property owner(s) as listed on deed *(If the property is owned by an LLC please list all members of the LLC and their relationship to each other and attach a copy of the LLC bylaws to the application):*

Property Address:

Number of Acres:

Parcel Numbers:

Do you own property in the immediate area?  Yes  No

If yes, please list parcel numbers:

## Property Characteristics

Acres in forest:

Acres in crops:

Acres in pasture:

Acres in other use:

Please describe the property's current use:

Does the property have streams, springs or other water frontage?  Yes  No

If yes, please describe:

Does the property have unique resources (historic buildings or sites, caves, etc)?  Yes  No

If yes, please describe:

Please list all dwellings (homes, cabins, barn apartments, stationary trailers, etc.) on the property:

List all other buildings on the property:

## Liens/disputes/existing easements

Do you have any mortgages or are there any liens on the property?  Yes  No

If yes, have you spoken with your mortgage holder about easement subordination?  Yes  No

Are there any other easements on the property such as for utilities or neighbor access?  Yes  No

If yes, please describe:

Are you enrolled in any Soil and Water Conservation District (SWCD) or Natural Resource Conservation Services (NRCS) Programs?  Yes  No

If yes, please describe:

Are there any boundary issues with neighbors?  Yes  No

If yes, please describe:

Are the mineral rights on the property intact?  Yes  No

If no, please explain:

**Professional Advisor Information**

*The Blue Ridge Land Conservancy strongly recommends that each easement donor work with experienced conservation easement professionals throughout this process. If you have not selected the professionals you wish to work with the land conservancy can provide a list of easement professionals upon request.*

**Attorney:**

Name and firm:

Mailing Address:

Telephone:

Email:

**Appraiser:**

Name and firm:

Mailing Address:

Telephone:

Email:

**Other Professionals:**

Name and firm:

Mailing Address:

Telephone:

Email:

## Conservation Easement Consent and Acknowledgment

**No Obligation.** The Blue Ridge Land Conservancy (BRLC) reserves the right not to participate in any transaction for any reason, and to withdraw from the conservation easement donation process at any time.

**Voluntary and Permanent.** The donation of a conservation easement is an act of land protection which will permanently affect how your land may be used in the future. You agree that your easement donation is completely voluntary, and you may negotiate easement terms and/or withdraw from the process up until such time as the easement is recorded at the courthouse.

After the easement is signed and recorded it becomes permanent, binding on you and future owners, regardless of any IRS or state determinations regarding deductibility of your gift of easement. All restrictions on the use of the easement property are found in the deed of easement. Recorded easements are a matter of public record at the courthouse, although at your direction BRLC will refrain from publicizing your easement.

**No legal or tax advice.** BRLC does not provide legal or tax advice. You are strongly encouraged to consult with your advisors on estate planning and tax matters related to the donation of a conservation easement and have an attorney assist you in drafting and the review of your easement throughout the process.

**Qualifying donations.** While BRLC will make every effort to see that the gift of an easement qualifies under IRS and Virginia regulations, the land conservancy makes no assurances regarding the deductibility of any easement gift. BRLC strongly recommends landowners have legal counsel assist with the drafting and review the easement prior to its execution.

**Appraisals.** BRLC does not require a gift appraisal to accept the donation of an easement; however, if you intend to take advantage of the federal tax deductions, state tax credits and other tax benefits you will need to engage a qualified independent appraiser to determine the value of the gift. BRLC strongly suggests that you employ a Certified General Appraiser experienced in conservation easement appraisals who follows Uniform Standards of Professional Appraisal Practice (USPAP). You should understand that the timing and quality of your appraisal may impact the tax benefits you receive from your easement, and that the IRC states that the appraisal needs to be dated no more than 60 days prior to the easement's recordation or prior to the filing of the tax return for the period in which the easement was donated. BRLC makes no assurances regarding appraisals or easement valuations.

**Federal and state tax benefits.** In order to claim the VA state income tax credits from the gift of an easement, you will be required to send form LPC-1 to the VA department of Taxation. If the value of your easement is in excess of \$1 million, then your easement will have to have certain specific protections as adopted by the Virginia Land Conservation Foundation.

To claim federal and state tax benefits, a Baseline Documentation Report (BDR) is required which documents the conditions of the property at the time of the donation of your easement. While this report is the responsibility of the easement donor, you agree that BRLC shall prepare this report to ensure it meets BRLC's quality standards for future easement monitoring. There is no cost to you.

**No obligation to participate or sign 8283,** BRLC reserves the right not to sign the IRS Form 8283 for a gift in excess of \$5,000 if it has concerns about the appraisal methodology, valuation or other concerns. The form 8283 must be completely filled out and BRLC must have the opportunity to review the appraisal to determine its appropriateness, prior to signing the form 8283. BRLC shall not participate in transactions in which it has concerns about the appraiser, appraisal methodology, valuation or tax deduction. *BRLC may require that it review the appraisal prior to signing the conservation easement.*

**Abusive, syndicated or tax shelter transactions.** BRLC requires a copy of your appraisal prior to closing when engaging in transactions with *pass-through entities of unrelated parties*. BRLC shall decline to participate in any transaction with pass through entities consisting of unrelated parties, particularly those offered or assembled by a third party or described in IRS Notice 2017-10 or otherwise described as a syndication by the IRS, in which:

- the appraisal indicates an increase in value more than 2.5 times the basis in the property, and
- the easement or property is donated within 36 months of the pass through entity's acquisition, and
- the value of the donation (not the deduction) is \$1 million or greater.

BRLC shall decline to participate in any transaction involving a conservation donation by unrelated parties that appears to have all of the following characteristics as set forth in IRS Notice 2017-10:

- A pass through entity will make the contribution.
- Members of the entity are investors who have been solicited to invest in the entity.
- The investment is offered to investors in oral or written promotional materials.
- Promotional materials offer a possibility of a tax deduction that is at least 2.5 times the investment.
- The transaction is intended to result in a contribution for which a federal income tax deduction will

be claimed by investors.

**Subordination.** If there is a mortgage on the property to be placed under easement, the mortgage holder must subordinate the mortgage to the easement so that the easement can continue to protect the property in the case of foreclosure. Your attorney should contact the lender early on in the process, as subordination can be very time consuming.

**Deeds, title work, and surveys.** As part of the easement process, BRLC requires a copy of your property deed(s), title insurance, title work showing clear title to your property, and a survey plat if available. BRLC may also require a new survey if clear property boundaries cannot be determined.

**Costs and fees.** You are responsible for your own attorney's fees, appraiser's fees, title search and opinions fees, title insurance costs, surveyor's costs, and any other expenses you may incur.

You will be required to pay a one-time fee to the Blue Ridge Land Conservancy of **\$11,000**. This fee is due before the easement is recorded. There are no other fees due to BRLC for information or assistance with your donation of a conservation easement. *There will be a 5% fee charged for any stewardship fees paid by gift of stock.*

I have read and acknowledge the above information and understand the information presented. The information I have provided is correct to the best of my knowledge. If any of the provided information changes during the process of donation a conservation easement I will notify BRLC as soon as possible.

Signature:

Name:

Date:

 /  / 

Signature:

Name:

Date:

 /  /