

INSTRUCTIONS FOR COMPLETING ASSIGNMENT APPLICATIONS

PLEASE READ THE FOLLOWING INSTRUCTIONS CLOSELY. INCOMPLETE OR INACCURATE INFORMATION WILL DELAY PROCESSING OF YOUR APPLICATION. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE DEPARTMENT OF NATURAL RESOURCES & CONSERVATION (DNRC) OFFICE IN HELENA AT (406)444-2058 OR YOUR LOCAL DNRC OFFICE. CORRECTLY COMPLETED APPLICATIONS ARE NORMALLY PROCESSED WITHIN 30 DAYS OF RECEIPT BY THE DNRC.

1. The “Affidavit of Assignment Form” must be completed in full. It is a fillable pdf form that can be printed only. Please print the form on legal size paper if possible. The form includes supplemental pages for additional tracts and/or signature if there is insufficient space on the first page. Separate assignment forms must be submitted for each lease to be transferred. All parties listed on the assignment form must sign. All signatures must be notarized and be originals. Photocopies of signatures will not be accepted. The assignment form must include all of the requested lease data. Please contact the Department if you are unsure of any of this information. The completed assignment (One Original per Lease), applicable fees and any other necessary documents should be mailed to:

DNRC – AG & GRAZING BUREAU
P. O. BOX 201601
HELENA MT 59620

2. If the assignor is the personal representative of an estate, copies of the court documents showing appointment as personal representative must be included. If there are multiple personal representatives, all are required to sign the assignment form. If any signature is made as an “Attorney-in-fact” or “Power of Attorney”, copies of the documents showing appointment or authorization must be included.
3. If the lease is subject to a secured interest or mortgage, the assignor must include with the assignment application, either a “Release of Mortgage” from the mortgage or interest holder, or written notification from them that they consent to assignment of the lease.
4. The Department is interested in the management of the lease that will occur as a result of the assignment. As such, the assignee must include a written response to the following questions:
 1. A statement indicating why the assignment is being requested.
 2. A brief review of the assignee’s business and background.
 3. Any consideration or payment being transacted because of the assignment of the lease, including compensation for improvements.
 4. A description of past livestock use on the lease (if a grazing lease), including class of livestock, season of use and management strategy (if known).
 5. A description of intended future livestock use (if a grazing lease), including class and number of livestock, anticipated season of use and management strategy.
 6. If the lease includes crop or CRP lands, all changes to federal farm program payments or contracts must be approved or amended by the appropriate Farm Service Agency office and verification presented to the Department.
5. Assignments are not valid until approved by the Department. Upon approval of the assignment, executed copies will be mailed to the assignor and assignee. The assignor shall provide the assignee with the original lease agreement.

NOTE: Prior to processing any assignment, all rentals **must be paid**. Grazing Leases are billed on January 1 of each year. If full payment is not received by April 1, the entire lease is automatically canceled. Assignments submitted between January 1 and April 1 will not be processed until rentals are paid. Agricultural Leases are billed on August 1 of each year. If full payment is not received by December 31, the entire lease is automatically canceled. Assignments submitted between August 1 and December 31 will not be processed until rentals are paid and production reports submitted.

ASSIGNMENT CHECKLIST DID YOU INCLUDE/COMPLETE THE FOLLOWING?

- | | |
|---|---|
| <input type="checkbox"/> COMPLETED ASSIGNMENT FORM. | <input type="checkbox"/> PERSONAL REPRESENTATIVE PAPERS (IF APPLICABLE). |
| <input type="checkbox"/> \$50 APPLICATION FEE (PER LEASE) | <input type="checkbox"/> “ATTORNEY-IN-FACT” AUTHORIZATION (IF APPLICABLE); OR |
| <input type="checkbox"/> ASSIGNEES RESPONSE TO QUESTIONS. | <input type="checkbox"/> “POWER OF ATTORNEY” AUTHORIZATION (IF APPLICABLE). |
| <input type="checkbox"/> PAYMENT OF ANY RENTAL DUE. | <input type="checkbox"/> MORTGAGE RELEASE (IF APPLICABLE); OR |
| <input type="checkbox"/> ALL NECESSARY SIGNATURES AND NOTARY. | <input type="checkbox"/> MORTGAGOR’S WRITTEN CONSENT OF ASSIGNMENT (IF APPLICABLE). |