



EASEMENT AMENDMENT APPLICATION

INSTRUCTIONS	
GENERAL	
<p>This form is provided to facilitate a request for the Virginia Outdoors Foundation (VOF) to amend one of its open space easements.</p> <p>After initial discussion with VOF staff, please complete this application to describe your amendment request. No payment is required to submit this application.</p> <p>Once staff has completed an analysis of your application, if you wish to proceed, there will be a fee of \$1,500. In addition, there will be a Baseline Documentation Report (BDR) fee of \$3,000-\$3,500 if applicable. This fee may be reduced for amendments that on balance significantly improve the conservation values of an existing easement.</p>	

APPLICANT			
Applicant Name			
Applicant's Title and/or Business Name			
Mailing Address			
City		State	
Zip			
Phone Number <i>(with area code)</i>	Home		
	Office		
	Mobile		
Email			

ATTORNEY CONTACT INFORMATION			
Name			
Mailing address			
City		State	
Zip			
Phone number (with area code)			
Email			

SURVEYOR CONTACT INFORMATION (if applicable)			
Name			
Mailing address			
City		State	
Zip			
Phone number (with area code)			
Email			



EASEMENT AMENDMENT APPLICATION

AMENDMENT TYPE

Please describe the amendment you are requesting in detail.

Please describe the amendment you are requesting and how it will change the existing easement. The purpose(s) for an amendment could include, among other things, the following:

- (1) correction of ambiguous language in the original deed,
- (2) upgrading of the language in the original deed to conform to the current template,
- (3) adding acreage to the property under easement,
- (4) further restricting rights reserved to the landowner, or
- (5) reconfiguring the size of parcels that are permitted to be divided from the original property put under easement.

COUNTY TAX PARCEL NUMBERS		
PARCELS WITHIN THE EXISTING OPEN SPACE EASEMENT		
Tax Map Parcel #	County/City acreage	Notes (if some explanation is needed)
NEW PARCELS BEING ADDED TO EXISTING OPEN SPACE EASEMENT (if applicable)		
Tax Map Parcel #	County/City acreage	Notes (if some explanation is needed)

Continue list on an additional sheet of paper if necessary.

IMPORTANT INFORMATION FOR THE APPLICANT	
Please sign below to acknowledge that you have read and understand the following information.	
<p>Amendment of an open-space easement is voluntary, and you may decide not to make the amendment at any time until the amended deed is signed and delivered to the Virginia Outdoors Foundation (VOF) for recordation. The amended deed of easement may set forth the amendments agreed upon and restate the entire easement, superseding the original easement (the long form); or the amended deed of easement may just modify, add to or delete provision(s) of the original easement and incorporate by reference all the provisions in the original easement that are to remain applicable to your property (the short form).</p> <p>In certain cases in which the amendment may result in a private benefit to you, VOF may require an appraisal of the easement as amended. Also, if you intend to take a federal tax deduction or claim a state tax credit for an amended deed of gift of easement, you will need to engage an independent appraiser to determine the value of the gift. VOF strongly recommends the use of a Certified General Appraiser.</p> <p>If there is a deed of trust or mortgage on the property that will be encumbered by the amended easement, the holder must subordinate the deed of trust or mortgage to the amended easement so that the amended easement will continue to protect the property after sale in the event of a foreclosure. In addition, subordination by the holder is necessary for the gift of any portion of the amended easement to be tax deductible under federal tax law. You or your attorney should contact the mortgage holder prior to submission of the draft easement to staff for review and transmission to the board, as soon as a final draft of the easement is complete, as the subordination process may take some time.</p> <p>The Virginia Outdoors Foundation does not provide legal or tax advice. You should consult with your advisors on estate planning, real estate and tax matters and have an attorney assist you in the drafting and review of the amendment throughout the process. You will also need your attorney to review with you the effect of the amended easement on your estate plan and future use of the property.</p> <p>All the information related to the amendment that you provide to VOF will become a matter of public record, and, as such, is subject to Freedom of Information Act (FOIA) requests.</p>	
I acknowledge that I have read the above information and understand the issues presented.	
Applicant Signature	Date

