



Donating a Conservation Easement



Gathering Information

The Virginia Outdoors Foundation (VOF) has offices throughout the Commonwealth. A member of VOF's staff in your region will help you understand the easement process and see if an easement is a good fit for your property and your goals. Funding is available to help income-eligible landowners with the costs associated with donation of an easement (covering VOF fees and legal, appraisal, and, if applicable, survey costs).

Initial Site Visit



If the goals for your property are compatible with VOF's requirements for easements and the conservation values of your property meet VOF's criteria, we will arrange a visit to your property. During the visit, staff will be able to evaluate the property's features while discussing the details of an easement that will both meet your goals and protect the conservation values of the property.

Getting Additional Help

If you feel comfortable that an open-space easement will meet your goals for the property, you should discuss the impact of such a donation with your attorney and/or tax advisor. If your property has a lien on it, you should also discuss the potential easement with your lender, since the lender will have to be a party to the deed of easement. (In addition, you could hire an appraiser at this juncture to get a ballpark idea of the potential tax benefits of donating an easement on your property.)



Title Search and Property Boundary Research



Early in the process, VOF will order a title report on your property to determine if there are any issues with respect to your ownership of the property that need to be resolved.

In addition, VOF staff will analyze recorded deeds and plats of your property to determine if the boundaries of the property are clearly delineated. In some cases, a survey may be required of all or some of the property to determine its boundaries.

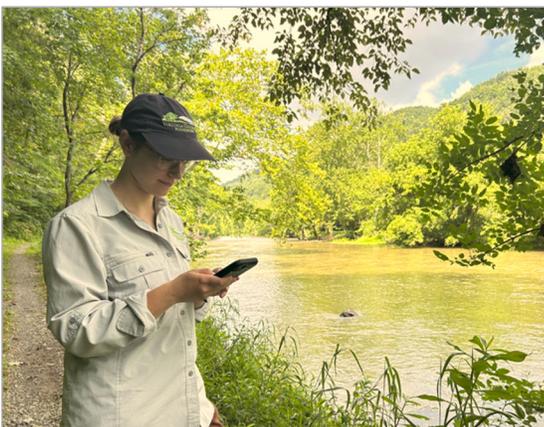
Agreement on Terms of the Easement

VOF staff will work with you and your attorney in developing a draft deed setting forth the terms of the easement. Once this is done, a summary of the characteristics of your property and the terms of the easement will be prepared for your review and for the staff's presentation to VOF's Board of Trustees. There is a \$1,500 fee for presentation of your project to the board.

Board Review

The VOF Board of Trustees usually meets three times each calendar year. Upon presentation of your project to the board, it will approve, modify and approve, or disapprove your project. Most projects are approved as presented.

Baseline Documentation Report



If the board approves your project, a Baseline Documentation Report (BDR) will be completed before the deed of easement is recorded. The BDR describes the characteristics and condition of your property at the time of recordation of the deed of easement, and it contains maps, photos, and other documents that describe your property. It becomes the basis of comparison for future monitoring and enforcement of the terms of the easement. There is a \$3,500 fee for preparation of the BDR by VOF.

Recordation of the Deed of Easement



All legal owners must sign the deed. If there is a lien on the property, the lender and its trustees must also sign the deed to subordinate the deed of trust to the deed of easement. VOF also signs the deed indicating its acceptance of the easement. The details of the signing will be coordinated between your attorney and VOF staff. The deed of easement is recorded by your attorney in the circuit court clerk's office of the locality in which your property is located.

Appraisal

VOF does not require an appraisal for the donation of an easement. However, for you to claim a federal tax deduction or a state tax credit for your donation, you will need to engage an IRS-defined qualified appraiser to determine the value of your easement donation.

Time Frame

The donation process generally takes between six months and a year. VOF staff will help you determine the timeline for your project better as they become familiar with your particular project. Staff will guide you through the process step-by-step at a pace that is comfortable for you.

**Thank you for considering a donation of an easement on your land.
We look forward to working with you!**

www.vof.org

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