



STEPS TO DONATING A CONSERVATION EASEMENT

What follows is a brief outline of the steps involved with donating a conservation easement. We have found it helpful to inform landowners ahead of time about the easement process so they know what to expect and can ask any questions they may have regarding the process.

- **Introduction of Land Trust and Landowner.**

This is an opportunity for landowners to share with the Jackson Hole Land Trust (JHLT) staff their goals, needs and interests regarding their property. The JHLT staff explains the role of the JHLT and how conservation easements work.
- **Property Visit.**

It is important for the JHLT staff to see the property firsthand and to be familiar with its different features and characteristics.
- **JHLT Board Approval.**

The JHLT Board of Directors must approve all protection projects.
- **Completion of Mineral and Title Research.**

The JHLT will need mineral and title information that identifies mineral ownership and ensures that the title is clear.
- **Resolution of Other Title/ Mineral- Related Issues**

Depending on the results of the mineral and title research, it may be necessary to address other title-related issues like mortgages, liens, or access easements. If all minerals are not owned by the landowner, it may be necessary to contract with a geologist to evaluate mineral development and if possible have what is called a Remoteness Letter prepared.
- **Resolution of Mortgage Issues**

If the land is mortgaged, the mortgage must be subordinated for the conservation easement to take precedence and protect the land in perpetuity.
- **Determination of Conservation Easement Tax Deductibility.**

There are certain IRS requirements that must be met in order for an easement to be tax deductible. If necessary, the JHLT staff can assist landowners to determine if these requirements can be met.

- **Conservation Easement Drafting and Discussion of Conservation Easement Terms.**

The JHLT usually prepares the first draft of the easement and then the landowner and his/her lawyer reviews it. This can require a significant amount of time depending on the complexity of an easement. The JHLT is in frequent contact with landowners, or their representative, in order to create a mutually acceptable easement document.

- **Legal Description for the Property.**

The JHLT will need to be provided with accurate legal descriptions and maps of the property. If the property does not have a survey, then one can be contracted with a surveyor or, in some cases, a surveyor can prepare a metes and bounds legal description.

- **Completion of Baseline Report.**

The Baseline Report documents the condition of the property at the time the easement is signed and is required for all easements. The JHLT produces these reports in-house, and they typically cost from \$300 to \$500.

- **Signing of Final Conservation Easement.**

This can be done via the mail or at our office. In either case, the landowner's signature must be notarized.

- **Recordation of the Conservation Easement.**

The signed easement documents, usually including the Baseline Report, are recorded at the county courthouse. The original is then returned to the JHLT, and the JHLT sends a copy to the landowner.

- **Stewardship Gift.**

We ask conservation easement donors, if they are able, to assist the JHLT with the cost of monitoring and enforcing the conservation easement in perpetuity. The amount of these contributions varies, and they are tax deductible.

- **Completion of an Appraisal.**

If an easement donation is tax deductible, the easement gift must be appraised to establish the value of the charitable contribution. The appraisal is completed after the easement is signed. It is useful, however, to involve an appraiser earlier in the process if the extent of the tax deduction is an important factor in the design of the conservation easement.