


Land Division History Instructions

Rule Sections: 12 M.R.S. §682-B
& 12 M.R.S. §685-B,1,B

Applicability: Required if lot is not part of a Commission approved subdivision

 A land division history is not the same as a title search.

Background on Land Division History

Generally, land divisions occur when:

- a parcel is split into smaller lots
- the landowner leases a portion of a parcel, or
- a new dwelling is placed on a parcel that already has one or more dwellings

Maine law limits the number of land divisions that can occur without a subdivision permit. The LUPC must know the history of a parcel's land divisions to issue a permit.

Certain types of land divisions are not counted toward the limits. These include most divisions involving an abutting landowner or gifts to a family member.

Contiguous parcels under the same legal deed name and in the same township, plantation, or town are considered one parcel when determining land division history.

Researching and Presenting a Land Division History

A land division history is like a family history but for land. You can trace a family history with marriages, births, etc. In the same way, you can trace a land division history with portions of properties being split from one another, joined together, leased, transferred, etc.

To research a land division history, start with the current deed, lease, or sales contract. Work backward to the land transaction that most closely pre-dates 20 years from today (not from your deed or lease year). For example, if today's date is May 5, 2023, work backward to the transaction that most closely pre-dates May 5, 2003. You may need to access the Registry of Deeds for the county. Instructions for this are given below. It may be helpful to get assistance from an attorney or land surveyor.

To present the land division history, reverse the order. Start with the end point of your research (the land transaction that most closely pre-dates 20 years from today) and work forward. An example land division history is given below.

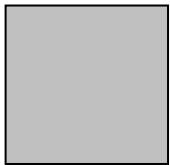

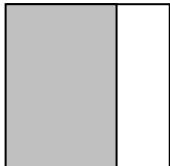
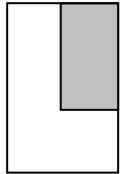

Conceptual drawings are very helpful when researching and presenting a land division history.

In the example below, a Building Permit applicant in 2023 is presenting the land division history of a 2-acre lot purchased in January of 2023. The 2-acre lot was once part of a 6-acre lot belonging to Sue Smith. The 6-acre lot was once part of a 10-acre lot belonging to Amy Adams and then Rob Rodgers. The applicant is applying in 2023, but the land division history goes back to 1999 to show the transaction that most closely pre-dates the 20 year limit (2003).

In the example, there have been two divisions: 1) when Rob Rodgers sold a 4-acre portion of the 10-acre lot on June 12, 2006, and 2) when Sue Smith sold a 2-acre portion of the 6-acre lot on May 21, 2014. The sale or gifting of entire lots does not count as a land division.

You do not need to figure out which transfers and divisions count toward the limit on divisions. The LUPC will figure it out from the information you provide.

Land Division History Example

<u>Transaction Details</u>		<u>Seller/Grantor and Buyer/Grantee</u>	<u>Book/Page, and Date of Transaction</u>	<u>Lot Size</u>
	<i>Amy Adams sold a 10-acre lot to her neighbor, Rob Rodgers, on November 22, 1999.</i>	<i>Amy Adams → Rob Rodgers</i>	<i>Book 1251, Page 125 11/22/1999</i>	<i>10 acres</i>
	<i>Rob Rodgers sold a 4-acre portion of his lot to Dan Davis on June 12, 2006.</i>	<i>Rob Rodgers → Dan Davis</i>	<i>Book 1254, Page 63 06/12/2006</i>	<i>6 acres</i>
	<i>Rob Rodgers gifted the remaining 6 acres to his daughter, Sue Smith, on January 11, 2008.</i>	<i>Rob Rodgers → Sue Smith</i>	<i>Book 1254, Page 178 01/11/2008</i>	<i>6 acres</i>
	<i>Sue Smith sold a 2-acre portion of her lot to John Jones on May 21, 2014. Sue Smith still owns the remaining 4 acres.</i>	<i>Sue Smith → John Jones</i>	<i>Book 1257, Page 36 05/21/2014</i>	<i>2 acres</i>
	<i>Applicant purchased the 2-acre lot from John Jones on January 15, 2023.</i>	<i>John Jones → Applicant</i>	<i>Book 1262, Page 91 01/15/2023</i>	<i>2 acres</i>

More detailed instructions and helpful hints for figuring out a Land Division History are on page 17, following the table below.

Instructions and Helpful Hints for Land Division History

Research: *Using your deed, lease, or sales contract as a starting point, trace the ownership history and configuration changes of the parcel or contiguous parcels back to the transaction that most closely pre-dates 20 years from today.*

This can typically be done by searching for deeds online in a county's digital Registry of Deeds (see information box below).

Deeds will usually describe the land as "a portion of the premises" or "the same premises" as a prior deed and give the prior deed's Book and Page number in the Registry of Deeds. This information is often toward the end of the deed.

If the land is described as a portion of the premises, you would research the prior deed to see if any other land was split from its premises. You would record those splits and any subsequent splits from there. You would also research the land of the prior deed to see if it was a portion of or the same premises.

If the land is described as the same premises, you would research the prior deed to see if the land was split from a larger parcel or if it is also the same premises.

In this way, you work backward to the transaction that most closely pre-dates 20 years from today. If splitting of lots has occurred, you will also need to work forward to see if there has been additional splitting.

A tax map or a survey map of the property (either recent or old) is often very helpful.

For each transaction found in your research, record the information requested in the Land Division History Table above.

Examples of types of transactions include: sale, lease, gift to relative, inheritance, court-order, transfer to an abutter, transfer for forest management, agriculture management, conservation, etc. The type of transaction helps LUPC know which land divisions count toward limits.

i *County Registries of Deeds allow free searches by the public. In some cases, you must register for a free account. Links to each county's searchable electronic registry are at the Official Land Records Website of the Maine Registers of Deeds Association: maineregistryofdeeds.com. Select the appropriate county on the map.*

Searching by book and page number is often easier and more efficient. But searches can include landowner name, date, etc.

i *If your property is located in a plantation or town, you will find tax maps through its website or office. Tax maps for townships are found through the Unorganized Territory Division of the Maine Revenue Service: maine.gov/revenue/taxes/property-tax/unorganized-territory/tax-maps-valuation-listings.*

Presenting the Land Division History:

Use the table for Land Division History above to organize this information. List all changes in ownership and all divisions of lots from which your lot originated. Include any transfers to abutting landowners and gifts to relatives.

It is helpful to closely follow the example above. Be sure to start the history with the transaction that most closely pre-dates 20 years from today. Include conceptual drawings (not necessarily to scale) showing all the land divisions. The history should account for all the acreage within the parcel at the time of the transaction most closely pre-dating 20 years from today.