



## Heirs Exemption Procedure & Checklist

Pursuant to Land Use Policy 4.5 of the Comprehensive Plan, within the residential land use classifications listed below, the transfer of land for the use of the transferor's heir for his or her primary residence shall be permitted.

### **General Requirements for Heirs Provision**

The Heir's Exemption is intended to allow transfer of land for the use of the heir to construct his or her permanent residence. Building permits and certificates of occupancy may only be issued with the heir specified as the owner of the property. If the property remains vacant, the heir must retain title to the property for a minimum of five years before transfer or sale. The sale of the property prior to that time will cause the cancellation of the property's heir's exemption status, and no construction of a dwelling unit will be permitted on the lot unless the lot complies with the density requirements of the Comprehensive Plan. If an heir constructs his or her permanent residence on the property, the heir must reside in the residence for a minimum of two years from the date of the issuance of the Certificate of Occupancy. The sale or lease of the property for occupancy by another party prior to that time will cause the cancellation of the heir's exemption status and the home will be subject to Section 20.3-11, Nonconforming Uses, Lots and Structures, of the Clay County Land Development Code. In no case, however, will the heir be required to retain title of the lot for more than five years, despite the length of occupancy of the dwelling unit by the heir.

The following types of transfers shall not cause the cancellation of a lot's heir's exemption status and shall not subject a home on the lot to Section 20.3-11, Nonconforming Uses Lots and Structures, of the Clay County Land Development Code, regardless of the length of time the property has been retained by the heir:

- (1) Transfer of the lot to the heir's estate upon the death of the heir, either through testate or intestate succession as provided by state law; or
- (2) Involuntary transfer of the lot arising out of a judgment or order entered against the heir and rendered by a court of competent jurisdiction; or
- (3) Relocation due to an employment or educational opportunity, provided that the relocation would require the heir to move his or her permanent residence, as defined in section 196.012(18), Florida Statutes.

In the event the heir wishes to transfer the lot due to relocation, the heir shall submit an affidavit to the County attesting to the circumstances surrounding the educational or employment opportunity that require the heir to move his or her permanent residence.

A lot shall retain its heir's exemption status in the event the heir is serving in any branch of the Armed Forces of the United States and, by reason of such service, is unable to reside on the lot.

Within the Agriculture, Agriculture/Residential and Rural Residential land use classifications, a minimum lot size of one acre is required. Within the Rural Fringe, Urban Fringe and Urban Core land use classifications the minimum lot size shall be governed by the underlying zoning and the maximum lot size shall be one acre. Lot width and depth, setbacks, and uses shall be governed by the zoning for the property. The Heir's Exemption cannot be utilized to bring into conformance lots which do not otherwise qualify for nonconforming lot of record status.

### **Application Filing Procedures**

#### **Step 1. Do I qualify for an Heirs Exemption?**

	Yes	No	Comments
Do you own property large enough to create an heir's lot and is it zoned properly?	<input type="checkbox"/>	<input type="checkbox"/>	Contact the Planning and Zoning Division to confirm (904) 278-4705
Do I have an heir?	<input type="checkbox"/>	<input type="checkbox"/>	An heir is defined as a transferor's: Grandparent, Parent, Stepparent, Adopted Parent, Sibling, Child, Stepchild, Adopted Child, or Grandchild.
Do I have a deed for the parent parcel?	<input type="checkbox"/>	<input type="checkbox"/>	Pre Heirs Exemption
Do I have a survey for the parent parcel?	<input type="checkbox"/>	<input type="checkbox"/>	Pre Heirs Exemption

**If you checked yes to all proceed to Step 2.**

## **Step 2. Creating the Heirs Lot**

If you qualify for the Heirs Provision and meet the minimum requirements, you will need to create the proposed heirs lot. This is done independent of Clay County and can be done by the Grantor of the property or ones attorney. You will need to do the following:

- Have the proposed heir's lot surveyed and create a legal description. This will be done by a State of Florida Registered Professional Land Surveyor and at the expense of the applicant. The lot will need to meet the minimum standards as outlined within the current zoning district, i.e. lot width, length, area, etc.
- Create or have your legal counsel create a deed for the new heir's lot. Be sure to include the relationship between the grantor and grantee. Example:

("Grantor") John Q. Public, who is the father of the Grantee, to  
("Grantee") John Q. Public Jr., who is the son of the Grantor

- Ensure that the lot will have legal access to a public or privately maintained road. If the new lot does not front an existing road, a easement for ingress and egress will need to be provided having a minimum width of 30' and should be noted in the deed and survey.
- Record the new deed with the Clay County Clerk of the Circuit Courts Office located at:

825 North Orange Avenue  
Green Cove Springs, FL 32043

- Get a new parcel identification number from the Clay County Property Appraisers Office located at:

477 Houston Street 2nd Floor  
Green Cove Springs, FL 32043

You will need to contact the appraiser's office to obtain what information will be required in order to obtain a new number

## **Step 3. Applying for the Heirs Exemption**

Once your Heirs lot has been created, you will then need to apply for the Heirs Exemption with Clay County. The application may be obtained at:

Clay County Planning and Zoning Division  
477 Houston Street 3rd Floor  
Green Cove Springs, FL 32044

Or download here: [Heirs Provision Application](#)

The application will consist of three items, the application, the Heirs affidavit, and the Grantors property ownership affidavit.

**Application:** Items I. II. III. and V. are to be filled out by the applicant. This will include Grantor and Grantee information, parent parcel information; Heirs parcel information and an acknowledgement by the Grantor.

**Property Ownership Affidavit:** This is an affidavit from the Grantor that acknowledges they own the parent parcel of land.

**Heirs Affidavit:** This is an affidavit by the Heir that states they understand the restrictions placed on Heirs lots. This affidavit is recorded after the Heirs application is approved at the Clay County Clerk of the Circuit Courts office located at:

825 North Orange Avenue  
Green Cove Springs, FL 32043

**Step 4. Filing the Application**

Once you have filled out the application you are now ready to file the application with Clay County. Applications are to be filed at:

Clay County Planning and Zoning Division  
477 Houston Street 3rd Floor  
Green Cove Springs, FL 32043

You will need the following items:

Required Documents			
	Yes	No	Comments
Heirs Application	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County
Deed For Parent Parcel	<input type="checkbox"/>	<input type="checkbox"/>	The parent parcel is the land owned by the Grantor that the heir's lot is being divided from
Deed For Heirs Lot	<input type="checkbox"/>	<input type="checkbox"/>	This is the new deed crated for the heir's lot. This deed will need to include the relationship between the Grantor and Grantee i.e. Parent to Child
Surveys for Parent Parcel and Heirs Lots	<input type="checkbox"/>	<input type="checkbox"/>	This will be done by a State of Florida Registered Professional Surveyor at the expense of the applicant.
Heir's Affidavit	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County
Evidence of Grantor Grantee Relationship	<input type="checkbox"/>	<input type="checkbox"/>	This will be a birth certificate. If the heir is married and last name has changed you will also need to provide the marriage license.
Property Ownership Affidavit	<input type="checkbox"/>	<input type="checkbox"/>	This is an affidavit stating that Grantor owns the property.

New Heirs Lot Parcel Identification Number	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County Property Appraisers Office at 477 Houston Street, 2 <sup>nd</sup> Floor, Green Cove Springs, FL 32043 Please contact the Appraisers office to determine what will be required for the new ID number. Their number is: (904) 284/269-6305
Does the lot have a minimum 30' wide easement for access to a County maintained or private road	<input type="checkbox"/>	<input type="checkbox"/>	The new heir's lot will need to have access to a road by means of an easement if the heir's lot doesn't have existing roadway frontage.
Fee	<input type="checkbox"/>	<input type="checkbox"/>	\$250.00 per each heir's lot created.

The Planning and Zoning Staff will accept the application and place it under consideration. A minimum of three (3) days is required for review to ensure consistency with the Clay County Land Development Regulations. When complete, the Planning and Zoning Division will contact the applicant and let them know if the application has been approved.

Once the application is approved the Heir will need to record the Heirs Affidavit with the Clay County Clerk of the Circuit Courts Office located at:

825 North Orange Avenue  
Green Cove Springs, FL 32043

Once a copy of the recorded affidavit is returned to the Clay County Planning and Zoning Division, the Heirs Exemption is complete.

**If you have any questions regarding the Heirs Exemption please contact the Clay County Planning and Zoning Division at (904) 278-4705**