

Guidelines for Agriculture Lease Assignments

- An agriculture lessee may request an assignment of their lease at any time during the term of the lease. Leases cannot be assigned if they have less than one year remaining.
- Any attempt to assign an agriculture lease without prior approval from the State Land Board (Board) is a violation of the terms and conditions of the lease, and is subject to immediate cancellation or the assessment of a penalty equal to one year's rent in addition to the required application fee and consideration payment.
- When an application for assignment is received, district staff will evaluate the application. The evaluation shall include the following:
 - Rent is current
 - Collateral interest must be released by Bank if applicable
 - Inspection of state lease in question
 - Inspection of proposed assignees' other lands to verify stewardship
 - Interview or meeting with proposed assignee
- Upon completion of the evaluation, the District Manager will prepare a report of findings. The proposed assignment will be reviewed by a panel consisting of three State Land Board staff (two District Managers and one District Resource Specialist). The panel will review the proposal using a simple set of questions:
 - a. Does the proposed assignment provide a net benefit to the trust?
 - b. Will the proposed assignment meet the stewardship goals of the trust?
 - c. Will the proposed assignment contribute to the preservation of the stability of the local community?
 - d. Is the proposed assignee in good standing with the State Land Board (e.g. has met the terms and conditions of other state leases they hold or have held in the past)?
 - e. Is this lease an integral or critical part of an associated property and, as such should remain a part of that operating unit?
 - f. Is the proposed assignment more accurately described as a sublease? Has the current lessee been offered that option?
- The panel approves or denies the assignment request (with conditions if necessary).
- The District Office notifies the existing lessee of the decision in writing, including notification of their right to request a review of the Staff decision to the Board. If the lease assignment is approved, the District Office will issue a lease to the assignee on the agency's most current lease form. The term of the lease shall be for the balance of the subject lease.

- The addition of immediate family members to a lease is not considered an assignment. This action must be agreed to by all existing parties and is completed using an Affidavit/Leasehold Rider.

Requirements:

- ✓ One original Lease Assignment Application signed by all parties.
- ✓ Resource Management Questionnaire completed by assignee.
- ✓ Check for \$100 non-refundable application fee.
- ✓ Check for consideration fee equal to 50% of the current year's rent or 50% of the amount paid for the lease; whichever is higher. The consideration fee for partial assignments is based on only that part being assigned.
- ✓ A copy of real estate contract if the assignment is associated with the sale of private land.
- ✓ Collateral Interest must be released before an assignment can proceed.



AGRICULTURE LEASE ASSIGNMENT APPLICATION

LEASE NUMBER _____

ASSIGNOR(S)

I/we, the holder of an interest in lease number _____, request the State Board of Land Commissioners assign that interest to the Assignee. I understand the assignment of a lease is wholly at the discretion of the State Board of Land Commissioners and becomes effective only upon receipt of the signed approval and I am responsible for any lease payments that become due until the assignment is approved. Upon the State Board of Land Commissioners' approval of this assignment application, my rights and interest in this lease will be transferred, in whole or in part, to the Assignee.

All leasehold signatures required

Assignor(s)	Name	Address	Contact Information	
First Assignor Signature			Tel: ()	Cell: ()
First Assignor Printed Name			Fax: ()	E-Mail:
Second Assignor Signature			Tel: ()	Cell: ()
Second Assignor Printed Name			Fax: ()	E-Mail:
Third Assignor Signature			Tel: ()	Cell: ()
Third Assignor Printed Name			Fax: ()	E-Mail:
Fourth Assignor Signature			Tel: ()	Cell: ()
Fourth Assignor Printed Name			Fax: ()	E-Mail: ()

ASSIGNEE(S)

I/we, the Assignee, request the State Board of Land Commissioners assign this lease to me. By signing below, I signify my understanding there may be other authorized uses on the property. Further, I understand the assignment, if approved, is for the remainder term of the lease only. I certify all of the information provided on the lease assignment application is true and accurate. I understand supplying false or inaccurate information is cause for cancellation of any lease issued as a result of this lease assignment application.

I acknowledge State Trust Lands can only be used in accordance with good resource conservation practices. I understand, in addition to the terms of the lease, the State Board of Land Commissioners may require a written resource management plan be provided as a condition of approving this assignment.

All Assignee signatures required (all assignees must be at least 21 years of age):

Assignee(s)	Name	Address	Contact Information	
First Assignee Signature			Tel: ()	Cell: ()
First Assignee Printed Name			Fax: ()	Other:
Title/Entity			Email:	
Second Assignee Signature			Tel: ()	Cell: ()
Second Assignee Printed Name			Fax: ()	Other:
Relationship to First Assignee			Email:	
Third Assignee Signature			Tel: ()	Cell: ()
Third Assignee Printed Name			Fax: ()	Other:
Relationship to First Assignee			Email:	
Fourth Assignee Signature			Tel: ()	Cell: ()
Fourth Assignee Printed Name			Fax: ()	Other:
Relationship to First Assignee			Email:	
Local Contact			Tel: ()	Cell: ()
Email Address			Fax: ()	Other: ()

The assignee requests the lease be held as:

<input type="checkbox"/> AN INDIVIDUAL	<input type="checkbox"/> JOINT TENANTS ¹	<input type="checkbox"/> TENANTS IN COMMON ²	<input type="checkbox"/> A PARTNERSHIP ⁴
<input type="checkbox"/> TRUST ⁵	<input type="checkbox"/> COMPANY or CORPORATION ³	<input type="checkbox"/> OTHER ³	Specify: _____

¹ The tenants will jointly hold an undivided interest in the lease. This option is only available if all tenants are natural persons.

² The tenants will each hold an individual fractional interest in the lease. This option must be selected if there are to be multiple tenants and any one tenant is a non-natural person, e.g. a corporation or a limited liability company. If any one tenant is a corporation, company, or other entity, the requirements set forth in footnote 3 also apply.

³ If applying as a corporation, company or other entity, applicant must be registered with the Colorado Secretary of State. Applicant must submit a current "Certificate of Good Standing" issued by the Colorado Secretary of State and Articles of Incorporation including a list of the entity's officers/directors/stockholders, demonstrating who has the ability to bind the entity.

⁴ If applying as a partnership, applicant must submit the Partnership Agreement indicating the General Partners.

⁵ If applying as a trust, applicant must submit the Declaration of Trust indicating the Trustee.

The following information is necessary to process this application. Please allow at least 60 days from the date a complete assignment application packet is submitted for the District Manager to consider your application for approval. Any information not provided will delay consideration of your application.

1. What is the reason for the assignment?	Reason:						
2. If this is an assignment between family members, how is the Assignee related to the Assignor?	Relationship:						
3. If this is an assignment due to the sale of private land, how many acres of private are being sold and what is the purchase price per acre?	Number of acres sold: Price per acre: \$						
4. What is the consideration being paid by the Assignee to the Assignor for the assignment of the lease?	\$						
5. What is the value of the improvements on the state trust land?	\$						
6. Will other land be used with this state trust land?	<input type="checkbox"/> yes <input type="checkbox"/> no If yes, fill out the appropriate sections:						
Assignee Deeded Land		BLM		U.S. Forest Service		Other Agency or Entity	
Acres Owned:		Acres Leased:		Acres Leased:		Acres Leased:	
		Permit #:		Permit #:		Permit #:	
		Office Tel. #:		Office Tel #:		Office Tel. #:	

Legal Description of the State Trust land being assigned (for a lengthy legal description, please provide an attachment):

Township	Range	Section	Description (i.e., All, N2, NESE)		Acres	County

Assignee proposes to use the leased lands for the following agricultural uses:

Grazing		Sublease Grazing (District Manager Approval Required)		Dryland Crop		Irrigated Crop	
Acres:	Brand - Attach copy of Brand Wallet Card or Proof of Livestock Ownership	Acres:	Brand - Attach copy of Brand Wallet Card or Proof of Livestock Ownership	Acres:	Average Production:	Acres:	Average Production:

ASSIGNMENT CHECKLIST

1. Required Attachments:	<input type="checkbox"/> Resource Management Questionnaire completed by Assignee <input type="checkbox"/> Two checks: 1. Non-refundable Application Fee of \$100 2. Consideration of 50% of the current year's rent or 50% of the amount paid for the lease by the assignee, whichever is higher, which will be refunded if the assignment is not approved.
2. Other Attachments (if required):	<input type="checkbox"/> Leasehold Documentation <input type="checkbox"/> Copy of Brand Wallet Card or Proof of Livestock Ownership <input type="checkbox"/> Supporting Documentation 1. Sale of Private Land – copy of the real estate contract. 2. Death of Assignor – copy of the death certificate and document appointing the personal representative(s) for the estate. 3. Foreclosure – copy of the foreclosure papers or court order.
3. Do you have any questions or concerns?	<input type="checkbox"/> yes <input type="checkbox"/> no If yes, please list: _____

OFFICE USE ONLY

FEE \$ _____
CONSIDERATION \$ _____

DATE PAYMENT RECEIVED _____
DATE ASSIGNMENT RECORDED _____



RESOURCE MANAGEMENT QUESTIONNAIRE

Use this form for Agricultural Applications

Name: _____

Lease No. _____

County/Counties: _____

Lease Renewal: Competitive Bid:

Lease Assignment: _____

1. APPLICANT INFORMATION

Do you live or work in the area? Yes No

If yes, how long? _____

2. LAND TO BE USED WITH THIS LEASE **Include a written narrative describing the state lease in the context of your proposed or existing business operation.

Deeded acreage: _____

Counties: _____

Leased acreage: _____

Counties: _____

Leased acreage owned by: Federal lease(s)

Private lease(s)

Other lease(s)

Agency/Name: _____

Address: _____

Phone: _____

3. LIVESTOCK AND CROP OPERATION INFORMATION

Specify type of livestock to be used on State Trust Land (i.e. cow/calf, yearlings, sheep, etc): _____

Number of livestock owned: _____

Is livestock owned by another person/entity? Yes No If yes, who: _____

Period of planned grazing season: From: _____ To: _____

Estimated Crop production of state lease:

Dryland Crop		Irrigated Crop	
Acres	Estimated Production	Acres	Estimated Production

I understand that subleasing all or any portion of the leased premises for any purpose during any part of the term of the lease, unless authorized by the State Board of Land Commissioners in writing, shall be cause for cancellation at any time, and pasturage agreements shall be prohibited unless authorized by the Board. Subleasing *will* increase lease rates by at least 50%: _____ ← ****INITIALS REQUIRED****

Do you plan on subleasing any portion of this State Trust Land?: Yes No

****If 'Yes', please contact your District Office for authorization to sublease****

4. STEWARDSHIP OF STATE LEASE

****Please provide a written narrative describing your grazing management plan. Describe type of operation, proposed grazing use-seasons/number of days, number of cattle, etc.**

Are there currently any hunting or recreational activities occurring on this lease?: Yes No

If no, would you be interested in a hunting/recreational lease?: Yes No

RESOURCE MANAGEMENT QUESTIONNAIRE

Application No. _____

5. NOXIOUS WEED INFORMATION

State Trust Lands can only be used in accordance with good soil and natural resource conservation practices, and in compliance with the requirements of the Colorado Noxious Weed Act.

In accordance with the requirements of the Colorado Noxious Weed Act, C.R.S. 35-5.5-101 et seq, is there currently a problem with noxious weeds on the premises? Yes No Unknown

Please describe method(s) to be used in weed control plan to achieve goals for each noxious species:

6. IMPROVEMENTS

Inventory of existing improvements (if needed, attach additional pages):

List the improvements that are needed or you expect to construct or maintain on the State Trust Lands now or in the future:

APPLICANT SIGNATURES

Consistent with statute CRS 36-1-118(3)(c), I affirm under penalty of perjury that I have provided the information required by this application/renewal application to lease the above-described property from the Colorado State Board of Land Commissioners, and to the best of my knowledge and belief it is true. I understand that providing false or inaccurate information is cause for cancellation of any lease issued as a result of this lease application/renewal application, and any other remedy available at law. Any legally authorized person signing for the applicant hereby swears and affirms that he or she is authorized to act on said applicant's behalf and acknowledges that the State is relying on his or her representations to that effect.

Date

Signature

Date

Signature

Date

Signature

Date

Signature