Montana Board Housing Community Land Trust Title and Recording Guidelines

January 2025

The recording requirement of the leases can be different among various Community Land Trusts. Below is the recording sequence Montana Board of Housing has compiled as a general guide. Please work closely with the title company and Community Land Trust organization for the proper documents required for each individual transaction, including:

1. Notice of Leasehold interest with the MBOH Community Land Trust ground lease rider attached or full lease with MBOH Community Land Trust ground lease rider attached.

2. Deed to leasehold improvements.

3. Deed of trust encompassing both parcels (lease hold interest and improvements), including:

    - Mortgage Electronic Registration Systems rider, if appropriate
    - Other riders (Planned Unit Development, condo, etc.), if appropriate
    - MBOH uniform rider

The title policy will also need to include Endorsement 13.1.6; PUD or condo endorsements, if appropriate.

The file will need to include a copy of the fully executed lease with all attachments (if it is not required that the entire lease be recorded), such as:

- Homeowners letter of agreement
- Attorney's letter
- Leased land — description
- First refusal
- Restrictions
- Copy of deed — with its own attachment for legal description
- Permitted mortgage agreement — signed by the lender as well

All documents are listed on the Habitat for Humanity and Veteran Home Loan Program submission vouchers which can be found on the MBOH's Lender Online portal. The MBOH Community Land Trust ground lease rider can also be found there. Please contact MBOH staff with any questions.