

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

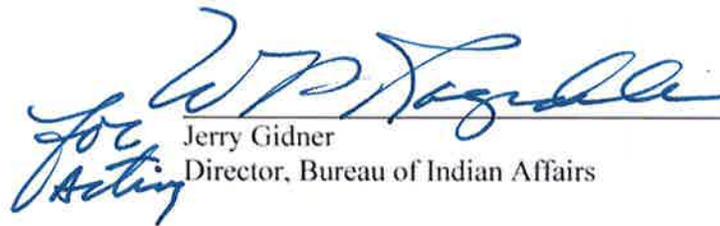
DOCUMENT IDENTIFICATION NUMBER 76 IAM 9	SUBJECT Witness Policy for the Indian Land Consolidation Program	RELEASE NUMBER #07-62
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA		DATE FEB 19 2008

EXPLANATION OF MATERIAL TRANSMITTED:

Pursuant to the 130 DM 3.4, the Indian Land Consolidation Center is responsible for establishing land consolidation polices, providing technical advice and assistance to Regions with regard to the implementation of the land acquisition program. The Center is also responsible to provide oversight, direction, monitoring and program evaluation for the Indian Land Consolidation Program.

Attached is a policy concerning the land consolidation program that is effective as stated in the memorandum. The attached policy applies only to land sale transactions involving the Indian Land Consolidation Program pursuant to the 1983 authority of The Indian Land Consolidation Act, as amended in 2000 and 2004. Please assure that the appropriate Agency Superintendent, BIA and contract staff receive a copy of the policy (policies) and implement them immediately.

Please direct any questions to the Indian Land Consolidation Center at (715) 682-0310.


for Jerry Gidner
Acting Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 76 IAM 9

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1.1 Purpose. The purpose of this policy is to establish criteria for the Indian Land Consolidation Program (ILCP) to accept witness signatures on ILCP deeds.

The ILCP uses a form known as “Deed to Restricted Indian Land” as modified for program use. This document will be used to transfer trust and restricted title from a grantor to the grantee (tribe). To execute this deed of transfer, the grantor must sign the deed either:

- 1) in the presence of a notary, whose acknowledgement indicates the person signing the deed is one and the same person whose name appears as the grantor on the deed or,
- 2) In the presence of two individuals, who must attest that they are known personally to the grantor and that the person whose name is subscribed to the deed as grantor is the person who executed the deed.

1.2 Scope. This policy applies to all regions where the ILCP is acquiring fractional interests.

1.3 Policy. Effective immediately, all deeds created by the ILCP for the transfer of trust or restricted interests from a grantor to the tribe(s), in states that allow attestation, that contain a land value exceeding \$100.00, must have the grantor’s signature, be fully acknowledged by a notary, and stamped with the appropriate seal.

1.4 Authority.

- A. Section 213 of P. L. 108-374, the **American Indian Probate Reform Act** of October 27, 2004 (118 Stat. 1773)
- B. The Secretary of the Interior has the authority to acquire fractionated ownership interests in trust or restricted lands from individual owners. Acquired interest(s) shall be subject to liens on any revenues accruing to those interests until the purchase price has been repaid or the Secretary provides for the removal of the liens.

1.5 Responsibilities.

- A. **Director, Bureau of Indian Affairs** is responsible for the development of national policy affecting Indian Lands.
- B. **Director, Indian Land Consolidation Center** is responsible for coordinating the Bureau’s nationwide program to consolidate fractional interest in Indian lands pursuant to statutory requirements
- C. **Deputy Director, Field Operations** is responsible for overseeing the Regional Directors and disseminating policy to them.
- D. **Deputy Director, Trust Services** is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.

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- E. **Regional Directors** are responsible for carrying out policy as directed and for overseeing the implementation of policy either directly or via Agency Superintendents.