

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER NPM-TRUS-9	SUBJECT Witness Policy for Indian Land Consolidation Program	RELEASE NUMBER 88
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA		DATE 1204.06

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.



W. Patrick Ragsdale
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: NPM-TRUS-9 (New)



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



National Policy Memorandum

Bureau of Indian Affairs
Director

Number: NPM-TRUS-9
Title: The Acceptance of Witness on Purchases Using ILCP Funds

Effective: DEC 04 2006
Expires: DEC 04 2007

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.

In April 2003, the Bureau of Indian Affairs (BIA) established the Indian Land Consolidation Center (ILCC) to provide policy guidance, establish procedures and manage ILCP as it was expanded nationally. Section 213 of P. L. 108-374, the American Indian Probate Reform Act of October 27, 2004 (118 Stat. 1773), amended by P. L. 106-462 and the Indian Land Consolidation Act of November 7, 2000 (114 Stat. 1991), made the ILCP permanent. The ILCC is to lead the efforts to purchase fractional interests (both surface and subsurface) in trust or restricted land from willing sellers at the direction of the Secretary of the Interior.

There is no Federal Law governing the formalities of conveying real property and in absence of federal law state law is used. However the formalities of conveyance vary from state to state. The ILCP will use a form known as "Deed to Restricted Indian Land" as modified for program use and previously provided to all offices. 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.

The program purchases thousands of interests a week and the majority of the acquisition(s) and identity verification accomplished through the mail or over the phone. This means of identity verification and the risk involved with culminating a sale entirely through the mail requires the ILCP to restrict the acceptance of witness signatures where state law allows attestation as the means of identifying that the grantor actually signed the deed of conveyance.

2. Scope

This policy applies to the following seven BIA Regional Offices: Navajo, Midwest, Great Plains, Western, Eastern Oklahoma, and Rocky Mountain.

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.

4. Roles and Responsibilities

Director, Bureau of Indian Affairs (BIA). The director is responsible for the development of national policy affecting Indian Lands.

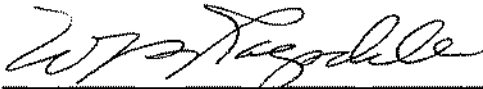
Director, Indian Land Consolidation Center. The ILCC Director is responsible for coordinating the Bureau's nationwide program to consolidate fractional interest in Indian lands pursuant to statutory requirements

Deputy Director, Field Operations, BIA. The BIA Deputy Director of Field Operations is responsible for overseeing the Regional Directors and disseminating policy to them.

Deputy Director, Trust Services, BIA. The BIA Deputy Director of Trust Services is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.

Regional Directors, BIA. The BIA Regional Directors are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents

5. Approvals



12.04.06

W. Patrick Ragsdale
Director, Bureau of Indian Affairs

Date