

# INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter provides policy and guidance for examining title(s) to Indian trust and restricted lands. The purpose of examining title(s) is to determine the location and boundaries of the land, the identification of individuals and entities who own rights and interests in the land, the amount of the rights and interests, and whether the rights and interests are encumbered, and the extent and holder of the encumbrance. The purpose of certifying the examination of land title is to provide an official Federal report of land title status that is certified as complete, accurate, and up-to-date, as of the last date of certification of the Title Status Report (TSR).
- 1.2 Scope.** This policy applies to Indian Affairs (IA) employees responsible for the examination and certification of title to Indian trust and restricted lands under the jurisdiction of the Bureau of Indian Affairs (BIA).
- 1.3 Policy.** It is the policy of IA to maintain Indian land title in a current certified title status at all times. It is the duty and responsibility of the Land and Title Records Office (LTRO) to ensure that the title for Indian trust and restricted lands are current, accurate, and complete, and to certify the Federal reports of the title status as true and correct.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) 25 U.S.C. § 5, Record of deeds by Indian requiring approval
  - 2) 25 U.S.C. §§ 331-358, Allotment of Indian Lands
  - 3) 25 CFR 150, Land Records and Title Documents
- 1.5 Responsibilities.**
- A. Director, BIA** is responsible for the development of policy affecting land title for Indian lands.
- B. Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for overseeing the Regional Directors and disseminating policy to them.
- C. DBD, Office of Trust Services, BIA** is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors (RDs).
- D. RDs, BIA** are responsible for carrying out policy as directed, and for overseeing the implementation of this policy either directly or via Agency Superintendents.

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- E. **Chief, Division of Land Titles and Records (DLTR)** is responsible for overseeing the operations of the LTRO to ensure timely processing of trust land titles and title documents.
- F. **LTRO** is responsible for recording Indian land title documents, maintaining the chain-of-title(s), and examining, reporting, and certifying land title for Indian trust and restricted lands.
- G. **LTRO Managers** are responsible for examining and certifying the title status of Indian lands described in the TSR as true and correct, according to the official Federal land records recorded and maintained in the LTRO.

## 1.6 Procedures.

The BIA DLTR-LTRO is the office of record for the recording of Indian land title documents, for the title maintenance, and the examination, reporting, and certification of land title for Indian trust and restricted lands.

The examination of title to Indian trust and restricted lands includes the examination of the chain-of-title for the Indian lands and all title documents that convey or encumber ownership of the Indian lands, or that describe or locate Indian lands or divisions thereof, and are approved by a properly authorized Federal official at: a BIA Agency or field office, Regional office, or Central office; the Office of Hearings and Appeals; or at another appropriate office.

- A. **Title Status Report (TSR).** The TSR reports the certified status of land title for tracts of Indian trust or restricted lands by describing the location of the tract, by stating whether the title to the tract is current, complete, correct, and without defect, by stating whether the sum total of the ownership interests is in unity, by listing the owner(s) of the tract and the fractional ownership interest(s) of the owner(s) including the type of estate and fractional amount of the ownership interest(s), and by listing the encumbrance(s) on ownership including the type of encumbrance and the extent that the ownership is encumbered. The TSR may report the status of title for all ownership of a tract or it may report the status of title for an individual owner of an interest(s) in the tract. The **certified** TSR will be saved for permanent storage in the Trust Asset and Accounting Management System (TAAMS) and will be in effect until superseded by a subsequent TSR.
- B. **Probate Inventory Report (BIAINV or INV).** The INV reports the certified status of title of tract(s) of Indian trust or restricted land(s) owned by an Indian individual at the time of his or her death.

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- C. Land Status Map (LSM).** The LSM is a report of certified title status in a spatial map format. In its most basic form, the LSM delineates the boundary of a tract of Indian trust or restricted land and represents the ownership of the tract in a graphical or symbolic form. The LSM may also delineate the boundary of any encumbrance on title ownership and cite the encumbrance in a tabular or graphical form. An LSM may include or represent one or more tracts of land, or an LSM may include all tracts within a described area of land (e.g., PLS section or township, or part or all of an Indian reservation, etc.).
- D. Certification of Title Conveyance.** In order to maintain land title for Indian trust or restricted land in a current certified title status, **each** land title **document conveyance** must be **certified** after completing the examination, and data entry into TAAMS, the official Federal land title system of record.
- E. Certification of Title Status or Certified Title Status.** The status of title to Indian trust or restricted lands is certified as true and correct by the LTRO Manager. An exception would be a conveyance containing or creating a critical or substantive title defect. *See*, 51 IAM 1.6. In such cases, the land title would be entered and reported as defective in TAAMS and a certified TSR reporting the defective land title could be issued and be in effect until corrective action cured the title defect and a subsequent TSR issued for the tract.
- F. Certification of Title Status for Mortgage Purposes.** If a TSR is requested for a mortgage case, the LTRO will give the request for a mortgage TSR priority over other non-mortgage TSR requests. Further, the LTRO is authorized to transmit the certified TSR to the lender of record for the mortgage case and to the agency managing the mortgage case. Transmission of the TSR to the lender will be according to Federal laws, regulations, and rules, and the policies of the BIA and the Department, concerning the secure transmission of Federal and trust information and data. The issuance of a subsequent TSR to report the existence of the completed and recorded mortgage on title will also be a certified title status.

## Approval

Darryl LaCounte

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LaCounte  
Date: 2021.06.21 14:20:34 -04'00'

6/21/21

Darryl LaCounte  
Director, Bureau of Indian Affairs

Date