

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** The purpose of this chapter is to establish the procedures for recording title documents to (1) provide evidence of a transition, event or occurrence that affect land titles, (2) to preserve a record of the title document, and (3) to give constructive notice of the existence of title documents that convey or encumber ownership of Indian land, or that describe or locate Indian lands or divisions thereof.
- 1.2 Scope.** This policy applies to all Indian Affairs (IA) employees involved in processing land title documents that convey or encumber ownership of Indian lands, or that describe or locate Indian lands or divisions thereof, approved by a properly delegated Federal official at: a Bureau of Indian Affairs (BIA) Agency or field office, Regional office, or Central office; the Office of Hearing and Appeals; or another appropriate office.
- 1.3 Policy.** The BIA Land Titles and Records Office (LTRO) is the office of record for land title documents for Indian lands. As the office of record for Indian land title documents, the LTRO receives and records title documents by entering the title document into the record of land title for Indian lands.
- 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 (OTS), 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, OTS** 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 the review and determination, maintenance and certified reporting of land title ownership and encumbrance on Indian trust and restrict lands.

1.6 Procedures.

Title documents are submitted to the LTRO for recording by manual delivery, Federal mail or commercial carrier, or by electronic transmission of a digital image of the original land title document or a certified copy thereof.

Upon receipt at the LTRO, a title document is reviewed to determine if it meets the minimum requirements for recording as provided in 25 CFR 150. A title document is recordable if:

- 1) the title document has been approved and dated by a properly authorized official;
- 2) there is sufficient legal land description and tract identification to locate the land; and
- 3) the title document has been properly executed by the parties (e.g., grantor and grantee).

Documents that do not meet minimum recording requirements will not be recorded and will be returned to the document's office of origin.

Upon acceptance of a land title document, the LTRO will enter the original title document into the record of title for Indian lands for recording and permanent custody and storage in the Trust Asset Accounting Management System (TAAMS) Image Repository (TIR) by converting the physical original copy of the title document into a digital image, or accepting the digital image of the original title document submitted electronically.

The physical copy of the title document and the digital image copy of the title document in the TIR are considered original land title documents. A signed duplicate copy of a land title document may be certified and issued from:

- a copy of the land title document printed from the TIR;
- a film media; or
- an original physical copy of the land title document on file at the LTRO.

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The LTRO will complete the entry of the title document into the record of land title by entering or completing the entry of the data extracted from the land title document into TAAMS.

If examination of the title document reveals errors or defects in the title document, then the LTRO will take following actions:

<i>Level of Defect</i>	<i>Type of Defect</i>	<i>Corrective Action Required</i>
Fatal Defect	Missing Federal approval. Not executed by the parties. No legal land description.	Title document is not recorded. LTRO notifies the originating office that a corrective action is required.
Critical Defect	Mis-stated ownership interest; error in calculation of ownership; any defect affecting the correct reporting of ownership or distribution of income.	Title document may or may not be recorded, depending on the severity of the defect. LTRO notifies the originating office of the defect requiring corrective action.
Substantive Defect	Errors in legal land description, party names, party BIA identification numbers, or BIA tract numbers.	Title document is recorded. LTRO notifies the originating office of the defect requiring corrective action.
Administrative/ Clerical Defect	Clerical or typographical error.	Correction document is completed, and digital image is submitted for recording. Correction document is filed with the recorded title document.
Data Entry Defect	No document defect. Error is in entry of recorded document data into TAAMS.	<i>LTRO:</i> title data entry correction completed and encoding correction document filed with the recorded title document. <i>Realty:</i> data entry correction completed, and digital image of encoding correction document submitted for recording.

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Land Titles and Records

Chapter 2

Recording and Custody of Land Title Documents

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The timely recording and permanent custody and storage of land title documents in the TIR provides the BIA, other Departmental and Federal offices, Indian tribal and individual land owners, and commercial, financial, and governmental entities with a secure and protected repository for original land title documents that is accessible at BIA or other location where TAAMS may be accessed.

Approval

Darryl LaCounte

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6/21/21

Darryl LaCounte
Director, Bureau of Indian Affairs

Date