


# INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 51 IAM 3	SUBJECT <b>Filing and Custody of Non-Land Trust Asset Documents</b>	RELEASE NUMBER #12-18
FOR FURTHER INFORMATION BIA Land Titles and Records Office (LTRO)		DATE <b>APR 30 2012</b>

**EXPLANATION OF MATERIAL TRANSMITTED:**

This policy establishes how LTRO manages the filing of non-land trust asset documents. The purpose of filing non-land trust asset documents is to: (1) provide evidence of a transaction involving non-land trust assets or trust personalty, (2) to preserve a record of the non-land trust asset document, and (3) to give constructive notice of the existence of non-land trust asset documents that transfer or encumber the rights, interests, or ownership of non-land trust assets or trust personalty.

  
for Michael Black  
Director, Bureau of Indian Affairs

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**FILING INSTRUCTIONS:**

Remove: None

Insert: 51 IAM 3

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- 3.1 Purpose.** The purpose of filing non-land trust asset documents, or trust asset documents, is to: (1) provide evidence of a transaction involving non-land trust assets or trust personalty, (2) to preserve a record of the non-land trust asset document, and (3) to give constructive notice of the existence of non-land trust asset documents that transfer or encumber the rights, interests, or ownership of non-land trust assets or trust personalty.
- 3.2 Scope.** This policy applies to all non-land trust asset documents approved by a properly authorized Federal official at a BIA agency or field office, regional office, or central office, or at the Office of Hearings and Appeals, or at another appropriate Federal office.
- 3.3 Policy.** The BIA Land Titles and Records Office (LTRO) is the office-of-record for filing non-land trust asset documents that transfer or encumber rights, interests, or ownership of the non-land trust assets of Indian tribes and individuals. Non-land trust asset documents must be filed at the LTRO immediately after the approval of the document by a properly authorized Federal official. The LTRO will accept the filing of a non-land trust asset document submitted by manual delivery, by Federal mail or commercial carrier, or by electronic transmission of a digital image of the non-land trust asset document. The LTRO will enter the non-land trust asset document into the record of non-land trust assets by converting the physical original copy of the trust asset document to a digital image original copy of the trust asset document or by accepting the digital image original copy of the trust asset document submitted and filed electronically. The LTRO will maintain permanent custody and storage of the original non-land trust asset document in the system-of-record for non-land trust asset documents. The current system-of-record for non-land trust asset documents is the Trust Asset and Accounting Management System (TAAMS), which includes the TAAMS Image Repository (TIR). The physical copy of the trust asset document and the digital image copy of the trust asset document in the TIR are original copies of the non-land trust asset document and are both a signed duplicate original copy of the other. A certified copy of a non-land trust asset document may be certified and issued from a physical copy of the trust asset document printed from the TIR or from film media or an original copy of the trust asset document on file at the LTRO.

The TAAMS data record of the non-land trust asset document will identify and associate the trust asset document with the non-land trust asset(s) that are the subject of the document and with the Indian tribe(s), Indian individual(s), or other parties who have rights, interests, or ownership of the non-land trust asset(s) or who executed the non-land trust asset document. The LTRO will enter the filing information for the trust asset document into TAAMS and digitally stamp the filing information on the digital image of the non-land trust asset document in the TIR and in the Name and Address data records of the parties in the non-land trust asset document.

The permanent custody and storage of non-land trust asset documents in TAAMS and the TIR provides the BIA, other Departmental and Federal offices, Indian tribal and individual land owners, and commercial, financial, and governmental entities with a

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secure and protected repository for original non-land trust asset documents that is accessible at any BIA or other location where TAAMS may be accessed.

**3.4 Authority.** Title 43 CFR Part 30, Indian Probate Hearings Procedures, and specifically 43 CFR §30.207, filing the original record of probate. 25 CFR §15.206, summary distribution of cash-only estates. 25 CFR Part 243, Reindeer in Alaska.

### 3.5 Responsibilities.

**A. Director, Bureau of Indian Affairs (BIA)** is responsible for the development of National Policy affecting land title for Indian lands.

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

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

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

**E. Agency Superintendents, BIA**, are responsible for filing the original record of probate for non-land trust assets with the LTRO.

### 3.6 Definitions.

**A. Non-land trust asset** is an inclusive term describing trust personalty and all assets that are not land or interests or rights in land that are held by the United States of America in trust for Indian tribes or Indian individuals. Trust personalty means all tangible personal property, funds, and securities of any kind that are held in trust in an IIM account or otherwise supervised by the Secretary of the Interior.

**B. Non-land trust asset document** is a document that transfers or encumbers the rights, interests, or ownership of non-land trust assets or trust personalty. Examples of such a document are a Probate Order for a trust income-only decedent estate, a document that assigns a right to trust income, a document that sells or transfers rights or interests in a lease or contract, a document that establishes a collateral or security interest in trust income, funds, or accounts, or in leases or contracts.

**C. Filing** is defined as the submission of a non-land trust asset document to the LTRO and the acceptance of the non-land trust asset document by the LTRO for the Indian non-land trust asset described in the trust asset document. Filing a non-land trust asset document provides evidence of a transaction, activity, or event that affects the non-land trust asset or rights, interests, and ownership thereof.

**D. Land Titles and Records Office** is defined as the field office of the Division of Land Titles and Records that is the Federal office-of-record responsible for the filing, custody, and maintenance of trust asset documents that affect the record ownership and encumbrance of non-land Indian trust assets.

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- E. **Trust Asset and Accounting Management System (TAAMS)** is the Federal system-of-record for non-lands trust asset documents, for original copies of non-land trust asset documents, for all filing and other data extracted from non-land trust asset documents, for transactions that transfer or encumber rights, interests, or ownership in non-land trust assets or trust personalty.