

Public Hearing on Proposed American Indian Probate Rule

**February 11, 2021
2:00 p.m. Eastern Time**

Coordinator: Welcome and thank you for standing by. All participants will be in a listen only mode until the question-and-answer portion of the presentation. During that time if you would like to ask a question, please press Star 1 and record your name when prompted. As a reminder, this call is being recorded. If you have any objections, you may disconnect at this time. Now I would like to turn the call over to your host, Elizabeth Appel. You may begin. Thank you.

Elizabeth Appel: Hi everyone and welcome to the public meeting on Updates to American Indian Probate Regulations. My name is Liz Appel and I'm with the Office of Regulatory Affairs and Collaborative Action in the Office of the Assistant Secretary for Indian Affairs.

And our public meeting is on revisions - proposed revisions to probate regulations that include regulations that address both BIA's portion of the probate process, 25 CFR 15, and Office of Hearings and Appeals, or OHA portion of the probate process. And those regulations are at 43 CFR 30.

So to welcome you all I'd like to turn it over to the Director of the Office of Hearings and Appeals, Shayla Simmons.

Shayla Simmons: Thank you, Liz. Welcome everyone. We're glad to see so many people on the phone today. And I just want to take a quick couple of moments to lay the backdrop for why we're here. Many of you may know some of this and it may be new to others.

So we have been operating under the current regulations for over a decade. And over that course of that time, between BIA and the judges in the Office of Hearings and Appeals, we have begun to talk about things that we thought could be improved to help make the probate process smoother, maybe a little bit quicker.

And so back in 2016 and '17 the BIA initiated some tribal consultation to collect ideas on what changes might be beneficial. And following that, a working group of a lot of the people who are on the call today, who will be here to be able to answer questions for you, a very hard working group of people got together. And over the course of the next year and a half or so, began drafting proposed language.

We regularly met with principals in our various organizations, to make sure that they were still supportive of the effort for us to go forward. And we continued to get the green light. So in 2019 we published an Advanced Notice of Proposed Rulemaking and took comments at that time, and have addressed those comments in the current language that you will have before you as the proposed rule.

As I said, we continue to ensure that management above all of us, is supportive of this effort and they continue to be so. So what's important now is that we are at the proposed rule stage. So your interest and your comments are very welcome. We need to know if the language that has been proposed is actually going to meet the goals that it says it will meet. And so it's really

important for people in the community, to look at it, you know, take a hard look at it and provide whatever input you might have about the language that is in the proposed rule.

We'll be taking comments until March 8th. And Liz will be going through a rather detailed presentation of the proposed changes. So I won't go into that here. I just want to say once more, thank you to all of you and hope you are ready with lots of comments.

And to the group on the phone from Interior, that has worked so hard on this, thank you as well. I think this is - represents a wonderful cooperative effort amongst all of our offices, to get to a place where the probate regs can be improved. Thank you.

Elizabeth Appel: Thank you, Director Simmons. And we also have the Bureau of Indian Affairs, BIA, Deputy Director for Field Operations, Bart, with us today if he'd like to make a - if you'd like to introduce yourself.

Bart Stevens: Certainly. Thank you, everyone. And thanks everyone for joining this important call today. My name is Bart Stevens and I'm the Acting Deputy Bureau Director for Field Ops for the Bureau of Indian Affairs. I'm here to also participate in the conversation as needed, but mainly to hear the comments and the questions that are asked by those participating in this consultation.

So I look forward to hearing those comments and questions and the responses that we will provide. But again, thanks for having me and thanks for joining us on this important call.

Elizabeth Appel: Thank you, Deputy Director Stevens. So as Director Simmons mentioned, I'll be going through a presentation to walk through the changes to the regulations that are being proposed. And then when I'm done with that we'll open up the lines for your questions and comments.

So we have all of our subject matter experts gathered here today from both BIA and OHA, as well as our legal advisors from the Office of the Solicitor. So that you get familiar with our voices, I'd like to - I'd like each of them to introduce themes, beginning with Judge Payne with the Office of Hearings and Appeals.

Judge John Payne: Hello everyone. This is John Payne, Chief Judge with the Probate Hearings Division of the Office of Hearings and Appeals. Thank you all very much for being here. I'm looking forward to hearing your feedback. I've been working on these regs for a couple of years now, so I'm looking forward to hearing what you have to say.

Elizabeth Appel: All right, thank you. And Mary, would you like to go next?

Mary Dickman: Sure. My name is Mary Dickman. I'm an attorney at the Office of Hearings and Appeals. I participated in the - very closely, in the drafting of these regs and so - and we worked really hard on it. And we want it to be a really good product, so we're thankful that folks are calling in. And we're looking forward to hearing comments.

Elizabeth Appel: Thank you. And Josh, would you like to go next?

Josh Epstein: Sure thing. Hi everyone. I'm Josh Epstein. I'm an attorney in the Office of Hearings and Appeals Director's Office. So I work for Director Simmons, who you just heard from. And I have been on part of the workgroup for most

of the time that this has been going on, so I have had an amazing front row seat to all the hard work and thought that's gone into this.

And I appreciate everyone calling in today as part of this public session. I look forward to hearing your thoughts.

Elizabeth Appel: Thank you. And moving onto BIA, we have Charlene Toledo.

Charlene Toledo: Hello everyone. This is Charlene Toledo. I am the Division Chief for Probate Services for BIA. Thank you.

Elizabeth Appel: Thank you, Charlene. And with our Office of the Solicitor, we have Karen Lindquist.

Karen Lindquist: Hi. My name is Karen Lindquist and I'm the Assistant for the branch of Trust Services in the Division of Indian Affairs. And I work in the Solicitor's Office in Washington, DC.

Elizabeth Appel: Great. And Suzanne Nunn?

Suzanne Nunn: Hi everyone. My name is Suzanne. I work in the Solicitor's Office in DC with Karen. And I am the Attorney Advisor for Indian Probates. Thanks for joining.

Elizabeth Appel: Great. Thank you. And just to make sure, did anyone else from BIA join from the drafting team or otherwise?

Johnna Blackhair: This is Johnna.

Elizabeth Appel: Oh, great. Hi Johnna.

Johnna Blackhair: Good afternoon, everyone. My name is Johnna Blackhair. I'm the Deputy Bureau Director for the Office of Trust Services.

Elizabeth Appel: Great. Thank you, Johnna, Deputy Director Blackhair. So I am going to be walking through a presentation. That presentation is available on the Web. If you go to www.BIA.gov there is along the top toolbar sort of, there is a tab for consultations that if you click on pulls down two items. The first is schedule and the second is regulations, documents, and developments.

If you click the regulations, documents, and developments, that will take you to a list of all the regulatory efforts that are in progress in one way or another. And at the - the last bulleted item on the first bullet list, is this proposed rule - the American Indian Probate Regulation Update. And if you click that you will see there are links to both the proposed rule and then a presentation providing an overview of the proposed rule is available here. And the link to that presentation is at the word here.

So again, if you'd like to follow along with me, just go to BIA.gov and click on consultations and drop down to regulations, documents and developments. And then click on American Indian Probate Regulation Update and then you'll see after the link to the proposed rule there's a link to the presentation.

So as I mentioned, at the beginning of the call, both BIA and OHA have roles in the probate office. The BIA compiles the decedent's probate file and that includes an inventory of trust or restricted assets, and family and estate information.

The BIA then transmits that probate file to the Office of Hearings and Appeals, OHA. And OHA adjudicates the probate and issues a decision as to

who receives which property in the decedent's estate. At that point, BIA then distributes the trust or restricted real property or land, and the Bureau of Trust Funds Administration, BTFA, which is - was formerly the Office of Special Trustee for American Indians, OST, the BTFA distributes trust funds in accordance with the OHA's order.

And if you're looking at a copy of the presentation you'll see on that next slide there's a flowchart diagram that provides an overview of the probate process. The first step obviously is that an individual with trust or restricted property dies. So BIA then prepares the probate file, OHA receives the probate file from BIA, and then OHA mails hearing notices, so notices alerting interested parties, heirs, devisees, of the hearings. And BIA posts those hearing notices.

The OHA judge then conducts the hearings and then issues a decision to the interested parties, BIA, and BTFA. OHA then returns the administrative records to the BIA, and closes the case. And at that point, BIA distributes the land in accordance with the order. And BTFA distributes the trust personalty or funds, in accordance with the order.

So Director Simmons briefly brought - touched on the history of these regulations. And the beginning really was in 2008 when the current regulations in their current form, were put into place, to implement the American Indian Probate Reform Act or AIPRA. And then in 2011 there were some minor updates and amendments to those regulations, to address certain statutory updates.

And then in 2016 and 2017 BIA began hosting tribal consultations and listening sessions for ideas on how to improve the whole probate process. And in 2019 building on that, BIA and OHA then published an Advanced Notice of Proposed Rulemaking, or an ANPRM, in the federal register. And

that ANPRM identified areas where improvements could be made to the regulation. And requested comments on those.

In early 2020 BIA and OHA reviewed comments on that ANPRM and incorporated suggestions received and drafted this proposed rule. And this proposed rule was published in early January, January 7th I think. And so if you look at the proposed rule publication you'll see there is a lot of text in the beginning that addresses the input that we received on the ANPRM and the various issues that were pointed out in the ANPRM, and proposed - and then you'll see the beginning of the actual regulatory text, which is the proposed regulatory revision.

And so those revisions are intended to improve the clarity and efficiency of probate processes and ultimately get probate closed more quickly. So the Department recognizes that each open probate case has the potential to create ripple effects of uncertainties as the heirs and devisees in any given probate case becomes decedents themselves. And of course each probate case takes a financial and emotion toll on families.

So the goals of this proposed rule were really twofold - first, to clarify the regulations to address the inefficiencies that may cause delays. And second, to streamline probate processes that while still protecting due process, to close probate cases so that there's an earlier certainty and the determination of who the heirs and devisees are, and so the estate can be distributed more quickly to the heirs and devisees.

There are ten main topics that are the - the revisions fall into. So this is - this proposed rule isn't a total rewrite of the probate regulations, but instead the proposals are two discrete sections or subparts of the regulations, to address issues that the BIA and OHA have identified as causing issues.

So we'll walk through each of the ten main topics and the first one is related to trust funds for funeral services. So this proposal affects 25 CFR Part 15 or the BIA portion of the probate process. And this addresses the situation where the person responsible for making funeral arrangements for a decedent has an immediate need to pay for funeral services and so they request funds from the decedent's IIM account to pay for those funeral services.

And under the current regulations, up to \$1000 can be distributed from the decedent's IIM account to pay for those services. But only if the IIM account has a balance of at least \$2500. So the proposed rule is to allow a greater distribution from that decedent's IIM account given the cost of funeral services these days.

So it allows a distribution of up to \$5000 from a decedent's IIM account. And there's no minimum balance that has to remain in the account. So it's at least the requirement that there be a minimum balance of \$2500 in the decedent's account. And then the proposed rule also clarifies that the funds are taken from the balance of the account as of the date of death.

And moving onto the second topic and it may seem like I'm moving through these relatively quickly, so please once we open it up for questions and comments, please feel free to ask us to repeat any portion of these. The second topic is related to notice and formal probate proceedings.

And so there are two types of notices that we'll be talking about. There's a mailed notice and then there's the posted or published notice of formal probate proceedings. So beginning with the mailed notice, the current regulation requires mailed notice to all eligible heirs and devisees. The proposed

regulation continues that requirement for mailed notice to all eligible heirs and devisees but adds an exception for co-owner heirs.

So heirs who are considered eligible heirs because they may inherit simply because they're co-owners and they're in situations where there are no other heirs and no tribal jurisdiction. Those co-owner heirs would not receive mailed notice unless they previously filed a request for notice with BIA or OHA.

And then the proposed rule also specifies that any mailed notice will include the decedent's will if there is one. And if you're following along in the presentation, you'll see in the bottom right hand corner that - the regulatory section that corresponds to each of these provisions is listed. So that mailed notice provision is at Section - Proposed Section 30.114.

Moving onto physical postings and publications form of notice and formal probate proceedings, you'll see if you're looking at the presentation, there's a chart that shows - a table that shows the comparison of the current regulation to the proposed regulation that I'll walk through right now.

So the current regulation requires physical posting at the agency, meaning the BIA agency with jurisdiction over the land that's in the estate, and five locations in the vicinity of where the formal probate proceeding will be held. The proposed regulation also requires physical posting except in one situation that we'll talk about in a minute. But it requires physical posting at the decedent's home agency, so the home BIA agency.

And if the agency with jurisdiction over the land and the state is different from the BIA home agency, then a physical posting will also be at that agency with jurisdiction over land. So again, the current regulation requires posting at

agency with jurisdiction over land; the proposed requires posting at the decedent's home agency and if the agency with jurisdiction over land is different than the home agency, then also at the agency with jurisdiction over land.

And then the proposed regulation requires physical posting also in one location in the vicinity of the hearing if an in person hearing is planned. And that is compared to the current regulation which requires five locations in the vicinity of the hearing. And this change is in recognition also of the fact that as we're currently experiencing, there aren't many if any, in person hearings.

Both the current regulation and the proposed regulation authorize but don't require, physical posting at other places as the judge deems appropriate. And then the current regulation authorizes but does not require, publication in the newspaper that's in the vicinity of the hearing. And the costs of that publication are paid from the estate.

In an effort to modernize that requirement, the proposed regulation instead requires rather than just authorizing, requires publication on OHA's Web site. And OHA has established a Web site specifically for this purpose. These provisions are found at Sections 30.210 and 30.211.

I mentioned earlier, that there is an exception to the physical posting requirement that's proposed. And that proposed exception provides that OHA can proceed with the hearing without physical posting of the notice if the physical posting was not possible because of one or two instances - first, if the agency office is closed or inaccessible, and second, if there are extenuating circumstances that prevent personnel from physically posting. And that exception is found at Section 30.211.

So moving onto the third topic, partitions, this is a clarification that's proposed to address the situation where a will attempts to divide an allotment into two or more distinct portions and devises at least one of those portions. An example is if a will says, "I grant the west half of my land to my son and the east half of my land to my daughter."

Under the proposed regulation the judge may partition the allotment so that the son and daughter receive the west and east halves of the land respectively so long as the decedent wholly owned the allotment and the portions are adequately described. So this is really a clarification that is not addressed in the current regulation. And that proposal is at 30.125.

The fourth topic addresses situations where a judge needs to determine whether someone is deceased. So this is the presumption of death provision. And it may be the person for whom the probate case has been opened, an heir or a devisee that the judge has to determine is deceased. So under the current regulation there must be clear and convincing evidence that a person is deceased.

Under the proposed regulation, the proposed regulation lists evidence that may create a presumption that a person is deceased. But then that presumption can be rebutted by evidence that the person is still alive or explains the person's absence to be consistent with continued life. And that provision is at Proposed Section 30.124.

The next topic addresses renunciations. Under a current regulation an heir or devisee who wants to renounce an interest that'll inherit, has to do so before the probate decision is issued. And they do that by providing a signed and acknowledged declaration specifying the interest that they want to renounce.

Under the proposed rule heirs and devisees have additional time to renounce. So they can still renounce before the probate decision but they can also renounce within 30 days of the decision upon rehearing for when additional property is added to the decedent's estate.

And the heirs and devisees can renounce their interest at hearing by having their written declarations acknowledged before a judge. And renunciations are addressed in the Proposed Subpart H. Moving onto summary probate proceedings - a summary probate proceeding basically means OHA adjudicates the probate case without holding a hearing.

Under the current regulation that process is available for cash-only estate of \$5000 or less. And currently, in a summary probate proceeding, claims - credit or claims are allowed against the estate and there's an opportunity to convert the summary probate proceedings to a formal probate proceeding where there is a hearing.

And then under the proposed rule, the proposed rule allows summary probate proceedings for cash-only estates of \$300 or less. So it's really narrowing the category of estates that would be summary - considered for summary probate proceedings. But it's really streamlining the summary probate proceeding process, because no claims are allowed against the estate since they're cash-only of \$300 or less. And there's no opportunity to convert that proceeding to a formal probate proceeding. And this is all in Proposed Subpart I.

So for summary probate proceedings under the current regulation there's notice provided of the summary probate proceeding and decision, and then a right to request de novo review. Under the proposed approach to the summary probate proceedings, there would be no notice prior to the proceeding basically because there's no longer a need since there are no claims allowed,

no opportunity to convert to a formal probate proceeding, and now an heir or devisee, can renounce after a decision is issued.

So there's still notice of the summary probate decision though and there's still a right to request review in that the review would be by OHA with the opportunity for an appeal to IBIA. The 7th topic addresses rehearings and reopenings. And before we talk about what's proposed, just some background. Both rehearings and reopenings are available. They're types of reviews that are available after the probate decision is issued.

If you request review within the first 30 days after a probate decision is issued that's a re-hearing. If you're - you request a review after that 30 day point then the review would be a reopening. So essentially, it's like on the 30th day after the probate decision is issued, sort of like the door closes so that you would have to reopen.

And there's a little graphic on the presentation to show that if you're able to pull the presentation down. So beginning with rehearings - so this is the review within the first 30 days after a probate decision is issued. In the current regulation there are no limits on a grounds for requesting the rehearing, except if it's based - if the request for review is based on newly discovered evidence, the requester must state reasons why it wasn't presented before the decision and include affidavits supporting that.

Under the proposed revisions the requester for review must allege that there was an error of fact or law in the probate decision. And they raise an issue only if they raised it before or during the hearing. The same requirements apply for newly discovered evidence as in the current regulation, but the proposed rule also would allow the judge to summarily dismiss a petition for

rehearing if that petition is deficient. And those proposed revisions can be found at Sections 30.238-249.

Reopenings - the current regulation mixes the deadline for filing with the legal standard applied to reopen. So the proposed rule spates those out. So the deadline for filing a request for reopening is one year after discovering the error of fact or law. The legal standard for reopening is specified as being that if the request for review is made more than three years after the date of the probate decision or order then the judge is going to weigh the need to correct that error against the interest and finality of the probate decision or order.

In continuing with reopenings, so the current regulation provides reopenings are to correct errors of law or fact, and requires the factual error to be supported by documentation or affidavit. Under the proposed rule reopenings are to correct errors of law or facts, but not to raise issues that have already been addressed in a prior rehearing or reopening; raise issues that could have been raised at a prior hearing; or submit evidence discoverable at the time the decision was issued, or during the rehearing period.

And again, the proposal would allow the judge to summarily dismiss the petition if it's deficient. Then the proposed rule also - well, under the current regulation if someone seeks to reopen a case to correct a non-substantive error in a decision or order, under the current regulation you must reopen the whole probate case to correct that error. Under the proposed regulation, OHA could issue a correction order to correct the non-substantive and typographical errors without reopening the whole probate case.

And moving onto inventory corrections, inventory corrections are necessary when BIA identifies additional property or incorrectly included property after OHA has issued its probate decision. So under the current regulations OHA

issues two orders in this situation - an order that notifies parties of the modifications to the estate, and then a final order if no objections are raised. And at that point there may be a challenge to the IBIA.

Under the proposed rule, OHA would issue a single order that directs distribution of the additional property or notifies the heirs or devisees, of the correction and addresses changes in the distribution of property resulting from the correction. And then the challenge in that case would be through the OHA reconsideration process. And provisions related to inventory corrections, are available at Proposed Sections 30.250 to 30.252.

And then the next topic is purchase at probate and this is - these are some more significant rewrites. So this is at Proposed Subpart M. And purchase at probate is authorized by AIPRA, American Indian Probate Reform Act. It's basically as an authorization for the department to sell during probate of the estate, of an individual who died on or after June 20, 2006; all of part of that estate to an eligible purchaser.

And on AIPRA, an eligible purchaser is anyone who falls into one of four categories. And those are first, any devisee or eligible heir who is taking an interest in the same parcel of land in the probate proceeding; two, a person who owns an undivided trust or restricted interest in the same parcel of land; three, the Indian Tribe with jurisdiction over the parcel containing the interest; or four, the Secretary on behalf of the Tribe. Any of those are an eligible purchaser in the purchase at probate process.

Under the current regulation, the eligible purchaser may request to purchase an interest before OHA issues a probate decision. Under the proposed rule, the eligible purchaser would have to request the purchase before the end of the

first probate hearing, or to purchase property that's been added to the estate within 30 days of the distribution order that adds that property.

Under the current regulation, the probate case would remain open until the purchase at probate is complete, but the proposed rule would allow the probate case to close before completion of probate, purchase at probate. So any property that would be subject to a pending request for purchase, would be distributed with an encumbrance until the purchase is either completed or denied.

And under the current regulation, the purchase would occur before the probate decision. So there is no determination of - no final determination of who the heirs and devisees are at that point. So because of that current setup, consent for purchase is given by provisional heirs and devisees.

So the proposed rule to address that allows the probate case to close before the purchase at probate is completed. So the probate decision with the determination of the heirs and devisees, is issued before the purchase, meaning that the consent for purchase is given by the determined heirs and devisees.

And the proposed rule also specifies that an heir or devisee whose consent is required, can notify OHA at any time, that they're not willing to consent to sell the property. And then the final topic is the miscellaneous category. These are various revisions that are being proposed as clarifications. So for example, the first one would revise the current regulation to require the judge to determine the status of an individual as an Indian as defined only when relevant; as compared to currently, the judge has to determine the status of individuals as Indian or not, regardless of whether that's relevant to the outcome of the probate case.

And the proposed rule proposes new sections on how trust personalty will be distributed and the instance where there's no eligible family heirs and there's no land in the estate or land in the jurisdiction of one or more Tribe. And a new section on how joint tenancy and anti-lapse provision operate in determining heirs and devisees. And then finally, the proposed rule makes some definition updates to clarify provisions in the probate process.

So comments on this proposed rules are due March 8, 2021. And we're asking that comments be emailed if possible, to Consultation@BIA.gov. This is our second session on the proposed rule. We had a tribal consultation earlier this week, on Tuesday. And this is our public hearing today.

Once we get the transcript from these sessions and the written comments after the March 8th deadline, we'll be reviewing those and making changes to the proposed rule as appropriate in accordance with those comments. And then we're planning on publishing a final rule in the federal register when - if and when we get to that point the final rule will not become effective for at least 30 days after publication.

So there will be a month timeframe for folks to get up to speed on the new final regulation. And the Web site that I directed you all to earlier, we'll keep updates posted on there. If you would like an emailed copy of the presentation please feel free to email that Consultation@BIA.gov or you're welcome to contact me at Elizabeth.Appel@BIA.gov, or call me at my cell phone at (202) 738-6065. Josh Epstein from the Office of Hearings and Appeals, is also available to answer your questions. And his contact information is listed in the presentation as well.

So with that, I will open it up for questions and comments. I think our operator (Jeff), will provide you with instructions.

Coordinator: Thank you. If you would like to ask a question, please press Star 1 and record your name when prompted. And if you would like to withdraw your question, please press star 2. One moment to see if we have any questions. Our first question comes from (Carol Juno). Your line is open.

Carol Juneau: Okay. Do I just go ahead?

Elizabeth Appel: Yes, please. Hi, Ms. Juneau.

Carol Juneau: Oh, okay. Hi. My name's Carol Juneau. One of the questions - I have a number of questions but I'll do one, allowing time for others, and then call back in if there's time. If you have a will done - I have a will done for my property for my land and surface and mineral rights. Do any of these regs apply to me? I would not have a probate with the will. Is that right?

Judge John Payne: This is John Payne. There would still be a probate with a will - whether you have a will or not. We - the difference is we would, you know, utilize the will to distribute the property as long as it's a valid will. I'm just running through my head in terms of regs that might affect - we didn't change any of the requirements for executing the will.

So I don't think there's anything here that directly affects a will in terms of how we would consider and approve and distribute under a will.

Carol Juneau: Okay. So all of the provisions that you just went over, the changes would apply to property that I own in a will?

Judge John Payne: Right. Yes. These changes are, you know, sort of to the process that we use to conduct our probate proceedings.

Carol Juneau: Okay.

Judge John Payne: And if someone dies and they have a will then, you know, that will is part of the - a proceeding. But there's nothing in there that changes the requirements for a will.

Carol Juneau: Okay. But that's probably someplace else in your regulations?

Judge John Payne: The requirements for a will?

Carol Juneau: No. That - if there is a will that you follow the provisions of that will.

Judge John Payne: Right. Yes. As long as it's approved. Yes.

Carol Juneau: Approved by who?

Judge John Payne: By the judge. So as part of the probate case the - one of the things the judge is looking at is whether that will is a valid will. Is it in writing; is it signed; is it dated?

Carol Juneau: Okay.

Judge John Payne: Does it have...

Carol Juneau: All right.

Judge John Payne: ...two witnesses? And so on.

Carol Juneau: All right. Thank you.

Judge John Payne: You bet.

Coordinator: Our next question comes from Jacqueline Southern. Your line is open.

Jacqueline Southern: Thank you. My name is Jacqueline Southern. I'm a member of the Sac and Fox Nation of Oklahoma Tribe. I am 70 years old and I have been working on a petition for partition for the last ten years. My mother started it and then she has passed away and I've picked it up.

And of the 160 acres I have 50% of the 160 acres. There's 14 other interest owners, six of those 14 have always agreed and signed the petition that I've given to the Tribe. The final eight have never, ever responded in the last ten years. I've never received a response from any of the other individuals. Four of those individuals - in fact, all of them live out of state.

My question is well, and again, in that ten years, I've had to go through two appraisals, one in 2016 and then one just got completed I believe October of 2020. And unfortunately, now I'm having to go through my fourth probate. And as you all know, an average probate takes about two years.

My question today is if anybody could help me - what if they don't file a probate, the interest owner that has recently passed, as I said, does not live in Oklahoma; has no interest in the land. My petition is - I - my intentions are to live on the 80 acres and where can I go because I don't see anything like this addressed in any of the CFRs that I've been reading for the last ten years. That's my question.

Judge John Payne: Well this is John Payne. I'll just jump in to say that in terms of partitions that are done, generally for the most part, that's something that's done in coordination with the Bureau of Indian Affairs, so it's not something that I have any expertise or should speak to.

The only time a partition comes up during a probate is if somebody puts it in a will that they have an allotment that they want part of that allotment to go one way and another physical parcel, to go another way in the will. That's the very limited circumstance that we're dealing with partition, in probate.

Jacqueline Southern: And that's my question. I don't know if this last individual has a will or not, since they live in another state and they've never responded to anything. So I don't know anything. What if they never file a probate? If that family never file a probate...

Judge John Payne: I think anybody can - and BIA correct me if I'm wrong, but I think anybody can notify BIA that someone has passed away.

Jacqueline Southern: And I have done that.

Judge John Payne: Okay.

Jacqueline Southern: But...

Judge John Payne: So once BIA receives notification that someone has passed away then their next step is to begin the probate process. So as long as BIA has received notification of the death and that person owns a share of trust or restricted property there will be a probate for that person at some point.

Jacqueline Southern: They don't have to fill out the paperwork; the history, the affidavit part?
So maybe to help me today, is there anybody I can contact maybe in the
Office of the Solicitor, or anybody that I could contact?

Charlene Toledo: This is Charlene Toledo with BIA. You can email me at - my name is
Charlene Toledo, C-H-A-R-L-E-N-E dot...

Jacqueline Southern: I'm sorry. E-N-E?

Charlene Toledo: Yes. C-H-A-R-L-E-N-E dot T-O-L-E-D-O, Toledo like in Ohio.

Jacqueline Southern: Okay.

Charlene Toledo: At BIA.gov. And I will direct you to the correct individuals to help you out.

Jacqueline Southern: Okay. I appreciate it. Thank you, everybody...

Charlene Toledo: You're welcome.

Jacqueline Southern: ...stay warm. Bye-bye.

Coordinator: As a reminder, if you would like to ask a question, please press Star 1 and
record your name when prompted. To withdraw your question, please press
star 2. Our next question comes from Waylon Pretends Eagle. Your line is
open.

Waylon Pretends Eagle: Thank you. Yes, my question is I guess essentially since these
proposed rules aren't going into effect yet, we're still operating under the old
rules, as an only - okay, so I'm the only heir and I reported my mother's
passing to my home agency. I never received a reply back. I was contacted

this past January, a year after - around a year since my mom's passing, and they were requesting her death certificate.

So - and I'm just - I'm confused because I notified them last year. My - as far as I knew, my mother told me she did not have a will. So the question would be is - did the home agency drop the ball or...

Charlene Toledo: To address your specific situation, again you can send me an email and we will help you out.

Waylon Pretends Eagle: Is this Appel, Ms. Appel?

Charlene Toledo: No. This is Charlene Toledo.

Waylon Pretends Eagle: Oh, okay. Okay, Ms. Toledo. For sure. Okay. Yes.

Charlene Toledo: Okay.

Waylon Pretends Eagle: I can reach out. Thank you so much.

Charlene Toledo: Thank you.

Coordinator: Our next question comes from (Carol Juno). Your line is open.

Carol Juneau: Hi. This is Carol Juneau. I was in the regulation on purchasing property at probate. One of the things I know in the past, there's been some effort by Tribes to purchase interest that was left on a certain percentage, whether it be surface or mineral rights. Is that still included in there where Tribes have a right - the Tribal government has the right to purchase an individual's property

if it is less than a certain percentage of ownership, particularly in (anti-violent) interest?

I'm from Fort (Bristol) Agency in North Dakota. Many of the mineral owners there own, you know, 5% or less in certain properties. And I just want to ensure that we can pass our property and mineral rights to our heirs and not to the Tribe.

Charlene Toledo: This is Charlene Toledo with BIA. The heirs have to consent to the Tribe if the Tribe wishes, or makes an offer to purchase. I believe one of the slides covered the purchase at probate where at any point during the process the heirs can state that they are not interested in selling any portion of their interest.

Carol Juneau: Would that be - so if a person - if a piece of property has say ten owners on it, mineral owners or surface owners, do all ten have to consent not to sell or can just one?

Charlene Toledo: Just the one that wishes not to sell can state they don't want to sell.

Carol Juneau: And then their...

Charlene Toledo: Each individual heir has the right to again, consent or not consent. To say - every individual has the right to say that they want to sell or they don't want to sell.

Carol Juneau: Okay.

((Crosstalk))

Mary Dickman: ...to interrupt. This is Mary Dickman. I'm the Attorney Advisor at Office of Hearings and Appeals. I just want to correct something because I don't think that's - that completely accurately explains how the purchase at probate process works. There are various types of purchases that can be made under AIPRA.

The (unintelligible) that you're dealing with, with these proposed regulation changes is the purchase at probate process. And that process - basically, there are - consent can be - is required to purchase certain properties in certain circumstances. And no consent is required in order to purchase others.

So under purchase at probate a Tribe can purchase without the consent of the heirs only in very, very limited circumstances and that is - let's see if I can remember them all. That is when the property passes by intestate succession, so there's no will; the heir is not a member of the Tribe that has jurisdiction over that property; did I say that it has to be a less than 5% property, so if it's a greater than 5% property than consent is required. But if it's a less than 5% property and all these other requirements are met, then it can be sold.

And I think the other one is if the - that the heir who is - who the Tribe is seeking to purchase it from has to not live on the land. So their - consent is required except for those limited circumstances, for purchase at probate. And that will be the same - that's currently the situation and that will continue to be the situation because that is not a regulatory requirement, that's a requirement of the statute, of AIPRA. So...

Carol Juneau: Okay.

Mary Dickman: ...I'm not sure if that was helpful, but hopefully.

Carol Juneau: That didn't come under these regulations?

Mary Dickman: Well we address it in these regulations but we are not changing those requirements in these...

Carol Juneau: Okay.

Mary Dickman: ...regulations. So that - those particular requirements about when consent is required and when it's not required, does not change in the regulations.

Carol Juneau: And who is this, Charlene?

Mary Dickman: This is Mary Dickman.

Carol Juneau: Mary Dickman?

Mary Dickman: Yes.

Judge John Payne: Yes. This is John Payne. And Mary is correct. For the most part, there are many times where consent is required as Charlene said. If there's a will, consent is required; if it's at least 5% interest, consent is required; if the person's a member of the Tribe that's trying to purchase or eligible to be a member of the Tribe that's trying to purchase, consent is required.

So if - and if the person's living on the property, consent is required. So if none of those are present then there are situations where the Tribe can purchase without the consent of the heir that would otherwise receive it.

Carol Juneau: Okay. Thank you.

Coordinator: Our next question comes from Jeanette Wolsley. Your line is open.

Jeanette Wolsley: It's Jeanette Wolsley. First of all, I have a follow up to what was just discussed with regard to the purchase - Tribal purchase option. My question is there's - does this apply to interest that's been devised to a non-Indian or if the non - if it's an intestate situation and the property possibly might go to a non-Indian, can the Tribe exercise their Tribal purchase option?

Judge John Payne: That is a very good question. If the case is a case that is what we call an AIPRA case, which means that the rules under the American Indian Probate Reform Act or AIPRA, apply. And that's for anybody who died on or after June 20, 2006. Then in that situation - I'm sorry, in that - can you repeat the question?

Jeanette Wolsley: I was just wondering if like you just talked about, we're talking about the Tribal purchase option and I'm wondering if the same rules apply to a non-Indian who perhaps - who is potentially the interest - devisee interest in the property.

Judge John Payne: Right. Yes. I'm sorry. And what I was going to say earlier was that if - you had mentioned intestacy or inheriting without a will. And if that's the situation there aren't any circumstances under AIPRA where it would go to a non-Indian. If there's no will. If there is a will then there can be circumstances where it would go to a non-Indian. And if that occurs then there is a different provision that does authorize the Tribe with jurisdiction to purchase in that instance. We don't have regulations for that particular purchase provision at this time, but that's something we're looking at.

Jeanette Wolsley: So if a tribe passes an ordinance on their own, can - do they have the option to fill in that as - how they would want it to proceed within the Bureau of Indian Affairs, or the Tribal probate judge or federal probate judge would follow?

Judge John Payne: Right. Yes. If the - right. If the tribe has an approved purchase code then that is something that we would follow to distribute property. Excuse me. And if it applies to purchases that is something that, you know, that we would look at.

Jeanette Wolsley: Okay. In the probate process?

Judge John Payne: Right.

Jeanette Wolsley: Okay. And so the next question I have has to do with distribution of trust funds for funeral services. And I think that you're seeking comment on that in the regulation?

Judge John Payne: Yes.

Jeanette Wolsley: The question I have is who makes that determination? Is that the local Bureau agency who makes - like the superintendent that would make that decision?

Judge John Payne: Yes, that's right. That's all taking place before the case is even submitted to the Office of Hearings and Appeals.

Jeanette Wolsley: Okay.

Judge John Payne: I don't want to step on Charlene's toes because it's not an OHA function at that point.

Charlene Toledo: This is Charlene. You're correct, Judge Payne. The decision is made at the agency level.

Jeanette Wolsley: And so the reason I ask is that my Tribe provides for funeral arrangements. And so I'm just thinking of the situation where an individual family member of a decedent comes in and says well, we need some money for the funeral, but they've already received it from the Tribe. So who should they identify if the decedent's family as well as - what do they do once perhaps it's already been received by another family member?

Charlene Toledo: The provisions in the regulations state that we pay the funeral home directly. The money is not given to family members. But it's given directly to the funeral home. So if the Tribe has already paid for the funds and the funeral home has been paid for then we would not authorize the payment.

Jeanette Wolsley: Okay. So...

Woman: Okay. I've been corrected on the family part.

Jeanette Wolsley: So okay with regard to funeral arrangements. Is there a definition of what that is? It seems to me you've limited it just to the funeral home. What about other things that take place with the community as far as like traditional (unintelligible) family, community feasts and things like that? Is that included in that?

Woman: I believe it is. And those requests, they do require a receipt; some sort of documentation on the purchase of those items.

Jeanette Wolsley: Okay. And my final question has to do with joint tenancy. I'm wondering - I don't actually (unintelligible) the regulation on this. Is there still a presumption of joint tenancy in the regulation and the law?

Judge John Payne: Yes. There is a statutory - so it's in the statute passed by Congress, AIPRA.

Jeanette Wolsley: Okay. Okay.

Judge John Payne: Yes. There is a presumption of joint tenancy in a will. So the will specifically - has to specifically and expressly state that the property is to pass as tenants - to the devisees as tenants in common. The presumption will be that it passes in joint tenancy.

Jeanette Wolsley: If there's no will?

Judge John Payne: No. That presumption is - no, that - I'm sorry, that presumption applies to wills. If there's no will then it's passing - and it passes to more than one person, those heirs are receiving as tenants in common.

Jeanette Wolsley: Oh. Okay. (Unintelligible). All right. Thank you. That's all I needed.

Judge John Payne: You bet.

Coordinator: Our next queso in comes from Audria Holuby. Your line is open.

Audria Holuby: Yes. I was just wondering, is there a reason that you can't put in a probate decision that states if any other property is discovered, later discovered, that it goes according to the decision, you know, instead of having to reopen the case to add property, if it was omitted?

Mary Dickman: This is Mary Dickman, the attorney at OHA. I know that that happens - a lot of state courts do that. They put that provision in their private orders that have later discovered property found that'll be distributed in the same way that it's distributed in that probate order.

The reason that we don't do it in our probate is because we don't want to - so property can pass differently depending on whether it's greater than 5% property or less than 5% property. And there's, you know, things that can assess how it's going to pass. And we want to be clear about BIA's role versus OHA's role in terms of distributing property.

So we don't want to put BIA into the position of having to, you know, if property is discovered later or removed later, of having to basically make a determination as to how that property should be distributed, because there can be things that could affect how that could be distributed, that are not as obvious as they are in state court cases.

Audria Holuby: Okay. All right. I just wondering because when we have to reopen sometimes it takes quite a while.

Mary Dickman: Right. Right.

((Crosstalk))

Judge John Payne: You know, our regs with regard to adding property, we - they are designed to try to make that process more efficient.

Audria Holuby: Yes. Yes. I did read those.

Judge John Payne: Okay.

Audria Holuby: That's all I had. Thank you.

Judge John Payne: You bet.

Coordinator: As a reminder, if you would like to ask a question, please press Star 1 and record your name when prompted. Our next question comes from Joletta Bird Bear. Your line is open.

Joletta Bird Bear: Hello. This is Joletta Bird Bear. I am a trust - I'm a trust owner of minerals and surface on Fort Berthold Indian Reservation. My question has to do with the purchasing, the Tribes or any other persons, I don't know if it's a right, but the opportunity to purchase at probate. On Fort Berthold, the majority of trust surface and trust mineral property, on Fort Berthold has historically been owned by individual Indian allottees for decades. And it will remain so.

And so these proposed regulations are very, very important for allottees to understand. On the purchasing where consent is required to allow another party, a third party whether it's a Tribe or another individual, on the consent if there's multiple allottee heirs who are eligible does - if there were ten people say, ten people that had an interest in that property and a person comes forward and makes a declaration that they would like to purchase that property that they all share, it's undivided, maybe interest.

Does it require a majority consent of those ten people or does each person retain their ownership of that property regardless of the other nine individuals? The reason I ask this is because of the oil and gas leasing here on Fort Berthold where a rule was created which put many allottee individuals at disadvantage when it only required 51% for an oil industry to obtain consent.

And many people did not know that that rule became in effect and they lost their right for informed consent outright. And that is an economic question as well as a property question. But that's my question. Thank you.

Judge John Payne: Well this is John Payne and I can only speak to the purchase process at probate because that's the only kind of purchase that I'm involved in. But if you have a situation where somebody wants to buy - so there's an interest that's being probated and somebody wants to buy that interest instead of having it go to the heirs, and say you have three heirs who would otherwise inherit and each of their consent - the consent of each heir is needed, in that case the person who is buying could get the consent of say two of the heirs to buy but not the consent of the third heir, and they would be able to buy the shares that the two consenting heirs are willing to sell.

But they would not be able to buy that third share because the person did not consent. So as long as consent is required each heir has that choice as to whether they're going to consent to the share that they would receive.

Joletta Bird Bear: The reason I ask that question is because looking at the proposed language it clearly places Tribes at an advantage in this language. You know, Tribes want to acquire the interests of the allottee and we're trying very hard to maintain property within our families for generations to come. And so when more advantage is given to a tribe then that is going to put greater pressure on that family because more of the property has been moved over to the Tribe's jurisdiction.

And that's not quite fair to families here, nor to the trust responsibilities that the Bureau has with individual Indian Tribal members. This hearing that I'm called into, I would say very few allottees are aware of it here on Fort

Berthold. There was no notice given. I found it on social media just by chance. And that is unfortunate.

I am asking - requesting a public hearing be held at Fort Berthold Indian Reservation here at Newtown, North Dakota, because we need to know the proposed language and the implications and the intent so that we can provide informed response. Thank you so much.

Coordinator: I am showing no further questions.

Elizabeth Appel: Thank you, Ms. Bird Bear. And just to follow up on your comment, we'll take another look at the proposed revisions with an eye to that perspective as to whether it advantages Tribes over allottees.

Coordinator: We do have another question from Carol Juneau. Your line is open.

Carol Juneau: All right. Thank you. I just want to - I know I've been on a couple of times, but I really appreciate Fort Berthold 's comments on this. She and I are both from the same Tribal community and I agree with her completely that I bet you probably - I bet a lot of individual allottees don't know about this hearing. It probably - I don't know how widespread it was given to allottees, probably to Tribes I would assume.

But don't assume that Tribes tell the allottees this information. And I agree with her completely that much more work has to be done in getting individual allottees feedback on this and that additional hearings would be important and to keep land within family structures and family is an important thing, not to go to Tribal governments.

So I do hope that the BIA who is online today, and - takes that and follows up. And I know you work primarily with Tribal governments and not individual allottees, and try to make sure that more information is processed and people know what's going on. Thank you.

Elizabeth Appel: Thank you for that input.

Coordinator: Our next question or comment comes from Waylon Pretends Eagle. Your line is open.

Waylon Pretends Eagle: Yes, hello. I just want to echo the sentiments of Ms. Bird Bear and Ms. Juneau. I too am an enrolled member of the three affiliated Tribes and do have some concerns regarding this matter. Is there - will you guys answer that question on the line?

Elizabeth Appel: The question as to whether we'll hold an in-person hearing and - at Waylon Pretends Eagle?

Waylon Pretends Eagle: Yes.

Elizabeth Appel: So I don't have the final say on that, but I can tell you that all of our Tribal consultations and public meetings are being held virtually at the current time because of the pandemic. If you would - if you're interested in an extension of the comment deadline, I welcome you to submit that request in writing before the March 8th comment deadline period. And we'll make sure that the leadership has a chance to review that request.

Waylon Pretends Eagle: Thank you.

Elizabeth Appel: Thank you. And actually since we will be transcribing this session, so even if you don't submit a written request we'll put forward that request to leadership based on your request as stated during this call.

Coordinator: I am showing no further questions or comments at this time.

Elizabeth Appel: Okay. Well while we're waiting to see if there are any additional questions or comments, just another reminder that we are accepting written comments in addition to the comments that we receive today. And the deadline is March 8th and you can email your comments to Consultation@BIA.gov.

Okay, well I encourage you if you have any questions or comments to please raise them now. If we don't get any additional comments or questions then we'll wrap it up early. But I want to make sure that everybody has the opportunity to provide your comments and questions if you have them today.

So if you are - if you do have a comment please press Star 1. Is that right, Jeff?

Coordinator: Yes, ma'am. And we do have a question or comment from Joletta Bird Bear. Your line is open.

Elizabeth Appel: Great. (Unintelligible).

Joletta Bird Bear: Hello. This is Joletta Bird Bear. In the - because we are in a Coronavirus pandemic and according to science we will continue to be affected by Coronavirus and social distancing, and the possibility of Coronavirus what do you call it, variants and mutations are circulating, globally and it has impacted my Fort Berthold Indian Reservation, I seriously ask all of the folks on the

line, the Bureau of Indian Affairs and the Office of Hearings, to please delay the finalization of the proposed language until allottees can participate.

Right now we are all cooped up in our homes. But I know that federal agencies have conducted public hearings virtually. I know that because I participated in one with a federal agency, and it can be done. It requires a registration. It requires ample notification to people who have an interest in participating.

So there are avenues to take, but I am - I'm very concerned about the lack of participation from allottees. People do not know this is happening. And they will not realize it until maybe they have passed on and their family are going to have to deal with regulations that they did not even know were being proposed during the Coronavirus pandemic.

I am imploring you to hold off on final decision making and to put extra effort that is needed during this Coronavirus, to contact and encourage and make time for people to participate so they understand what is being proposed. I am a member of the three affiliated Tribes. My tribe does not provide any notification for me and my Bureau of Indian Affairs does not provide any notification to me.

The other issue on notification is the United States Postal Service has declined greatly in delivering written letters. We have gone through that for some time here in rural country, in a rural place. And so all of those are factors on notification. And that is why it is so important for the Bureau of Indian Affairs and the other agency, Office of Hearing, to take those into consideration on how they are providing a notice, a public notice that's actually going to reach people, rather than us finding it just arbitrarily on Facebook.

I am glad someone put it here. Thank you.

Elizabeth Appel: Thank you, Ms. Bird Bear. We did publish this notice in the federal register which is the typical legal method for issuing notice of communications. But I understand that probably most people don't check the federal register every day.

So we will be reaching out to the BIA agency superintendent there at Fort Berthold to make sure that we get information about this proposed rule out to you all. And I thank you for your input today.

Joletta Bird Bear: Thank you. And who am I speaking with?

Elizabeth Appel: This is Liz Appel with the...

Joletta Bird Bear: Okay.

Elizabeth Appel: ...Office of Regulatory Affairs.

Joletta Bird Bear: Okay. Thank you.

Elizabeth Appel: Thank you.

Coordinator: As a reminder, if you have a question or comment, please press Star 1 and record your name when prompted.

Elizabeth Appel: Okay, well do we have any other questions or comments today?

Coordinator: As of right now I'm showing no questions or comments at this time.

Elizabeth Appel: Okay. Well again, I encourage you all to check the Web site, the BIA.gov Web site. And if you have any questions or comments before we end today's session, please press Star 1 now.

Coordinator: We have a question or comment coming from Joletta Bird Bear. Your line is open.

Joletta Bird Bear: This is Joletta Bird Bear. I have a sister who has been trying to participate in this public hearing that is being called a session. And she cannot get in. And she's called that number and she has some questions to ask. So apparently it might be a technical issue, I don't know. But she has called and she's telling me she got disconnected. She's tried five to six times already and...

Elizabeth Appel: Oh goodness. Okay. Well we reserved - we're not nearly at our capacity so I'm not sure what the issue is. But if she has questions we can set up time to discuss them with her. You can feel free to email me or give me a call and I'll make sure that we get someone from OHA and BIA and Solicitors on the line as well.

Joletta Bird Bear: And who is speaking? It's always good to know.

Elizabeth Appel: I'm sorry.

Joletta Bird Bear: And what is the email?

Elizabeth Appel: This is Liz Appel again. I'm sorry about that. And my - I don't - is email or telephone better for you all?

Joletta Bird Bear: I think email because then you get a better sense of what the question is and you can respond to it.

Elizabeth Appel: Sure. Okay. So you can feel free to either Consultation@BIA.gov or you can email me directly at Elizabeth, that's E-L-I-Z-A-B-E-T-H and then a period, A-P-P-E-L. So like apple except the E and the L are switched, at BIA.gov.

Joletta Bird Bear: Okay. Okay. I'll pass that onto her.

Elizabeth Appel: Thank you. And I'm sorry for the technical difficulty. I'm not sure what's happening there.

Joletta Bird Bear: Well when you're in a rural country there's many things that really interfere with communication. And that's part of it. Another part of it is just telecommunication.

Elizabeth Appel: Understood.

Coordinator: If you would like to ask a question please press Star 1 and record your name when prompted.

Elizabeth Appel: Okay. Do we have any other questions or comments today? If not, I will - I think we'll close out. Is Deputy Director Blackhair with us for closing?

Johnna Blackhair: Yes, I'm here.

Elizabeth Appel: Oh, great.

Johnna Blackhair: Thank you all for participating in today's call. I appreciate the comments and the suggestions provided today. Again, you have the opportunity to provide your comments and suggestions by March 8th.

We will be reaching out to the points of contact in our field throughout Indian Country and all 12 regions so that they become engaged in the discussion and be aware of some of the activities that are taking place that impact not only our Tribes but our allottees, so that they can be aware of your concerns as well as providing that direct support and service.

Again, we have some technical issues that we're having to work through because of the pandemic and not being able to be there in person and face to face, to be working with you all. But that's, you know, something we have to work through virtually, working remotely, and doing the best that we can, to provide these services as well as enhance our systems and become modern in our approach to provide these services and support to our Native American families out there.

I want to thank the Office of Hearings and Appeals for providing this opportunity to update these regs and this rulemaking process with our solicitors and our representatives out there in the Bureau of Indian Affairs office that conduct the probate activities to benefit our beneficiaries. And assure that those representations are documented, adequate and complete, for the future generations and their benefit.

So Liz, thank you for coordinating this. For the Bureau of Indian Affairs, it's been a long time coming. As you've heard in the presentation there's been several attempts to try to clarify and update these regulations. There's been so many of them that need to be brought forward. We've had some that are 40

years old, 50 years old and, you know, it's the time that we bring to light some of these issues.

And your comments and concerns, your suggestions will be taken and recorded in this formal listening session and consultation with you all. Again, thank you for your time and your attention, and your participation. Take care and God bless you all.

Elizabeth Appel: Thank you all for joining today. This concludes our public hearing on the American Indian Probate Regulations.

Coordinator: This concludes today's conference. You may disconnect at this time. Thank you. Speakers, standby.

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