

## OVER VIEW OF PROPERTY SALES

### **Negotiated Sale –**

With the approval of the Secretary or authorized representative, you, as a landowner of a restricted Native allotment or townsite lot, can apply to sell all or a portion of your land. You must hold title to the property, which can be confirmed by Certificate of Allotment, Restricted Trustee Deed, Probate Decision, or other approved conveyance document. The sale of any restricted Native land must be at or above the appraised fair market value, except under certain circumstances.

Realty Service Provider staff will gather and prepare all necessary documents for the negotiated sale process. Keep in mind that the required fieldwork for this transaction (Appraisal and Archeological Inventory) is generally carried out during the summer months as the land is usually not accessible for field visits during the winter.

### **Advertised Sale –**

With the approval of the Secretary of Interior or authorized delegate, you, as a landowner of a restricted Native allotment or townsite lot can advertise all or a portion of your land for sale. You must have title to your restricted property, which is confirmed by Certificate of Allotment, Restricted Trustee Deed, Probate decision, or other approved conveyance document. For property that has two or more owners, an Application for Advertised Sale must be completed by all of the co-owners. The property will be advertised for a thirty day period, with a bid opening scheduled following the advertisement. If you are considering using a realtor, please remember that you must advertise through the BIA before entering into a contract with a realtor.

**Please keep in mind that the above described advertised sale process can take anywhere from 6 to 24 months (under ideal conditions), or longer.**

### **Gift Deeding –**

If you wish to give your interest in restricted property to someone without receiving compensation in return, that can be accomplished through a gift deed. A gift must be to an immediate family member (i.e. - mother, father, son, daughter, brother, sister) or someone with whom you share a special relationship. Once the gift deed is approved and title is transferred, the recipient will have full control of the interest. Gift deeds are a permanent action and cannot be retracted.

### **Title Recovery –**

In the process of updating

## **Mortgages-**

If you wish to offer your restricted property as collateral for a loan, you and the lender will need to work with our office to get the mortgage recorded on title. If you have undivided interests in the property, you will be required to obtain a lease from the other landowners on title, and then obtain a leasehold mortgage. Leasehold mortgages only encumber the lease interest, and not the property title. The important thing to remember with mortgages is that if you default on your loan, the lender can foreclose on the property, and we cannot protect you from the loss.

## **BLM Adjudication Information-**

### **Removal of Restrictions-**

The process of removing restrictions from a Native allotment or townsite lot releases the Bureau of Indian Affairs (BIA) from our fiduciary responsibility of providing services to Native landowners. Once restrictions are removed from a Native allotment or townsite lot, the land will become subject to local zoning ordinances and state or local property taxes, as well as subject to alienation.

### **Resolving Trespass Settlements-**

Trespass resolution can be a lengthy process. It will usually involve a survey, an appraisal, and possible litigation. Resolving a trespass claim nearly always requires a site visit. It is best for the landowner to be present and to accompany BIA staff. Nearly all trespass cases begin with a sworn Affidavit (and photos if available) we use to substantiate the claim.

### **Granting of Right-of-Way**

A Right-of-Way (ROW) can be for a road, an electric power line, phone line, fiber optic cable, water and sewer lines, etc. The Applicant (known as the ROW Grantee) can be your neighbor, a utility company, a private company, or a Federal, State or Municipal organization. Most ROW term limits are capped at 50 years. Payment for the ROW can be waived if it is determined that the benefit of the ROW outweighs payment (i.e. water and sewer lines that provide water and sewer service to your home). The ROW must be approved by the Regional Director.

### **Gravel Permit/ Lease**

Restricted land may be leased for business, residential, or sand & gravel purposes. Leases require 100% agreement from all the landowners. All types of leases must be approved by the Regional Director.