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DEPARTMENT OF COMMERCE BUREAU OF THE CUSTOMS AND BORDER PROTECTION

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CUMULATIVE POCKET SUPPLEMENT
TO THE . . . CODE
OF FEDERAL
REGULATIONS

Title 25—Indians

AS OF
JANUARY 1
1963

For changes on and after
January 1, 1963, see the daily issues of the Federal Register

half of an account holder who is unable to make a request because of illness or incapacity or, to meet expenses of last illness or funeral.

§ 104.9 *Restrictions.* Funds of individuals may be applied by the Secretary or his authorized representative against delinquent claims of indebtedness to the United States or any of its agencies or to the tribe of which the individual is a member, unless such payments are prohibited by acts of Congress, and against money judgments rendered by courts of Indian offenses or under any tribal law and order code. Funds derived from the sale of capital assets which by agreement approved prior to such sale by the Secretary or his authorized representative are to be expended for specific purposes, and funds obligated under contractual arrangements approved in advance by the Secretary or his authorized representative or subject to deductions specifically authorized or directed by acts of Congress, shall be disbursed only in accordance with the agreements (including any subsequently approved modifications thereof) or acts of Congress. The funds of an adult whom the Secretary or his authorized representative finds to be in need of assistance in managing his affairs, even though such adult is not non compos mentis or under other legal disability, may be disbursed to the adult, within his best interest, under approved plans. Such finding and the basis for such finding shall be recorded and filed with the records of the account.

Cross Reference: For rules governing the payment of judgments from individual Indian money accounts, see § 11.26 of this chapter.

§ 104.10 *Funds of deceased Indians other than the Five Civilized Tribes.*

Funds of a deceased Indian other than those of the Five Civilized Tribes may be disbursed (a) for the payment of obligations previously authorized, including authorized expenses of last illness; (b) for authorized funeral expenses; (c) for support of dependent members of the family of decedent in such amounts deemed necessary to avoid hardship and consistent with the value of the estate and the interest of probable heirs; (d) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (e) for probate fees and claims allowed pursuant to Part 16 of this chapter.

§ 104.11 *Funds of deceased Indians of the Five Civilized Tribes.* Funds of a deceased Indian of the Five Civilized Tribes may be disbursed to pay ad valorem and personal property taxes, Federal and State estate and income taxes, obligations approved by the Secretary or his authorized representative prior to death of decedent, expenses of last sickness and burial and claims found to be just and reasonable which are not barred by the statute of limitations, costs of determining heirs to restricted property by the State courts, and claims allowed pursuant to Part 16 of this chapter.

§ 104.12 *Appeals.* Appeal from an action taken by a Superintendent or other officer in charge of an Indian agency or reservation may be taken within 30 days of notification of the action to the Area Director in charge of an area office of the Bureau of Indian Affairs. An appeal from an action of an Area Director may be taken within 30 days to the Commissioner of Indian Affairs. An appeal from an action of the Commissioner may be taken within 30 days to the Secretary of the Interior.

PART 110—DISTRIBUTION OF JUDGMENT AWARDED CHEROKEE NATION OR TRIBE OF INDIANS [ADDED]

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110.4	Payment of shares to living enrollees.
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110.6	Payment of shares of minors.
110.7	Assignment of shares.
110.8	Power of attorney.
110.9	Shares of deceased heirs.
110.10	Disposition of unclaimed and unpaid shares.

Authority: §§ 110.1 to 110.10 issued under Sec. 8, 76 Stat. 776, 25 U.S.C. 998.

Source: §§ 110.1 to 110.10 appear at 27 F.R. 10321, Oct. 23, 1962.

§ 110.1 *Definitions.*

(a) "Director" means the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma.

(b) "Tribe" means the Cherokee Nation or Tribe of Indians of Oklahoma.

(c) "Enrollee" means a person whose name appears on the rolls of the Cherokee Nation which rolls were closed and made final as of March 4, 1907, pursuant to the Act of April 26, 1906, and subsequent additions thereto.

(d) "Distribute" means to apportion or divide into shares the proportional shares of deceased heirs or legatees.

(e) "Minor" means any person under twenty-one years of age.

(f) "Act" means the Act of Congress approved October 9, 1962.

§ 110.2 *Purpose.*

The regulations in this part are to govern the disposition of judgment funds of the Cherokee Nation or Tribe of Indians of Oklahoma pursuant to the Act.

§ 110.3 *Persons eligible to share in payment.*

All enrollees shall be eligible to receive a per capita share. The Director shall make forms, applications, and instructions available to all claimants.

§ 110.4 *Payment of shares to living enrollees.*

(a) Except as provided herein, the Director shall pay the share of a living enrollee directly to him upon receipt of an application filed on the form provided for that purpose by the Director.

(b) The Director shall pay a share or a proportional share payable to a person under legal disability in accordance with such procedures as the Director determines will adequately protect the best interest of such person.

§ 110.5 *Shares of deceased enrollees.*

(a) The Director is authorized to pay a share due a deceased enrollee or a proportional share due a deceased heir or legatee to his heirs or legatees as determined by the Director from a proof of death and inheritance satisfactory to the Director and dated and filed after the date of the Act.

(b) All determinations of heirs or legatees shall be made by the Director under the laws of succession and testacy of the state of residence of the decedent on the date of his death and the Director's findings and determinations shall be final and conclusive.

(c) The filing of a request within 3 years from the date of the Act, signed by an heir or legatee, for payment of a share due a named deceased enrollee shall be considered as a claim filed for and on behalf of all heirs and legatees and shall be construed to comply with the three-year limitation on the filing of claims imposed by section 3(a) of the Act.

§ 110.6 *Payment of shares of minors.*

The Director shall pay a share or a proportional share payable to a minor in accordance with procedures as the Director determines will adequately protect the interests of such persons.

§ 110.7 *Assignment of shares.*

No part of any of the funds which may be distributed shall be subject to any lien, debt, or claim of any nature whatsoever against the Tribe or individual Indians, except delinquent debts owed by the Tribe to the United States, or owed by individual Indians to the Tribe or to the United States.

§ 110.8 Power of attorney.

Powers of attorney will not be recognized, nor will any order given to another person by anyone entitled to share in the payment be honored.

§ 110.9 Shares of deceased heirs.

The Director shall not distribute proportional shares of deceased heirs or legatees amounting to \$10 or less and he shall not pay an inherited share amounting to \$5 or less. The unpaid and undistributed shares shall revert to the Tribe.

§ 110.10 Disposition of unclaimed and unpaid shares.

All per capita shares of living enrollees and proportional shares of deceased enrollees for which a claim has not been filed within 3 years from the date of approval of the Act, as provided by the Act and in § 110.5, shall revert to the Tribe. The Director shall keep accurate records of all monies reverting to the Tribe.

SUBCHAPTER K—LANDS, SURFACE ESTATES AND RESOURCES

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

PART 120—LAND RECORDS AND TITLE DOCUMENTS (ADDED)

§ 120.1 Maintenance of land records and title documents.

The area offices of the Bureau of Indian Affairs will be the office for the maintenance of records of the Department for trust or restricted Indian lands within Indian reservations under the jurisdiction of the respective area offices. At the time such an area office is ready to undertake the maintenance of such records as to any reservation, the Secretary of the Interior shall cause to be transferred from Washington to such office all the records and title documents pertaining to trust or restricted lands on such reservation. Upon such transfer of records to the appropriate area office, the Secretary of the Interior shall have a notice published in the FEDERAL REGISTER of such action setting forth the effective date thereof. Thereafter, the custody and maintenance of land records and title documents as to such reservation will rest with the area office. Also, after such transfer, all documents which affect the title to trust or restricted Indian-owned lands, or interests therein, within such reservation shall be submitted to the area office for recording.

(R.S. 161, 5 U.S.C. 22)(26 F.R. 9042, Sept. 26, 1961)