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Indians

Revised as of January 1, 1972



**CONTAINING
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AS OF JANUARY 1, 1972

With Ancillaries

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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.

PART 111—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

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Authority: The provisions of this Part 111 issued under sec. 3, 84 Stat. 813.

Source: The provisions of this Part 111 appear at 36 F.R. 4870, Mar. 13, 1971, unless otherwise noted.

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

§ 111.1 Definitions.

As used in this part—

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Financial Management Officer" means the Chief of the Division of Financial Management, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103.

(d) "Heirs" means those persons entitled to inherit under State law from a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(e) "Legatee" means those persons entitled to personalty or realty under a valid will of a person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

[36 F.R. 4870, Mar. 13, 1971; 36 F.R. 6080, Apr. 2, 1971]

§ 111.2 Purpose.

The rules in this part are to govern payment to be made by the Secretary pursuant to section 3 of the Act of September 18, 1970, to those persons whose names appear on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or to their heirs or legatees.

§ 111.3 Eligibility for reimbursement.

Each person whose name appears on the final roll of mixed-blood Indians that was prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868) or their heirs or legatees may obtain a copy of the form for Claim for Reimbursement Due as provided by Public Law 91-403, approved September 18, 1970, by request directed to the Financial Management Officer, Bureau of Indian Affairs, Post Office Box 127, 500 Gold Avenue SW., Albuquerque, NM 87103. The completed claim must be filed with the Financial Management Officer at the same address not later than September 18, 1973.

§ 111.4 Information required from claimant.

Each Claim for Reimbursement shall contain the following information:

(a) The name and address of the claimant, and if the claimant is a minor or mental incompetent, the name, address, and representative capacity of the person executing the claim on behalf of the minor or mental incompetent.

(b) The roll number if the claimant is an enrollee on the roll of mixed-blood Indians prepared pursuant to section 8 of the Act of August 27, 1954 (68 Stat. 868).

(c) The name and roll number of the deceased enrollee through which a legatee is claiming and the place and date of the deceased enrollee's death. A certified copy of the decree of distribution or other final order of the probate court should be submitted with the Claim for Reimbursement.

(d) The name and roll number of the deceased enrollee through which an heir is claiming, the place and date of the deceased enrollee's death and the relationship of the claimant to the deceased enrollee accompanied by copies of birth or marriage certificates or other evidence proving the relationship.

§ 111.5 Burden of proof.

The burden of proof rests upon the claimant to establish that he or she is

entitled to reimbursement as an enrollee, heir, or legatee.

§ 111.6 Appeals.

Any person whose claim for reimbursement is rejected may appeal by filing such appeal in writing with the Financial Management Officer not more than thirty (30) days from receipt of the notice of rejection. The claimant must submit with his appeal any supporting data not previously furnished. When upon review of the evidence submitted by the appellant, the Financial Management Officer is satisfied that the claimant has established his right for reimbursement, the appellant shall be so notified. In any case where the Financial Management Officer determines the claimant ineligible, the Financial Management Officer shall forward the appeal together with the complete record and his recommendation thereon to the Commissioner for transmittal to the Secretary.

§ 111.7 Action by the Secretary.

The decision by the Secretary on an appeal shall be final and the claimant shall be given written notice of the decision.

§ 111.8 Special instruction.

To facilitate the work of the Financial Management Officer, the Commissioner may issue special instruction not inconsistent with the rules of this part.

SUBCHAPTERS K—O—LANDS, SURFACE ESTATES AND RESOURCES

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

PART 120—LAND RECORDS AND TITLE DOCUMENTS

§ 120.1 Maintenance of land records and title documents.

The office(s) for the maintenance of records of the Department for trust or restricted Indian lands shall be the title plants that have been or may be established by the Bureau of Indian Affairs to serve its respective area offices as recording offices. At the time such a title plant is ready to undertake the maintenance of such records as to any trust or restricted Indian-owned lands under the jurisdiction of a particular area office, the Secretary of the Interior shall cause to be transferred from Washington, or from the area office previously having the custody of the official records to such title plant all the records and title documents

pertaining to such lands. Upon such transfer of records to the appropriate title plant, 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 lands will rest with the title plant. Also, after such transfer, all documents which affect the title to trust or restricted lands for which the records have been so transferred shall be submitted to such title plant for recording. Nothing in this section shall prevent the consolidation of any title plants that have or may be established and the further transfer of records to such consolidated plant(s). The requirement of publica-