

code of federal regulations

Indians

25

Revised as of April 1, 1982

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claims arising out of debts incurred prior to July 27, 1939, the balance shall be transferred to the individual accounts of the heirs of the decedent in accordance with the approved heirship findings. Expenditures from inherited funds shall be made for purposes authorized in this part.

§ 118.18 Fee patent Indians.

For the purposes of this part, a "fee patent Indian" shall be an adult Indian who has received a patent in fee to his allotment. Fee patent Indians shall be required to submit a program, the approval of which shall be in conformity with §§ 118.1 through 118.6. Fee patent Indians shall not be required to make purchases through purchase orders, but shall have funds disbursed to them direct by the superintendent for such purchases. Funds of minor children of fee patent Indians may be included in an approved family program, but their expenditure shall be subject to the same provisions as cover the expenditure of the funds of minor children of Indians other than fee patent Indians. Fee patent Indians shall be required to conform to the provisions of § 118.9 only when the purchase of real property involves property situated within the diminished portion of the Wind River Reservation. Payments by fee patent Indians for real property outside the diminished portion of the Wind River Reservation may be made by them with funds disbursed to them by the superintendent. Except as otherwise provided in this section, fee patent Indians shall conform to all the provisions of this part.

§ 118.19 Nonresident Indians.

The provisions of § 118.18 pertaining to fee patent Indians shall also apply to Indians other than fee patent Indians who habitually reside away from the Wind River Reservation and have, to all intents and purposes, severed their affiliation with the tribe, and who shall furnish to the superintendent in writing a statement that they intend to continue to reside away from the reservation and evidence, satisfactory to the superintendent, of their competency and ability to support

themselves and manage their own affairs.

§ 118.20 Definition of "adult" and "minor."

The term "adult" shall include all members of the tribe 18 years of age or over, and the term "minor" shall include all members of the tribe less than 18 years of age.

PART 119—DISTRIBUTION OF JUDGMENT AWARDED THE CHEROKEE NATION OR TRIBE OF INDIANS

Sec.

- 119.1 Definitions.
- 119.2 Purpose.
- 119.3 Persons eligible to share in payment.
- 119.4 Payment of shares to living enrollees.
- 119.5 Shares of deceased enrollees.
- 119.6 Payment of shares of minors.
- 119.7 Assignment of shares.
- 119.8 Power of attorney.
- 119.9 Shares of deceased heirs.
- 119.10 Disposition of unclaimed and unpaid shares.

AUTHORITY: Sec. 8, 76 Stat. 776, 25 U.S.C. 998.

SOURCE: 27 FR 10321, Oct. 23, 1962, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 119.1 Definitions.

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

(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.

[27 FR 10321, Oct. 23, 1962, as amended at 28 FR 1253, Feb. 8, 1963. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 119.2 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.

§ 119.3 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.

§ 119.4 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.

§ 119.5 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.

§ 119.6 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.

§ 119.7 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.

§ 119.8 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.

§ 119.9 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.

§ 119.10 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 § 119.5 shall revert to the Tribe. The Director shall keep accurate records of all monies reverting to the Tribe.

PART 120—REIMBURSEMENT OF THE UTE TRIBE OF THE UINTAH AND OURAY RESERVATION, UTAH

ADJUDICATION OF CLAIMS OF FORMER MIXED-BLOOD MEMBERS

- Sec.
- 120.1 Definitions.
- 120.2 Purpose.
- 120.3 Eligibility for reimbursement.
- 120.4 Information required from claimant.
- 120.5 Burden of proof.
- 120.6 Appeals.
- 120.7 Action by the Secretary.