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 a to meet expenses of last illness or funeral.

§ 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 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; (c) for necessary expenses to conserve the estate pending the completion of probate proceedings; and (d) for probate fees and claims allowed pursuant to Part 10 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, and claims allowed pursuant to Part 10 of this chapter.

§ 104.12 Appeals.

Appeal from an action taken by a Superintendent or other officer in charge of an Indian agency of 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.

Cross Reference: For rules governing the payment of judgments from individual Indian money accounts, see § 114.3 of this chapter.

§ 110.1 PART 110—DISTRIBUTION OF JUDGMENT AWARDED CHEROKEE NATION OR TRIBE OF INDIANS

(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) 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 determinations shall be final and conclusive.

(c) The filing of a petition within 3 years from the date of the Act signed by an heir or legatee, for payment of a share due a 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 2(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, except delinquent debts owed by the Tribe or individual, 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 unverified 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 no 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.