CUMULATIVE POCKET SUPPLEMENT

TO THE . . . CODE

OF FEDERAL

REGULATIONS

Title 25—Indians

AS OF

JANUARY 1

1964

For changes on and after
January 1, 1964, see the daily issues of the Federal Register
§ 104.12 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 decease in such amounts as the execution of testamentary provisions require; (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 his agent 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 a decision of the Commissioner may be taken within 30 days to the Secretary of the Interior.

PART 110—DISTRIBUTION OF JUDGMENT AWARDED THE CHEROKEE NATION OF TRIBES OF INDIANS [ADDED]

§ 110.1 Definitions.

§ 110.2 Purpose.

§ 110.3 Persons eligible to share in payment.

§ 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 interest of such person.

§ 110.5 Shares of deceased enrollees.

(a) The Director is authorized to pay a share to a deceased enrollee or a proportional share, due to a deceased enrollee or legatee to his heirs or legatees as determined by the Director from a proof of death of the enrollee and the Director's findings and determinations shall be final and conclusive.
§ 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.

§ 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.