

# TRUST MATTERS

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## Get on the Mailing List!

Are you sharing your issue of *Trust Matters*? Do you know organizations or individuals who would like a copy of *Trust Matters* mailed directly to them? Add addresses to the mailing list by calling the Trust Beneficiary Call Center (TBCC), toll free, at 1-888-678-6836. The TBCC hours are Monday through Friday from 7 a.m. to 6 p.m. and Saturday from 8 a.m. to noon, Mountain time.

Anyone who would prefer to receive issues (as PDF files) via email can email that request to [Debby\\_Pafel@ost.doi.gov](mailto:Debby_Pafel@ost.doi.gov).

Albert White Hat, Rosebud Sioux, (left) informs USD law students about cultural differences they may encounter, including social structures and attitudes regarding death. Personnel from sponsoring organizations were also present.

## Defractionation Tour *Forty Wills in Four Days*

South Dakota lawyers and law students traveled to four reservations in four days in an effort to draft as many wills as possible for Indian trust landowners. The message was simple: If you have land, write a will.

The goal of 40 wills was surpassed. There were 71 will preparation cases opened during the trip, which took place March 8-9 and 11-12, 2010.

Law students from the University of South Dakota (USD) School of Law volunteered their abilities and time during spring break to travel among the Rosebud, Pine Ridge, Cheyenne River and Standing Rock reservations to provide estate planning services. The law school students, supervised by attorneys with the non-profit organization Dakota Plains Legal Services, made it possible for low income Indian landowners to participate in their own estate planning.

It was called the *defractionation tour* because wills, estate planning and gift deeds can help reduce fractionation. Fractionation occurs as land passes from one generation to the next and an increasing number of heirs or devisees acquire undivided interest in the land. Fractionation can make land less economically productive due to the complexity of land management it introduces.

The tour was a collaborative effort of Dakota Plains Legal Services, Equal Justice Works/AmeriCorps, Access to Justice, Inc., the University of South Dakota School of Law and the Office of the Special Trustee for American Indians (OST). JR LaPlante, AmeriCorps Legal Fellow for Equal Justice Works, working with Access for Justice, Inc., organized the tour.

For more information about estate planning available to you, please contact your Fiduciary Trust Officer (FTO). Locate your FTO on the OST website at [www.doi.gov/ost/fto](http://www.doi.gov/ost/fto).





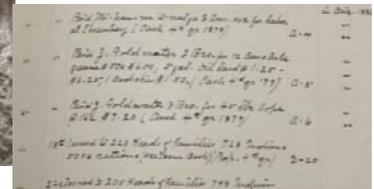
*entering the cave*



*AIRR's front door*



*to the offices*



*old ledger book*

## Available Storage Space for Tribal Trust Records

The American Indian Records Repository (AIRR) is a state-of-the-art storage facility. Special storage space has been put aside at AIRR for inactive Indian fiduciary trust records created by tribes/consortia during their management of trust programs under Self-Determination and Self-Governance funding agreements.

This storage is provided at *no cost* to the tribe/consortium, which retains legal custody of the records and determines access to them. The records are not treated as federal records for purposes of chapter 5 of Title 5 of the United States

Code (Freedom of Information Act), unless expressly agreed to by the tribe/consortium.

Records in this category were first stored at AIRR in 2008. There is space for more tribes/consortia to take advantage of the excellent maintenance and

preservation qualities of AIRR, which is located in Lenexa, Kansas. The facility is a cooperative effort of the Department of the Interior and the National Archives and Records Administration.



*driving through the cave*

Contact your local Fiduciary Trust Officer (FTO) to learn more about the advantages of storing tribal trust records at the AIRR location. Locate your FTO online at [www.doi.gov/ost/fto](http://www.doi.gov/ost/fto).

### Visit AIRR

Do you want to see what the American Indian Records Repository (AIRR) looks like? If you can't make the trip to Kansas to see AIRR in person, then watch the **video**. See how Indian trust records are being managed and maintained. Check with your Fiduciary Trust Officer to view the new AIRR video or to plan a personal tour of AIRR.

**As of March 31, 2010, there were 194,198 boxes in storage at AIRR. When you figure there are approximately 2500 pages in an average box, that adds up to a lot of records.**





## Willing it to Happen



Creighton University School of Law in Omaha, Nebraska, funded a grant for law students to work with public service and non-profit organizations that provide legal services to disadvantaged populations. With a little help and guidance from the Office of the Special Trustee for American Indians (OST), Daniel Ramirez, a Creighton University law student, submitted a proposal to the University's School of Law to assist with writing "last wills" for Indian beneficiaries in Nebraska.

OST's Fiduciary Trust Officer Eileen McBride (Winnebago Field Office) took the next step: securing Legal Aid of Nebraska as the sponsoring public service organization to supervise Daniel's legal work. Legal Aid Director Dave Pantos and his staff interviewed

Daniel and agreed to have him work with their "Indian desk staff" for the summer. Daniel will work a minimum of 20 hours a week throughout the summer in service of Legal Aid's Indian clients.

Throughout the coming summer, OST will join with Legal Aid of Nebraska to present "estate planning" seminars at senior citizen centers in Macy, Winnebago and Santee, Nebraska. Daniel will assist at these seminars with client interviews and will preparation for Indian beneficiaries.

This project is a win-win-win solution that benefits Indian beneficiaries, the intern and the sponsoring organization. As a bonus, those involved with this venture expect to see a reduction in the fractionation of Indian trust land in Nebraska!

### Coming soon! Pay.gov. Make Trust Payments Online

Soon you will be able to authorize a withdrawal from a financial account or a charge to a credit card on the Pay.gov website to pay invoices for Indian trust leases and permits. OST will include an insert with invoices when the service becomes available later this year.

It's another way the Office of the Special Trustee for American Indians (OST), the Bureau of Indian Affairs and the U.S. Department of the Treasury are working together to improve Indian trust beneficiary services.



## Over \$93,500

That is the total sum of money that was waiting for 22 Individual Indian Money (IIM) account holders from one reservation who did not have current contact information on file with the Office of the Special Trustee for American Indians (OST).

OST refers to such account holders as Whereabouts Unknown or WAUs. Two of these former WAUs were surprised to learn they had more than \$66,000 and \$22,000 in their respective accounts.

Are you out of touch with your IIM account? If your contact information is not up-to-date, call the Trust Beneficiary Call Center (TBCC), toll free, at 1-888-678-6836. The TBCC hours are Monday through Friday from 7 a.m. to 6 p.m. and Saturday from 8 a.m. to noon, Mountain time.

