

Data for Indian Economic Development Workshop

Tribal-Interior Budget Council
Twin Arrows Navajo Casino and Resort

July 24, 2017
Flagstaff, AZ



APPLEBY LAW

What is Indian Land?

- Identify each type of land
- Check applicable statues and regulations

<https://teeic.indianaffairs.gov/triballand/>

Indian Land Records Owned
and
Maintained by U.S.

25 CFR Part 150

<https://www.bia.gov/WhoWeAre/BIA/OTS/DLTR/index.htm>

Title Searches of
Indian Land Records
by U.S.

25 CFR Part 150

PROCESS

Who is involved?

- Lender
- Borrower
- BIA Realty
- BIA LTRO
- Notably, Title Insurer is absent

PROCESS: Steps

- Research to whom (i.e., the property agency official) to tender mortgage package should be delivered and the official's contact information
 - Obtain correct Land Area Code
- Deliver Mortgage package to BIA realty (Region/Agency)
 - Correct Land Area Code and Tract Number
 - Original lien instrument with legal description
 - Survey/Plat
 - If applicable,
 - Mortgage satisfaction/release
 - Promissory note
 - Recorded lease
 - Consents

PROCESS: Steps

- Realty reviews and determines if the package is acceptable (20 days)
 - Approve mortgage
 - Verify legal description
 - Verify survey
 - Verify NEPA compliance
 - Issue Certificate of Mortgage Approval and scan to TAAMS or return to lender
- LTRO review (30 days)
 - If deemed incomplete, return
 - If deemed complete, record and notify Realty that the mortgage is recorded
 - Issue a Certified TSR and send to Realty
 - Fax Certified TSR to other parties, if requested
- Realty send Certified TSR and mortgage package to lender

Obstacles/Barriers

- Too difficult to research Indian land titles
 - Difficult to obtain records
 - Incomplete or missing records
 - Land claims/disputes
- Too many technicalities: Creates greater risk
- Too much time: Delays underwriting and closing
- Too dense/uncertain: Process not well understood or easily learned by person new to Indian country
 - Aged TSRs
 - Elimination of records after transfer to fee
 - Lost/missing records
 - Inconsistent practices among Regions, Agencies and LTROs
 - FOIA

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