THE COBELL SETTLEMENT

The long running Cobell v. Salazar class action lawsuit involving the trust administration of Individual Indian Money (IIM) Accounts was finally settled in December 2009 after 14 years of litigation. The Cobell Settlement was approved by Congress and the Claims Resolution Act of 2010 was signed by President Obama on December 8, 2010. The Settlement became effective on November 24, 2012, after appeals were exhausted through the U.S. Supreme Court.

It is important to understand that the Cobell Settlement is a two-sided agreement. For their part, Indian people who either currently have or have had in the past an IIM account, or owned an interest in trust land may share in a payment of $1.5 billion. The Department of the Interior (DOI) for its part of the Settlement received $1.9 billion to be used for two things—$1.5 billion for purchasing undivided trust interests in trust allotments owned by individual Indians and return those interests to the tribe with jurisdiction plus up to $285 million for program implementation (including $60 million for scholarships for Indian students that would be generated as a matching amount from the purchase of the trust interests, and funds to support the work of the Trust Reform Commission for developing recommendations for future changes in trust management.)

LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

As part of the Cobell Settlement, this program is aimed at reducing the level of fractionation in trust allotment land titles. The Program will only purchase undivided trust and restricted fee interests from individual owners who are willing to sell and return those interests to the tribe with jurisdiction over the allotment. The Program has until November, 2022 to purchase $1.5 billion of these interests. As currently designed, the Program will work reservation-by-reservation conducting appraisals and making offers to individual land-interest holders.

WHY THIS PUBLICATION

Part of the mission of the Indian Land Tenure Foundation is to inform individual Indian landowners so that they can make wise decisions regarding their land ownership and management. While the Foundation does not take a position on whether a landowner should sell or not sell their interests, we do believe understanding the forms that you will receive from the Department of Interior is the first step in your decision making. This publication has been created to assist you in understanding those forms.

Cover Letter and Instructions

 YOU MUST DECIDE QUICKLY

The offer is only good for the 60 days after this date on the letter.

 YOUR GRANTOR ID NUMBER AND NAME

• The ID number and name must both be correct or you should contact the Trust Beneficiary Call Center (TBCC) immediately at 1-888-678-6836.

 YOUR DECISION

• If you choose to sell none of your interests, you do not need to do anything further.
• If you choose to sell some, but not all, of your interests listed on the Purchasable Interest Inventory, you will be paid fair market value for the tracts you choose to sell, plus an additional payment of $75 for your time in completing the package.
• If you choose to sell all of the interests listed on the Purchasable Interest Inventory, you will be paid the fair market value shown in this line, plus an additional $75 for your time in completing the package.

 IF YOU CHOOSE TO SELL

• The completed package must be postmarked by the date shown here in the letter. If postmarked later, it will not be processed.

Important Documents to Know About:

OFFER PACKET DOCUMENTS

• Cover Letter and Instructions
• Deed
• Exhibit A: Purchasable Interests Inventory
• Tract Maps

POST PURCHASE DOCUMENTS

• Acknowledgement Notice

AVAILABLE UPON REQUEST

• Landowner Income Report
• Exhibit B: Approval of Conveyance
• Conveyed Interests Report

United States Department of the Interior
Land Buy-Back Program for Tribal Nations
BUREAU OF INDIAN AFFAIRS

John DOE
P.O. BOX 490
WOUNDED KNEE, SD 57794

Dear JOHN DOE:

We are pleased to include you in the Land Buy Back Program for Tribal Nations (Buy Back Program) created by the Claims Resolution Act of 2010, which authorized the Class Action Settlement Agreement often referred to as the Cobell Settlement.

The intent of the Buy Back Program is to purchase highly fractionated tracts of Indian land, and consolidate ownership on behalf of tribes to allow for better utilization of the land by local tribal communities. Interests purchased under the Buy Back Program will be transferred to the tribe in trust, to promote use of the land for tribal and individual social, economic and cultural purposes.

This package is an offer by the Department of the Interior to purchase your ownership interests in certain specified trust or restricted Indian lands. The Purchase offer includes fractional ownership interests with their corresponding fair market value. You may choose to sell some, all, or none of your interests included in this offer.

The intent of the Buy Back Program is to purchase highly fractionated tracts of Indian land, and consolidate ownership on behalf of tribes to allow for better utilization of the land by local tribal communities. Interests purchased under the Buy Back Program will be transferred to the tribe in trust, to promote use of the land for tribal and individual social, economic and cultural purposes.

Payment of $75.00 will be included with final payment if you sell any or all interests included in this Purchase Offer. You will no longer receive any lease revenues or other benefits derived from those interests you sell.

A payment for any ownership interest(s) you choose to sell will be deposited into your IIM account after the Deed is processed. You will receive an “Acknowledgement Notice” in the mail confirming completion of the sale. Allow up to 90 days for the sale to be processed.

The Department of the Interior will pay an additional base payment of $75.00 for each interest you choose to sell. The additional base payment will be paid to you in your IIM account after the Deed is processed. If you sell all of your interests, you will be paid $6,937.57. An additional Base Payment of $75.00 will be included with final payment if you sell any or all interests included in this Purchase Offer. You will no longer receive any lease revenues or other benefits derived from those interests you sell.

The Clauses Resolution Act of 2010 also authorizes contributions up to $60 million to provide educational scholarships to Native Americans. This means that in addition to any payment you receive under the Buy Back Program, a contribution will be made to the Indian Education Scholarship Fund (Cobell Scholarship Fund) until it reaches $60 million. This contribution will not impact the amount of money you receive in payment for your interests.

If you are not interested in selling your ownership interests included in this Purchase Offer, please disregard this letter and enclosures. However, if you are interested, this Purchase Offer is only active for 90 calendar days from the date of this letter. The offer period may be extended no later than 04/01/2014. You may not receive another offer for purchase of your interests under the Buy Back Program due to limited funding.

LANDOWNER INCOME REPORT (not pictured)

• This report will show your income (excluding oil and gas royalties) on leased tracts in which you own interest.
• You may request this report from the Trust Beneficiary Call Center (TBCC) at 1-888-678-6836.
How to Complete the Buy Back Deed

YOUR NAME, ID NUMBER, AND NAME ON SIGNATURE LINE
• Check all three items to be sure each is accurate.
• The names should be your full legal name.
• If the typed information is incorrect, contact TBCC at 1-888-678-6836 for instructions.

DO NOT SIGN THE DEED UNTIL YOU ARE WITH THE NOTARY PUBLIC
When the notary asks you to, sign your name exactly as it appears on the deed.

NOTARIES AVAILABLE
• Notaries are available at no cost at OST offices.

BRING YOUR ID AND THE DEED TO A NOTARY PUBLIC
• Ask the Notary if their commission is current.
• Remember to bring your ID.
• The Notary Public will complete the remainder of this form after they see you sign it.

DO NOT SEND COPIES
• You must return the original signed and notarized deed for the sale to be processed.
• You may make a copy of the deed for your records.

BE AWARE
• If you’re not the person named on the deed, you cannot sign the deed.

Exhibit A: Purchasable Interests Inventory

Chose WHAT YOU WANT TO SELL
• Only fill in the bubble(s) for the tract(s) which you want to sell.
• Use only black or blue ink.

- Mark this bubble only if you want to sell all interests listed below.

Corresponding TRACTS
• These item numbers and tract ID numbers correspond on the two forms.

Send all pages
• You must return the original pages of both parts of the Inventory for the sale to be processed.
• Keep a copy for your records.

Example: Please use black or blue ink and fill in the circle(s) completely on the individual interests you wish to sell, or fill in the circle next to “Sell All Tracts Listed Below” to sell all interests.

- Example

Sell Item Tract ID Interest Interest Value
1 345 M 0000 .0003819644 $95.49
2 345 0001 .000234750 $468.75
3 345 00002 .0333333334 $6,373.33

Choose the action for the column

Send all pages
• You must return the original pages of both parts of the Inventory for the sale to be processed.
• Keep a copy for your records.

Acreage
• This column indicates the total acreage of the tract or allotment that you have an interest in.
**Exhibit B: Approval of Conveyance**

**AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST**

**Acknowledgement Notice**

**POST PURCHASE DOCUMENT**

**CONFIRMATION OF YOUR SALE OF INTERESTS**
- If all forms are returned on time and have been completed correctly, the sale will be processed within 60 days of receipt and you will receive an Acknowledgement Letter confirming the sale.
- Keep this letter for your records.

**TOTAL OF SALE**
- This is the total sum paid for the interests you chose to sell plus $75.

**Conveyed Interests Report**

**AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST**

**United States Department of the Interior**

**Bureau of Indian Affairs**

**Land Buy-Back Program for Tribal Nations**

**Date: 02/26/2014**

**Page: 1 of 1**

**Offer Number:** 100  
**Deed ID:** 345 4000000001

**Sample**

**APPROVAL OF PROPERTY TRANSFER**
- You may request and review your Approval of Conveyance and Conveyed Interest Report—this is your receipt.
- This amount should be the total sum of the interests you chose to sell.

**FAIR MARKET VALUE**
- This column shows the fair market value for your ownership interest as determined through an appraisal.
- This is the value that you are being offered for selling this interest and it is non-negotiable.
- To determine the value of the entire allotment, divide the interest value by the ownership interest (Example: $95.49 divided by .00381944 equals approx. $250,000).

**SCHOLARSHIP FUND**
- This column shows the contribution that will be made from the Settlement Fund to the Scholarship fund on your behalf if you decide to sell this interest.
- This does not affect the amount that you will receive.

**WHEN THE APPRAISAL HAPPENED**
- This shows the date of the approved appraisal that was used to determine the value the tract or allotment.
- You may call the TBCC to request a copy of the appraisal report.

**INTERESTS HELD AND OFFERED TO PURCHASE**
- This shows the interest you own that the Program is offering to buy. Not all interests may be listed in this inventory. If you are interested in selling additional interests, call the TBCC and identify yourself as a willing seller.
- There are three possibilities: surface only, minerals only, and both mineral and surface.
- Mineral and surface ownership cannot be separated in this Program—if you choose to sell a tract with both Minerals and Surface interests, both interests will be sold together.
- If you want to know whether you are earning lease income from any of the listed interests, you may call the TBCC at 1-888-678-6836 to get the information or request a copy of your Landowner Income Report.

**Portion of Interest You Own**
- This column shows the share of the tract that you hold, converted to a decimal.
- If you would like to understand that in terms of acreage, you can multiply the total acres in the tract by the ownership interest (Example: 320 acres x .0038191 equals approx. 0.12 acres).
- Keep in mind that your interest is undivided from all others in the same tract so the land is not physically divided into small pieces. You hold a share of the tract; you do not own specific acres in it.
Summary of Highlights

- The offer to sell your ownership interests is strictly voluntary—you decide if you want to sell.
- All completed and notarized original forms need to be returned/postmarked within the 60-day deadline in order for the sale to be processed.
- Fill out the Deed, but don’t sign it until you’re in front of the Notary Public. Be sure to sign your name exactly as it is typed on the deed.
- Return the original signed and notarized deed, and all original pages of both parts of Exhibit A: Purchase Interests Inventory, in the self-addressed postage prepaid envelope provided in your offer package.
- Once your complete forms are received, it may take up to 60 days to complete the sale, after which you will receive an Acknowledgment Notice.
- You may request your Conveyed Interests Report. Review carefully for details about the land title interests that you sold—this is your receipt.

Resources

LAND BUYBACK PROGRAM
Land Buy-Back Program for Tribal Nations
www.doi.gov/buybackprogram

Trust Beneficiary Call Center (TBCC)
1-888-678-6836
Hours of Operation: M-F 7:00 am - 6:00 pm
Sat. 8:00 am - Noon, Mountain Time

Fiduciary Trust Officer at your agency can be found at:
www.doi.gov/ost/tfo/tfoRegions.cfm#1

COBELL SETTLEMENT INFORMATION
Indian Trust Settlement
P.O. Box 9577,
Dublin, OH 43017-4877
1-800-961-6109
www.cobellsettlement.com
www.indiantrust.com
info@IndianTrust.com

WHEREABOUTS UNKNOWN
Make sure your IIM account information is up to date. Call the TBCC (1-888-678-6836) or visit the OST website (www.doi.gov/ost) if your name or address has changed. Tell your friends and relatives to do the same.

OTHER RELATED RESOURCES
Indian Land Consolidation Act
(Cornell Law Website)
www.law.cornell.edu/uscode/text/25/chapter-24

AIPRA
(Tribal Court Clearinghouse website)
www.tribal-institute.org/lists/understanding.htm

The Indian Land Tenure Foundation (ILTF) is a national, community-based organization focused on American Indian land recovery and management. ILTF’s primary aim is to ensure that all reservation and important off-reservation lands are owned and managed by Indian people and Indian nations.

As a community foundation, ILTF relies on funding from private foundations and donations from Indian nations, corporations and individuals to support its programming in Indian Country. Please consider making a donation to the Indian Land Tenure Foundation today.

To learn more about our work and programs and to make a donation, visit our website at: www.iltf.org.