

**BUREAU OF INDIAN AFFAIRS
SOUTHWEST REGION – ALBUQUERQUE, NEW MEXICO
DIVISION OF LAND TITLES & RECORDS**

**MORTGAGING OVERVIEW ON
TRIBAL LAND**



**DEPARTMENT OF VETERANS AFFAIRS
SOUTHWEST REGION SUMMIT
APRIL 24, 2012**

GENERAL ORGANIZATION INFORMATION

WHO WE ARE

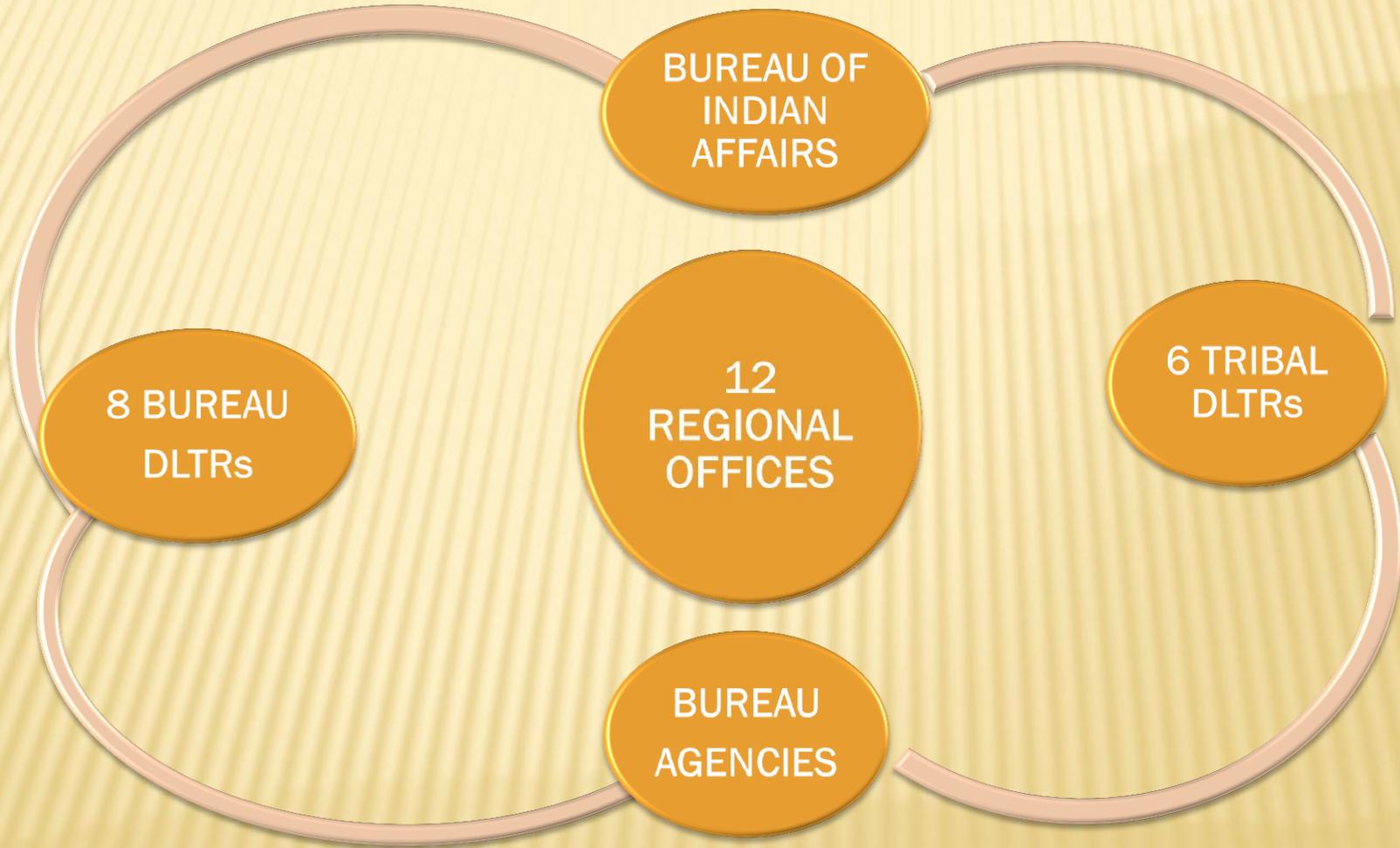
“Indian Affairs (IA) is the oldest bureau of the United States Department of the Interior. Established in 1824, IA currently provides services (directly or through contracts, grants, or compacts) to approximately 1.9 million American Indians and Alaska Natives. There are 565 federally recognized American Indian tribes and Alaska Natives in the United States. Bureau of Indian Affairs (BIA) is responsible for the administration and management of 55 million surface acres and 57 million acres of subsurface minerals estates held in trust by the United States for American Indian, Indian tribes, and Alaska Natives”

The Bureau of Indian Affairs (BIA) mission is to:

“... enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes, and Alaska Natives.”

.....Indian Affairs Website.

BUREAU- REGIONS- DLTRs



INTERIOR WEBSITE

- ✘ For more information on a specific Region/Agency/Tribe: Access the U.S. Department of Interior's INDIAN AFFAIRS website. Select a Region under the heading labeled "Regional Selection".
- ✘ For other Realty and Title-specific questions, contact Central Office Personnel:
 - + Division of Real Estate Services – Ben Burshia, Realty Officer at 202.219.1195
 - + Division of Land Titles & Records – Acting Chief, Quentin (Mike) Jones at 202.208.3842

DIVISION OF LAND TITLES & RECORDS OFFICES

GENERAL PROGRAM INFORMATION

Listing of Regional Offices and LTROs

REGIONAL OFFICES

- Alaska
- Eastern
- Eastern Oklahoma
- Great Plains
- **Navajo**
- **Southwest**
- **Western**
- Rocky Mountain
- Pacific
- Midwest
- Northwest
- Southern Plains

BUREAU LAND TITLES & RECORDS OFFICES

- Alaska
- **Southwest (Albuquerque)**
- Eastern Oklahoma (Muskogee)
- Great Plains (Aberdeen)
- Northwest (Portland)
- Rocky Mountain (Billings)
- Pacific (Sacramento)
- Palm Springs Agency (Agua Caliente Band of Cahuilla Indians)
- Southern Plains (Anadarko)

*Compacted for DLTR functions but currently do not provide Federal title services consistent with the services provided by Bureau DLTRs.

TRIBAL LTROs

Salish & Kootenai
(Montana)
Colville Tribe
(Washington)
Morongo Tribe
(California)
*Cherokee Nation
*Choctaw Nation of
Oklahoma
*Muscogee (Creek)
Nation

DLTR POINTS-OF-CONTACT

× BUREAU OFFICES

| | | |
|--------------------|---------------|--------------|
| × Southwest | Donna Peigler | 505-563-3200 |
| × Eastern Oklahoma | Karen Stills | 918-781-4631 |
| × Southern Plains | Debi Koebrick | 405-247-1550 |

× TRIBAL OFFICES

| | | |
|---------------------------------|----------------|--------------|
| × Cherokee Nation | Linda Donelson | 918-456-0671 |
| × Choctaw Nation of Oklahoma | Donna Loper | 580-924-8380 |
| × Muscogee (Creek) + Nation | Sonya Lynch | 918-732-7702 |

DIVISION OF LAND TITLES & RECORDS

MAJOR PROGRAM FUNCTIONS

- Document Recordation
 - ❖ *Similar to recording at a County Recording Office*
- Document Imaging
- Titles Maintenance
 - ❖ *Similar to work performed at a Title Abstract Co.*
- Automated Data Systems Management
- Cartographic Services
- Indian Probate Curative Actions
- Document Certification

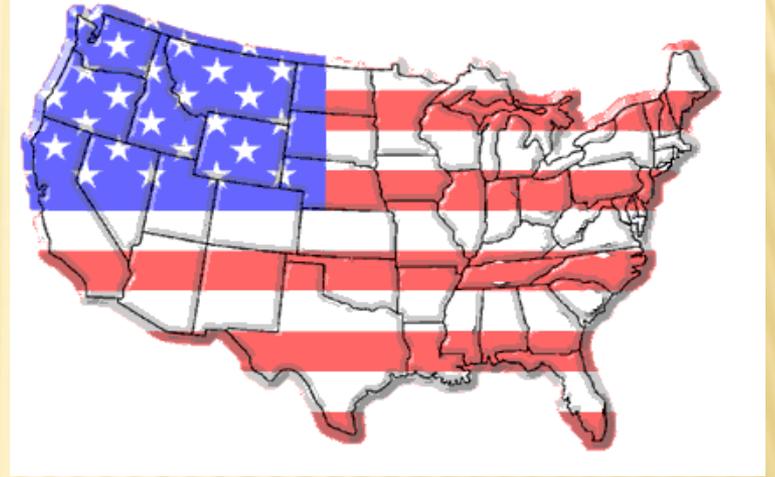
ALBUQUERQUE- DIVISION OF LAND TITLES AND RECORDS

SERVICING AREA

SOUTHWEST AREAS OF JURISDICTION

- **States Served**

- *New Mexico*
- *Arizona*
- *Utah*
- *Colorado*
- *Nevada*



- **States Served – Portions thereof**

- *California*
- *Texas*
- *Idaho*
- *Oregon*

SOUTHWEST DLTR KEY PROGRAM CONTACTS

Karen Driftwood
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karen.driftwood@bia.gov

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Title Examination Unit 1
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Donna Peigler
Manager
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Jacqueline Gibson
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Title Examination Unit II
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Irene Lorenzo
Supervisory Realty Specialist
Title Support Unit
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irene.lorenzo@bia.gov

OUTREACH

✘ January 19-20, 2011—HUD 184, Morongo, California

- + Attendees : Morongo Tribal Administration (Housing Administrator, Realty Administrator); Morongo Band of Mission Indians (Realty Officer); Bridgeport Indian Colony (NAHASDA Coordinator); Lipay Nation of Sant Ysabel (Tribal Administrator);
- + Gateway Mortgage, Alaska USA Federal Credit Union, American Pacific Mortgage, Wells Fargo, Alaska Lending (Anchorage, AK); Canyon National Bank, etc.

✘ March 2-3, 2011—HUD 184, Omni Hotel, New Orleans, Louisiana

- + Attendees : Little River Bank of Ottawa Indians, Tunica-Biloxi Tribe of La., Fallon Paiute Shoshone Housing; Tunica-Biloxi Housing Authority; Sokaogon Chippewa Housing; Cheyenne Arapaho Housing Authority; Sokaogon Chippewa Housing; Muscogee Creek Nation Division of Housing; United Bank, Wells Fargo, First United Bank; Guild Mortgage, Bank 2 NAHL; CoVantage Credit Union

✘ March 22, 2011—Nevada/California Indian Housing Assoc., Phoenix, Arizona

- + Attendees : Western Regional Realty Office; Big Pine Paiute Tribe; Chukchansi Indian Housing Authority; Ely Shoshone Tribe Housing Dept; Fort Bidwell Indian Community Council; Karuk Tribe Housing; Northern Circle Indian Housing; Susanville Indian Rancheria; Walker River Paiute Tribe Housing; Yerington Paiute Tribal Housing; Bishop Community Development Div; Cloverdale Rancheria of Pomo Indians; Enterprise Rancheria Indian Housing Auth; Greenville Rancheria; Modoc Lassen Indian Housing; Pyramid Lake Housing; Te-Moak Western Shoshone Housing; Washoe Housing; Round Valley Indian Housing; Tule River Indian Housing; Chico Rancheria Housing; etc.

OUTREACH (CONT'D)

- ✘ **April 19-20, 2011—HUD 184, Nashville, Tennessee**
- ✘ Attendees : Realty Specialist from Lame Deer, Montana, Yukon National Bank, Guild Mortgage, Wells Fargo, Colonial Financial, Capital Mortgage, Seminole Tribe of Florida, Coharie Tribe, First Independence Bank, Southwest Funding, Century Home Mortgage, Campo Housing Department, Karuk Tribe Housing, Shinnecock Indian Nation, Capital Mortgage, Navajo Tribal Housing.

- ✘ **June 21-22, 2011—Nevada/California Housing Conference, Sacramento, CA**
- ✘ Attendees : BIA- Pacific Region, Western Nevada Agency; Western Region, BLM; Karuk Housing; Washoe Tribe; Chukchansi Housing; Round valley; Yerington Paiute Tribal Housing; Hoopa Valley Housing; Tuolumne Band of Me-Wok Indians; Te-Moak Tribe of Western Shoshone, Elko Bank; Pyramid Lake Paiute Tribe Housing; Bishop Paiute Tribe; Susanville Indian Rancheria; Lone Pine; North Fork Rancheria; White Mountain Apache; Walker River Paiute Tribe, Ft. Bidwell Reservation, Fallon-Paiute; Cloverdale Rancheria;

- ✘ **May 24-25, 2011—HUD 184, Bangor, Maine**
- ✘ Attendees : Main State Housing Authority; Aroostook Bank of Micmacs; Four Directions Development Corp.; Indian Township Passamaquoddy Housing; Penobscot Indian Nation; Oglala Sioux Tribe Credit & Finance Program; Bangor Savings Bank.

OUTREACH (CONT'D)

- ✘ **July 13-24, 2011 – HUD 184, Albuquerque, New Mexico**
 - + Attendees: Tribal Representatives: Jemez Pueblo, Pueblo of San Felipe, Navajo Partnership for Housing; Pueblo de San Ildefonso;
 - + AKT American Capital Corp.; Gateway Mortgage; Academy Mortgage; Bank2; First Commercial Bank; Legacy Mortgage; Mortgage Link Corp.; MLC Mortgage Corp.; Bank of Albuquerque; Wells Fargo, iServe Residential, Great Plains National Bank; Financial Concepts Mortgage; Affiliated Financial Group; Colorado Housing & Finance Authority; American SW Mortgage; First Choice Bank; Suburban Mortgage

BUREAU OF INDIAN AFFAIRS

- × HOME OWNERSHIP
- × MORTGAGE PROCESSING
- × HIGHLIGHTS

KEY PLAYERS IN THE MORTGAGE PROCESS

Applicant - applies to Tribal Housing Authority for a homesite lease

Tribe - approves Applicant for HS lease and prepares Tribal Resolution. Tribe submits survey, request a environmental clearance, and preliminary TSR from Agency.

Agency - assembles & coordinates the home leasing package—HS lease, environmental impact statement, etc. Encodes data into trust system + submits to DLTR for recording and request a TSR

DLTR - performs QA on HS ease and records document. TSR request is routed for title examination. Mortgage docs encoded into trust system. Certified TSR sent to Agency and/or Lender

Lender - verifies income, credit, employment. Lender requires approved HS lease with environmental clearance, and a TSR. Lender closes loan through title company. BIA does not close loans.

APPLICANT PROCESS

(MAY VARY AMONG TRIBES)

- Applicant must be enrolled member of a Federally recognized Tribe.
- Applicant contacts Tribe/Housing Authority for approval of land use.
- If approved by Tribe and/or Housing Authority, a Tribal Resolution is provided. Applicant begins preparation of Homesite/Residential Lease Package .
 - ❖ Also includes applications for sanitation and electrical lines.
 - ❖ Homesite/Residential lease requires a land survey (legal description) as part of lease package. The Tribe may provide survey plat or require applicant to acquire survey at own expense.
- Applicant is simultaneously contacting lending institutions (participating banks, mortgage companies, etc.) for loan eligibility requirements.
- Completed lease package is submitted to BIA agency for approval and recording processing.

Sample of Agency Residential Leasing Process

Southern Pueblos Agency—Southwest Region

Tribal/Housing Application Residential Lease Package

- > Housing Authority Application
- > Tribal Resolution
- > Metes & Bounds Land Survey
- > Residential Lease
- > Environmental Assessment

Bureau of Indian Affairs
Lease Package Received & Approval Process begins

Existing Ground Disturbance--NO change in use of Land

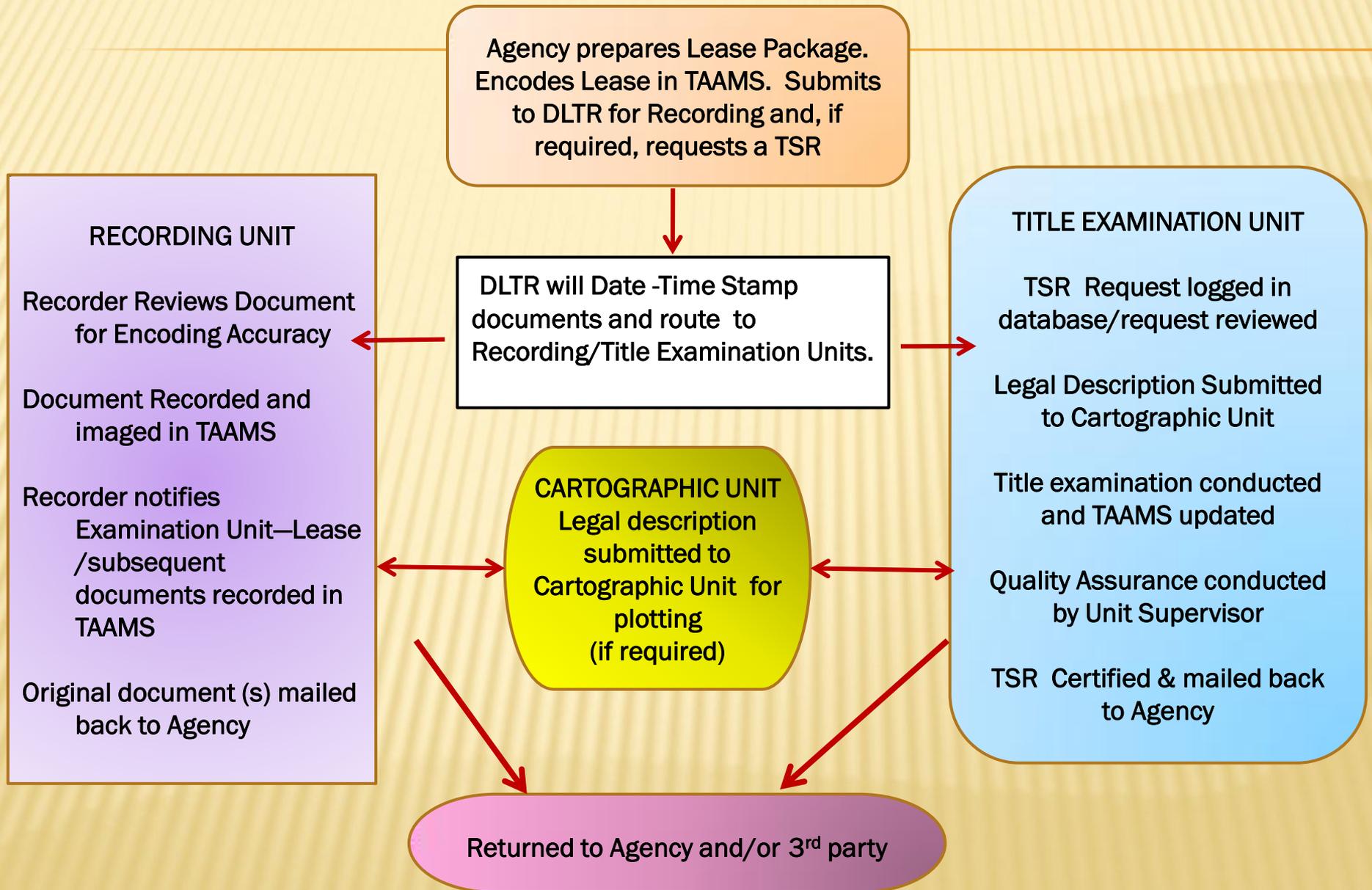
- Environmental Assessment NOT required
- Categorical Exclusion (CatEx)
 - ◊ Threaten and Endangered Species
- Archeological Survey
 - ◊ NMHPS allowed 30 days for their response
- Review of
 - ◊ Residential Lease
 - ◊ Land Survey
 - ◊ Tribal Resolution
- **Request Title Status Report (TSR)**
 - ◊ TSR requested **AFTER** land survey has been cleared of any errors.
- Approval by Agency Superintendent
 - ◊ Provided application is complete (no missing docs) & no docs need to be corrected by the Tribe. Lease can be approved in approximately 60 days.

No Ground Disturbance OR change in use of land

Environmental Assessment (EA) is Required

- Review of the EA by Environmental Committee
 - ◊ If EA is approved for use.
 - ◊ 30 day posting of: Finding of No Significant Impact (FONSI) AND Notice of Availability (NOA)
- Archeological Survey
 - ◊ NMHPS allowed 30 days for their response
- Review of:
 - ◊ Residential Lease;
 - ◊ Land Survey
 - ◊ Tribal Resolution
- **Request Title Status Report (TSR)**
 - ◊ TSR requested **AFTER** land survey has been cleared of any errors
- Approval by Agency Superintendent
 - ◊ Provided application is complete (no missing docs) and no docs need to be corrected by the Tribe. Lease can be approved in approximately 120 days.

DLTR Recording/Title Examination Process Flowchart



BIA AGENCY-DLTR MORTGAGE PROCESSING RESPONSIBILITIES

AGENCY

- Agency is the primary contact for the lenders and tribal entities in the initial stages of home ownership / mortgaging processing
- Agency is the primary client/customer of the DLTR.
- Agency is the “**middleman**” between the tribes / lenders and DLTR.
- Agency departments issue required documents for lease package
- Agency coordinates all internal processing requirements (i.e., environmental impact statements, leasing documents, etc.).

DLTR

- DLTR is Indian Country’s “County Recording Office”
- DLTR is Indian Country’s title/abstract company
- DLTR is the final entity for determination of title documents that convey or encumber ownership of Indian land.

TITLE STATUS REPORT

- ***What is a Title Status Report (TSR)?***
 - **A report that shows the legal description of a tract, the most current ownership and encumbrances/liens (if any) of record**
- ***Why would a TSR be requested?***
 - **Mortgage Loan/Business Lease/Residential Lease**
 - **Land Status/Land Sale**
 - **Current Ownership Update**
- ***Who can request a TSR from Land Titles & Records?***
 - **Agency / Regional Office having jurisdiction over the land**
 - **Compacted/Contracted Tribes**

United States Department of the Interior

Bureau of Indian Affairs

Title Status Report

Report Certification Time and Date: 11/28/2011 10:00:00 PM

Requestor: MBEGAY Date/Time: 04/23/2012 15:48:16

Land Legal Description

| <u>Land Area</u> | <u>Land Area Name</u> | <u>Tract Number</u> | <u>LTRO</u> | <u>Region</u> | <u>Agency</u> | <u>Resources</u> | |
|--------------------|-----------------------|---------------------|--------------|---------------|---------------------|--------------------------|--------------|
| 614 | GILA RIVER | 674 | SOUTHWEST | WESTERN | PIMA AGENCY | Both | |
| REGIONAL OFFICE | | | | | | | |
| <u>Section</u> | <u>Township</u> | <u>Range</u> | <u>State</u> | <u>County</u> | <u>Meridian</u> | <u>Legal Description</u> | <u>Acres</u> |
| 3 | 003.00S | 005.00E | ARIZONA | PINAL | Gila and Salt River | S S SW SE | 10.000 |
| 15 | 003.00S | 005.00E | ARIZONA | PINAL | Gila and Salt River | S N SE SE | 10.000 |
| TOTAL TRACT ACRES: | | | | | | | 20.000 |

Title Status

Tract 614 674 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 614 674 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

The following notes apply to this land title:

Tract Notes (Other) THE REPORT SHOWS OWNERSHIP ONLY AND MAY NOT INCLUDE ALL LIENS OR OTHER ENCUMBRANCES RECORDED IN THIS OFFICE WHICH MIGHT AFFECT THIS TRACT.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

Effective Ownership as of 11/28/2011

| OWNER | | | | | DOCUMENT | | | NAME ACQUIRED | FRACTION | AGGREGATE SHARE | AGGREGATE |
|--------------|--------------|----------------------|--------------|-----------|----------|------|----------|--------------------|-------------|------------------|-------------|
| Tribe & Code | ID No. & DOB | Indian or Non-Indian | Title Status | Interest* | Class | Type | Number | SURNAME/FIRST NAME | AS ACQUIRED | CONVERTED TO LCD | DECIMAL |
| 614 RIVER AZ | 08/04/1944 | Indian | Trust | All | Prob Ord | INTE | SL116997 | [REDACTED] | 1 | 4 | |
| | | | | | | | | | 12 | 48 | .0833333333 |
| 615 SALT | 11000798 | Indian | Trust | All | Prob Ord | INTE | | | | | |

Simplified legal land description

Simple statement of ownership

Simple statement of title status

Simple statement of encumbrance

Simple title notes

Note: Title Notes and Remarks will be re-written after the release of the new TSR to improve clarity & understanding



TITLE STATUS PLAT

*May accompany
certified TSR*

DOI-BIA-SWRO-Division of Land Titles & Records-Document/Tract Plat
 Plotted by: MCLucero Date: 08/06/09

Document No. 705-

Title/Encumbrance Holder: [REDACTED]

Allot. \ Tract No. T-

Section: Surveyed Unsurveyed (Protracted)

Sec. 36 Tsp. 08N Rng. 02E Meridian NMPM

| | | | |
|----|----|----|----|
| 36 | | | 36 |
| | NW | NE | |
| | X | | |
| | SW | SE | |
| 36 | | | 36 |

36


NORTH

TIE FROM C.C., SOUTH BNDY
BC, SEC-36 & 31, R2E & R3E.

L-4

L-3

SW

1 1/2 M.

South Boundary Isleta Pueblo Grant

TRACT:
M & B

Acres: **0.617 +/-**

| | | | |
|----|---|---|---|
| N | N | L | L |
| E | W | 4 | 3 |
| 9 | | | 9 |
| SW | | | |

| | | | |
|--------------|--------------|--------------|--------------|
| N | N | S | S |
| E | W | W | E |
| NW | | | |

| | | | |
|--------------|--------------|--------------|--------------|
| N | N | S | S |
| E | W | W | E |
| SE | | | |

| | | | |
|--------------|--------------|--------------|--------------|
| N | N | S | S |
| E | W | W | E |
| NE | | | |

LAND REMARKS: Metes and Bounds parcel in the NESW, Lot-3, Sec.36-T08N-R02E., NMPM., Valencia County, New Mexico. Isleta Pueblo Indian Reservation.

Residential / Homesite Lease for [REDACTED]

THE NEW TSR

- ✘ TSR has been redesigned for clarity
- ✘ TSR request and delivery automated
- ✘ TSR Repository will have all certified or verified TSR available for access and retrieval
- ✘ New TSR business rule: title ownership & TSR must be certified within 2 business days of a change in ownership