


INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 51 IAM 2	SUBJECT Recording and Custody of Land Title Documents	RELEASE NUMBER #10-22
FOR FURTHER INFORMATION BIA Land Titles and Records Office (LTRO)		DATE APR 30 2012

EXPLANATION OF MATERIAL TRANSMITTED:

This policy establishes how LTRO manages the recording and permanent custody and storage of land title documents. This policy applies to all land title documents that convey or encumber ownership of Indian lands, or that describe or locate Indian lands or divisions thereof, approved by a properly delegated Federal official at: a BIA Agency or field office, Regional office, or Central office; the Office of Hearings and Appeals; or at another appropriate Federal office.


for Michael Black
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 51 IAM 2

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- 2.1 Purpose.** The purpose of recording title documents is to: (1) provide evidence of a transaction, event or occurrence that affects land titles, (2) to preserve a record of the title document, and (3) to give constructive notice of the existence of title documents that convey or encumber ownership of Indian land, or that describe or locate Indian lands or divisions thereof.
- 2.2 Scope.** This policy applies to all land title documents that convey or encumber ownership of Indian lands, or that describe or locate Indian lands or divisions thereof, approved by a properly delegated Federal official at: a BIA Agency or field office, Regional office, or Central office; the Office of Hearings and Appeals; or at another appropriate Federal office.
- 2.3 Policy.** The BIA Land Titles and Records Office (LTRO) is the office of record for land title documents for Indian lands. As the office of record for Indian land title documents, the LTRO will receive and record a title document by entering the title document into the record of land title for Indian lands. Title documents may be submitted to the LTRO for recording by manual delivery, by Federal mail or commercial carrier, or by electronic transmission of a digital image of the land title document. Upon receipt and acceptance of a land title document, the LTRO will enter the title document into the record of title for Indian lands by converting the physical original copy of the title document to a digital image original copy of the title document, or by accepting the digital image original copy of the title document submitted electronically, for recording and permanent custody and storage of the original title document in the Trust Asset Accounting Management System (TAAMS) Image Repository (TIR). The physical copy of the title document and the digital image copy of the title document in the TIR are original copies of the land title document and are both a signed duplicate original copy of the other. A signed duplicate copy of a land title document may be certified and issued from a physical copy of the land title document printed from the TIR or from a film media or from an original copy of the land title document on file at the LTRO. The LTRO will complete the entry of the title document into the record of land title by entering or completing the entry of the data extracted from the land title document into TAAMS.

Upon receipt at the LTRO a title document will be reviewed to determine that it meets the minimum requirements for recording. A title document is recordable if the title document has been approved and dated by a properly authorized Federal official, if there is sufficient legal land description and tract identification to locate the land, and if the title document has been properly executed by the parties (e.g., grantor and grantee). Documents not meeting minimum recording requirements will not be recorded and will be returned to the document's office of origin.

If post-recording examination of the title document reveals errors or defects in the title document, then the LTRO will take following actions:

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<i>Level of Defect</i>	<i>Type of Defect</i>	<i>Corrective Action Required</i>
Fatal Defect	Missing or invalid Federal approval. Not executed or not properly executed by the parties. No legal land description. Not a title document; not recordable.	Title document is not recorded or is unrecorded, and is returned to the office of origin for <u>immediate</u> corrective action
Critical Defect	Mis-stated ownership interest; error in calculation of ownership; any defect affecting the correct reporting of ownership or distribution of income.	Recorded title document is returned to the office of origin for <u>immediate</u> corrective action
Substantive Defect	Non-fatal error in legal land description; errors in party names, in party BIA identification numbers, or in BIA tract numbers	Recorded title document is returned to the office of origin for corrective action
Administrative Correction	Clerical or typographical error	LTRO corrects error and, when needed, files Error Correction Sheet with the recorded title document
Data Entry Correction	No document defect. Error in entry of data into TAAMS.	File Error Correction Sheet with the recorded title document

The timely recording and permanent custody and storage of land title documents in the TIR provides the BIA, other Departmental and Federal offices, Indian tribal and individual land owners, and commercial, financial, and governmental entities with a secure and protected repository for original land title documents that is accessible at BIA or other location where TAAMS may be accessed.

2.4 Authority.

A. Statutes. In accordance with the Act of June 30, 1834 (4 Stat. 738; 25 U.S.C. 9). Act of July 26, 1892 (27 Stat. 272; 25 U.S.C. 5). Reorganization Plan No. 3 of 1950 approved June 20, 1949 (64 Stat. 1262). (Act of April 26, 1906 (34 Stat. 137); Act of May 27, 1908 (35 Stat. 312); Act of August 1, 1914 (38 Stat. 582, 598) deal specifically with land records of the Five Civilized Tribes.

B. Regulations. Title 25 CFR Part 150.

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2.5 Responsibilities.

- A. **Director, Bureau of Indian Affairs (BIA)** is responsible for the development of National Policy affecting land title for Indian lands.
- B. **Deputy Bureau Director, Field Operations, BIA** is responsible for overseeing the Regional Directors and disseminating policy to them.
- C. **Deputy Bureau Director, Trust Services, BIA** is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.
- D. **Regional Directors, BIA** are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.

2.6 Definitions.

- A. **Indian land** is an inclusive term describing all real property or land, including any interests, benefits, and rights inherent in the ownership of the land, held in trust by the United States for individual Indians or tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy and/or benefit of certain tribes. For purposes of this part, the term Indian land also may include land for which the title is held in fee simple status by Indian tribes, and U.S. Government-owned land under BIA jurisdiction.
- B. **Land Title Document or Title document** is defined as any document that conveys or affects the title to Indian land (e.g., patents, deeds, probate orders) or encumbers the ownership of Indian land (e.g., leases, rights-of-way or easements, etc.), or that describes or locates Indian lands or divisions thereof (e.g., Cadastral Surveys, plats, subdivisions, etc.), and is approved by a properly delegated Federal official and required to be recorded by law, regulation, or Bureau policy.
 - 1. **Physical original copy of a title document** is an original title document in the form of physical text, signatures, and graphical representations written or printed on paper, velum, linen, or other physical writing, printing, or graphical media. The physical original copy of a title document is the signed duplicate copy of the digital image original copy of the title document and/or the film media copy of the title document.
 - 2. **Digital image original copy of a title document** is an original title document in the form of digital images of text, signatures, and graphics in black and white, grayscale, or color digital representations of the digital title document or of the physical original copy or film media copy of a title document converted to a digital image format. The digital image format adheres to the official Federal document image format established by the National Archives and Records Administration (NARA). The digital image original copy of a title document is the signed duplicate copy of the physical original copy of the title document and/or the film media copy of the title document.

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3. **Film media copy of a title document** is a copy of a title document in the form of microfilm, microfiche, or aperture card images of text, signatures, and graphics in a positive or negative image representation of the physical title document on a film media format. The film media format adheres to the official Federal document film media format established by the National Archives and Records Administration (NARA). A film media original copy of a title document becomes a duplicate original copy of the title document when the film media original copy of a title document is printed on paper and certified by the Land Titles and Records Office (LTRO) Manager or other properly authorized Federal official. The film media original copy of a title document is the signed duplicate copy of the digital image original copy of the title document and/or the physical original copy of the title document.
- C. **Signature or “signed”** means the physical written name or the digital written name of a person as themselves or as the official representative of an entity (commercial, financial, legal, or governmental) for the purposes of the following: the execution of a title document by the parties to the document, the Federal approval of a title document by a properly authorized Federal official, the certification of a duplicate original copy of a title document by the LTRO Manager or the Manager’s designated representative, or the certification by the LTRO Manager or the Manager’s designated representative of a Federal report of title status, of the inventory of Indian land owned by a decedent at the time of death, or of a Federal map or spatial representation of land title status.
- D. **Record of title** is the compilation of deeds and other conveyances and encumbrances recorded at the land title office of record, the Land Titles and Records Office, as required by a recording act. *See*, Act of July 26, 1892, ch. 256, Sec. 2, 27 Stat. 273, codified as 25 USC §5.
- E. **Recordation or recording** is defined as the acceptance of a title document by the Land Titles and Records Office (LTRO), and the entry of the title document into the record of title as evidenced by the chain-of-title for the Indian land as described in the title document. Recording a title document provides constructive notice of the existence of the title document and provides evidence of a transaction, activity, or event that affects title to Indian lands.
- F. **Land Titles and Records Office** is defined as a field office of the Division of Land Titles and Records that is the Federal office of record responsible for the recording and custody of Indian land title documents, and that maintains records that affect titles to Indian lands, examines titles of Indian land, and provides reports of land title status for Indian land and inventories of land owned by a decedent at the time of death.
- G. **Trust Asset and Accounting Management System (TAAMS)** is the official Federal system of record for all land title and chains-or-title for Indian lands, for all original copies of Indian land title documents, for all data extracted from Indian land title

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Part 51

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Chapter 2

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documents, for all transactions that convey, encumber, describe, or locate Indian lands.