

D. ADVERTISED SALES - INFORMATIONAL GUIDELINES FOR RESTRICTED NATIVE LANDOWNERS

With the approval of the Secretary of Interior or his authorized delegate, you, as a landowner of a restricted Native allotment or townsite lot can sell all or a portion of your land. You must have title to your restricted property to sell your land. Proof of title would be a Certificate of Native Allotment, a Native Restricted Trustee Deed, or a finalized Probate Order naming you as an heir, before you can sell your land or inherited interest. The sale of any restricted Native land must be approved by the Bureau of Indian Affairs (BIA) to be valid and must be at or above the fair market value.

For land that has two or more owners, an Application for Advertised Sale must be completed by all of the co-owners. Counseling will be provided to all co-owners.

You must express your desire to sell your land by writing to the BIA Alaska Region, Real Estate Services having jurisdiction over your land. Any sale documents that require processing will be done by realty staff at the BIA Alaska Region, Real Estate Services Staff. Since most of the fieldwork required for this transaction is accomplished during the summer months, early notice is appreciated. During the winter months, the land is usually not accessible for field visits.

If you are receiving any income-based public assistance money such as: AFDC, Food Stamps, Adult Public Assistance, BIA General Assistance, Supplemental Social Security, or certain VA benefits, you need to know that the sale of your land may result in each program disqualifying you for each dollar amount you have received for the sale or will stop their services until you have foregone the equivalent amount of benefits.

The following is an outline of the steps involved in the sale process:

1. **Initial Contact & Counseling:** Once you contact the BIA Alaska Region, Real Estate Services, you will be counseled regarding the sale process and other options available to you, such as leasing, gift deeding, mortgaging, etc.
2. **Application:** After a request to advertise land for sale has been received, an Application for Advertised Sale will be given or mailed to you to complete and return.
3. **Title Status Report:** A title status report will be requested from the BIA Alaska Title Services Center which will show all land transactions affecting your restricted property.
4. **Survey:** When the sale is for just a portion of your land and an adequate aliquot parts description or metes and bounds description is not possible, a survey is necessary and required. The preferred method is to have the land surveyed by a registered land

surveyor. If a survey is necessary, it is your responsibility to procure the services of a registered land surveyor.

5. **Appraisal**: An appraisal of the land being sold is necessary to insure that you receive fair market value for your land. Office of Special Trustee (OST) Appraisers will conduct the appraisal at no cost to you. However, you may, at your own expense, have a private appraisal done. The private appraisal report will be subject to review and approval by the OST Appraisal staff and must be prepared in accordance with their guidelines. The private appraiser should contact or meet with the OST Appraisal staff prior to conducting and preparing the appraisal report.
6. **Archeological Inventory**: Your allotment or townsite lot must be inventoried for potential cultural or historical remains. Like the appraisal, BIA Archeology staff will conduct the inventory at no cost to you. You, at your own expense, can acquire the services of a private archeologist. The private archeological report will be subject to review and approval by the BIA Archeology staff and must be prepared according to their guidelines.
7. **Environmental Compliance**: Environmental compliance is required. The assigned Realty Specialist can determine the extent of compliance based on the appropriate regulations and their knowledge of the land being sold.
8. **Timber Clearance**: If the land is valuable for timber, a timber clearance and/or timber report may be necessary. The realty specialist assigned to your case can determine the necessity based on his/her knowledge of the land area and from discussions with you. If a timber clearance is necessary, BIA Forestry staff will be responsible for conducting the fieldwork.
9. **Re-counsel/Finalize Documents**: After the archeological inventory, appraisal, and if applicable, the timber report, has been received, you will be contacted for another phase of counseling. You will be counseled on the appraisal and assistance will be provided to you on setting your selling price and terms.
10. **Report of Investigation**: After all previous requirements have been met, a report of investigation will be prepared with a recommendation to the BIA Alaska Regional Director. Once the Regional Director approves the sale, your land can be advertised for sale in selected newspapers. If a successful bid is received, the Realty Specialist assigned to your sale will contact you. The realty specialist will inform you of the procedures required to process the sale for approval.
11. **Approval**: After all necessary paperwork is completed, final sale documents will be submitted to the Agency or Alaska Regional Office.

- a. If approved, the Deed or sales contract will be signed by the authorized BIA official, mailed to the BIA Alaska Title Services Center for recording, and then returned to the Agency or Tribal Realty Office for further processing.
- b. If disapproved, you and the purchaser(s) will be notified of the action taken. All affected parties have the right to appeal this decision and will be provided with the appeal process.

Please keep in mind that the above described advertised sale process can take anywhere from 6 months to 1 year (under ideal conditions), or longer.

Kawerak LMS
P.O. Box 948
Nome, AK 99762
1800-443-4316

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS**

APPLICATION FOR THE ADVERTISED SALE OF RESTRICTED NATIVE LAND

LANDOWNER: _____ **NO.** _____ **DATE:** _____

Application is hereby made for the ADVERTISED SALE of the following described land:

_____, containing _____
acres, more or less.

In justification of this application, true statements are made to the following:

1. **Date of Birth:** _____ **Age:** _____
2. **Social Security Number:** ~ _____
3. **Marital Status:** _____
4. **Education:** Years in Elementary School _____ High School _____ College _____
5. **The following person(s) are dependent upon me for support (Give names, ages, and relationship:** _____

6. **I am enrolled as an** _____ **Degree of Native Blood** _____
Village Corporation _____ **Regional Corporation** _____
7. **Permanent Address:** _____
Phone Number: _____ **Best time to be reached:** _____
8. **The amount of my annual income is \$** _____
9. **My income is obtained from the following sources:** _____

10. **If receiving public assistance grants from the State, or general assistance from the Bureau of Indian Affairs, or funds from the Veteran's Administration, Social Security, or any regular public benefit, state kind and amount (if none, state none).**

11. If indebted to the United States, state amount and purpose of indebtedness (if none, state none). _____

12. I (do) (do not) live on or make personal use of the land covered by this application.

13. The land is leased and the annual rent received is \$_____ (If not leased, state none).

14. I intend to use the proceeds of this ADVERTISED SALE for the following purpose(s): _____

Signed this _____ day of _____, 20 _____, I hereby certify that the effect of this application was explained to me and that I fully understand it.

(Applicant Signature)

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Postmaster or Notary Public in and for Alaska
My Commission Expires: _____

Signed this _____ day of _____, 20 _____, I hereby certify that the effect of this application was explained to and fully understood by the applicant. Application hereby recommended for approval.

Realty Officer, Kawerak, Inc.

Application hereby approved this _____ day of _____, 20 _____.

 Regional Director, Alaska Region

Notice and Waiver

Amended 1/18/07

Please be aware that the Indian trust land owner to whom this notice is directed may be a member of a class action lawsuit, Cobell v. Norton, No. 1:96CVo1285 (D.D.C.) (Judge Robertson). Nothing in this notice or any letter, document, or other communication to which this notice may be attached will eliminate or adversely affect any rights that the Indian trust land owner who received this notice may have if he or she is a class member in the Cobell litigation. The Indian trust land owner who received this notice will not eliminate or adversely affect any rights that he or she may have as a class member by entering into any transaction or communication with any other person or organization, including the Department of the Interior or the Bureau of Indian Affairs, related to the sale, exchange, transfer, or conversion of Indian trust land.

As a potential class member, the Indian trust land owner who received this notice has the right to consult with the class counsel in the Cobell litigation prior to any proceeding with any further communication or transaction. For further information you may contact the lawyers for the class members: Dennis M. Gingold, Esq., or Keith M. Harper of Kilpatrick Stockton. Written correspondence to either lawyer (or both of them) can be directed to 607 14th Street, N.W., 9th Floor, Washington, DC 20005 or alternatively to the following email address: beneficiaryline@kilpatrickstockton.com. In addition, you can call them directly using the following toll-free number: 1-866-383-6554. You may also access further information at the plaintiffs' website, www.indiantrust.com. The Indian trust land owner who received this notice may also choose to waive his or her right to consult with class counsel. If the Indian trust land owner who received this notice wishes to do so, he or she must sign and return this notice to the Department of the Interior office from which you received it within ten (10) days. Waiver of the right to consult with class counsel will not eliminate or adversely affect any rights that the Indian trust land owner who received this notice may have as a class member in the Cobell litigation.

I, the undersigned, hereby waive my right to consult with class counsel in the Cobell litigation before continuing with communications or transactions involving or resulting in the sale, exchange, transfer, or conversion of Indian trust land.

Print Name

Landowner Signature

Witness Signature

Date

SIGNATURE CONSTITUTES WAIVER

Confirmation of Consultation

As a potential member of the plaintiff class in Cobell v. Norton, No. 1:96CV01285 (D.D.C.) (Judge Robertson), I have consulted with class counsel and wish to proceed with further written communications with the Department of the Interior and with transactions involving or resulting in the sale, exchange, transfer, or conversion of my interests in Indian trust land.

Class counsel includes:

Dennis M. Gingold, Esq., and Keith M. Harper of Kilpatrick Stockton, 607 14th Street, N.W., 9th Floor, Washington, DC 20005

Email address: beneficiaryline@kirkpatrickstockton.com.

Toll-free telephone number: 1-866-383-6554.

Print Name

Signature

Date

Witness