

D. INFORMATIONAL GUIDELINES FOR RESTRICTED NATIVE LANDOWNERS GIFT DEEDS

If you wish to give (gift) your Native Allotment or restricted townsite lot to a relative or other person with whom you have a special relationship, it is accomplished by a gift deed. You can give all of your restricted land or inherited undivided interest in restricted land or just a portion of it. Once the gift deed is completed, signed and approved, you cannot change your mind. It is a permanent action and you will no longer own the land or have any control over it. Gift deeding of restricted property must receive the approval of the Bureau of Indian Affairs (BIA) in order to be valid.

You must have title to your restricted property in order to gift deed all or any portion of your property or inherited interest. Proof of title would be a Certificate of Native Allotment, Native Restricted Trustee Deed, or a Probate.

Applications for Gift Deed will only be approved if the person you are gift deeding to is your spouse, brother, sister, lineal ancestor or descendent of Native blood, or when some other special relationship exists.

The following steps are the procedures for a gift deed:

1. **Application:** After you have contacted **Kawerak, Inc.**, an Application for Gift Deed will be sent to you by the Realty Specialist assigned to your case. The application needs to be completed and signed in the presence of a Notary Public or the local Postmaster, then returned to the Alaska Regional Realty.
2. **Counseling:** The Realty Specialist will counsel you about the gift deed process. The person you are gift deeding to will also be counseled and must complete an Application as well.
3. **Proof of Indian Blood:** The person you are gift deeding to must provide proof of their Indian Blood if they plan on requesting to retain the restrictions to the land. They must also formally request to retain restrictions and complete an Application to Receive Land
4. **Legal Description/Survey:** A proper legal description is necessary. If a survey of your land is needed, it must be at your own expense.
5. **Opinion of Value:** An Opinion of Value by an OST Appraiser may be required. Consult with Realty Specialist assigned to your gift deed.
6. **Archeological Inventory:** An archeological inventory may be necessary and will be conducted by the BIA Archeology staff. The Realty Specialist assigned to your case

will request one from the Branch of Archeology. A recommendation to proceed is required.

7. **Environmental Compliance:** This is required to determine the impact, if any, the proposed gift deed will have on the environment or wetlands. The Realty Specialist assigned to your case will assess the gift deed and will determine the type of environmental document required and who will be required to prepare the environmental document.
8. **Deed:** A Deed will be prepared for your signature in the presence of a Notary Public or the local Postmaster. You should then return the Deed to the Alaska Regional Realty.
9. **Report of Investigation:** The Realty Specialist prepares A Report of Investigation with a recommendation for action.
10. **Approval/Disapproval:** The gift deed package is then submitted to the [**Regional Director, Alaska Regional Office, or the Superintendent, Fairbanks Agency**], for approval/disapproval.
 - a. If approved, the Deed will be signed by the authorized BIA official, mailed to the BIA Alaska Title Services Center for recording, and then returned to the Alaska Regional Realty. The Deed will then be submitted to the appropriate State Recorder's Office for recording. Upon return of the original recorded Deed from the Recorder's Office, it will be transmitted to the grantee/recipient.
 - b. If disapproved, the landowner/grantor and grantee(s) will be notified of the action taken. Any affected parties can appeal this decision and will be informed of their rights and the appeal procedures.

FOR FURTHER INFORMATION, CONTACT:

**Kawerak, Inc.
Land Management Services
P.O. Box 948
Nome, AK 99762
1-800-443-4316**

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

APPLICATION FOR THE GIFT DEED OF RESTRICTED NATIVE LAND

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

Application is hereby to GIFT DEED 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. I request to gift deed this land to: _____

Relationship to me: _____

For the following reasons: _____

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
 Superintendent, Fairbanks Agency

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