

# Informing Indian Landowners On the Land Buy-Back Program

## 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 returning 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.

## 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

## Cover Letter and Instructions

### YOU MUST DECIDE QUICKLY

The offer is only good for the 45 days after this date on the letter.

### YOUR GRANTOR ID NUMBER AND NAME

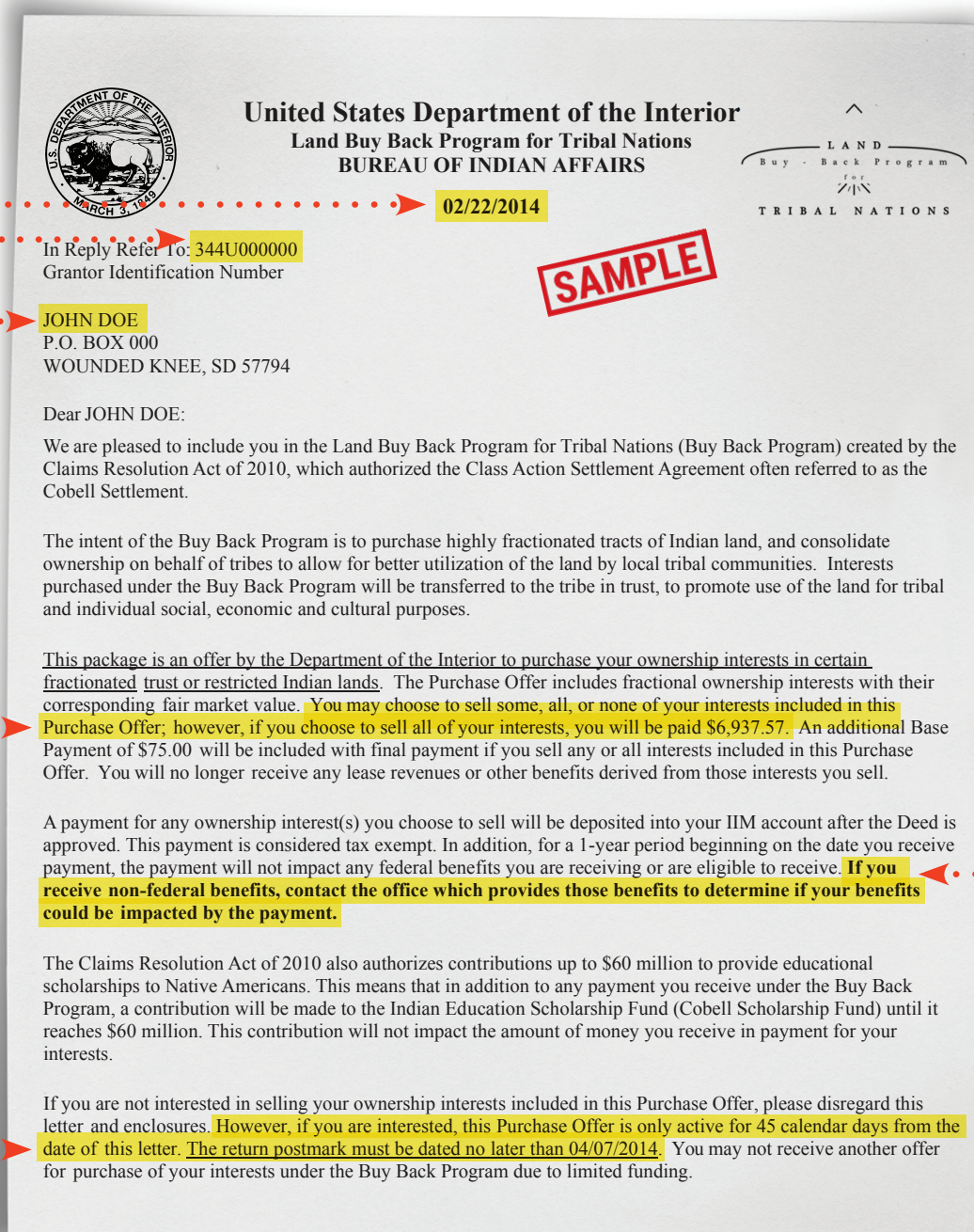
- The ID number and name must both be correct or you should contact the Trust Beneficiary Call Center (TBCC) immediately at 1-888-678-6836.

### 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 may not be processed.



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

LAND Buy-Back Program for TRIBAL NATIONS

In Reply Refer To: 344U000000  
Grantor Identification Number

JOHN DOE  
P.O. BOX 000  
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.

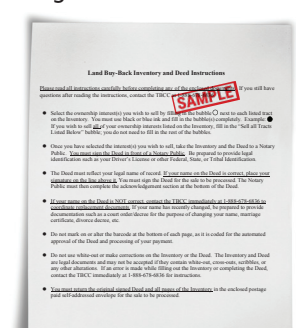
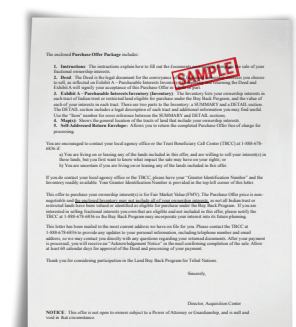
The intent of the Buy Back Program is to purchase highly fractionated tracts of Indian land, and consolidate ownership on behalf of tribes to allow for better utilization of the land by local tribal communities. Interests purchased under the Buy Back Program will be transferred to the tribe in trust, 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 fractionated 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 Purchase Offer; however, if you choose to 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.

A payment for any ownership interest(s) you choose to sell will be deposited into your IIM account after the Deed is approved. This payment is considered tax exempt. In addition, for a 1-year period beginning on the date you receive payment, the payment will not impact any federal benefits you are receiving or are eligible to receive. **If you receive non-federal benefits, contact the office which provides those benefits to determine if your benefits could be impacted by the payment.**

The Claims 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 45 calendar days from the date of this letter. **The return postmark must be dated no later than 04/07/2014.** You may not receive another offer for purchase of your interests under the Buy Back Program due to limited funding.



### NON-FEDERAL BENEFITS

- This would include state and county support benefits.

### USE PRE-PAID ENVELOPE PROVIDED

- Use the postage-paid envelope to submit the completed offer packet.

### 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 Program 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 BTFA (formerly known as 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** if you wish.

**BE AWARE**

- If you're not the person named on the deed, you cannot sign the deed.

Land Buy Back Program for Tribal Nations

**SAMPLE**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Offer No: 100  
Deed ID: 345 400000001

**DEED TO RESTRICTED INDIAN LAND**

THIS DEED is entered into by and between **JOHN DOE**, Identification No.: 344U000000, DOB: 00/00/0000, residing at PO BOX 000, WOUNDED KNEE, SD 57794, referred to herein as Grantor, and the United States of America in Trust for the ROSEBUD SIOUX TRIBE, referred to herein as Grantee.

The Grantor, for and in consideration for the dollar amount(s) shown on the attached Exhibit A, sells and conveys unto the Grantee the interests in real estate shown on the attached Exhibit A, under the jurisdiction of 345 - ROSEBUD, to have and to hold said interests unto the Grantee United States of America in Trust for the ROSEBUD SIOUX TRIBE forever.

This conveyance is made pursuant to the provisions of the Indian Land Consolidation Act Amendments of 2000, Public Law 106-462, as amended by the American Indian Probate Reform Act of 2004, Public Law 108-374, and the Claims Resolution Act of 2010, Public Law 111-291.

Grantor and his or her heirs, executors, and administrators, hereby agrees that he or she will forever warrant and defend the title of the Grantee in said premises against the claim of all persons, claiming or to claim by, through or under him or her only.

**Do NOT sign until the Notary asks you to** (SEAL)

**JOHN DOE**

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**ACKNOWLEDGEMENT**

STATE OF State COUNTY OF County

BE IT REMEMBERED, That on this Day day of Month, 20 Year

before the undersigned, a Notary Public in and for the County and State aforesaid,

personally appeared: JOHN DOE

to me personally known to be the identical person who executed the within instrument of writing, and such person duly acknowledges the execution of the same and acknowledges the execution of the same as his or her free and voluntary act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on day and year hereinabove written.

(Notary Seal Here)

**Notary Seal must be placed here and appear clearly**

Notary signs name here Notary Public

Notary prints name here

My Commission Expires: Notary fills in expiration date here

**FOR OFFICIAL USE ONLY:** Any person who, knowingly and willfully, uses any false writing, makes any materially false statement, fraudulent representation, covers up a material fact, or commits fraud, is subject to federal prosecution, fines and no more than five years imprisonment as provided in 18 USCS § 1001.

# Exhibit A: Purchasable Interests Inventory

**SAMPLE**

Land Buy Back Program for Tribal Nations

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Exhibit A - Purchasable Interests Inventory (PII) - SUMMARY

DATE: 02/22/2014 PAGE: 1 of 1  
Grantor ID: 344U000000 Offer ID: 100  
Grantor Name: DOE, JOHN

**Base Payment:** You will be compensated for time spent completing this package in the amount of \$75.00 in addition to the price offered for any, all or some of the interests listed in this report and chosen by you to sell.

● **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.

Sell All Tracts Listed Below - Total of All Owner Interests Value: \$6,937.57

Sell	Item	Tract ID	Interest	Interest Value
<input checked="" type="radio"/>	1	345 M 0000	.0003819444	\$95.49
<input checked="" type="radio"/>	2	345 0001	.0023437500	\$468.75
<input checked="" type="radio"/>	3	345 0002	.0333333334	\$6,373.33

Land Buy Back Program for Tribal Nations

Grantor ID: 344U000000  
Grantor Name: DOE, JOHN

Item	Tract ID	Tract
1	345 M 0000	BEAR F
	State County	Sec
	SD TODD	6
Item	Tract ID	Tract
2	345 0001	FAST R
	State County	Sec
	SD TODD	9
Item	Tract ID	Tract
3	345 0002	SALLY
	State County	Sec
	SD TRIPP	20

**CHOOSE WHAT YOU WANT TO SELL**

- Only fill in the bubble(s) for the tract(s) which you want to sell.
- Use only blue or black 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.

**ACREAGE**

- This column indicates the total acreage of the tract or allotment that you have an interest in.

# Acknowledgement Notice

## POST-PURCHASE DOCUMENT

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

02/26/2014

In Reply Refer To: 344U000000  
Grantor Identification Number

JOHN DOE  
P.O. BOX 000  
WOUNDED KNEE, SD 57794

ACKNOWLEDGEMENT NOTICE - LAND BUY BACK PROGRAM

Dear JOHN DOE:

Thank you for your participation in the Land Buy-Back Program for Tribal Nations. The recent sale of your interests through the Land Buy-Back Program will not only help to create opportunities such as cultural, residential, government, or economic growth for the Tribe and the community it serves, but also to address and reduce fractionalization of Indian Lands.

This notice acknowledges the value compensated to you for purchase of your land owner interest in each tract, the matching amount also disbursed to the Indian Education Scholarship Fund for American Indian and Alaska Native students \$353.67, the Base Payment of \$75.00 for completing the purchase offer package and deed, and the Total Payment Amount to you of **\$7,012.57**.

It is important to note that these land owner interests will no longer be reflected on the Quarterly Asset Statement you may receive due to the transfer of title to the Tribe having jurisdiction over the reservation/land area.

Feel free to contact the Trust Beneficiary Call center at 888-678-6836 if you have any questions.

Sincerely,  
Director, Acquisition Center

**SAMPLE**

# Exhibit B: Approval of Conveyance

## AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST

Land Buy Back Program for Tribal Nations

Offer No: 100  
Deed ID: 345 400000001  
Grantor ID: 344U000000  
Grantor Name: JOHN DOE

**"Exhibit B-Approval of Conveyance"**

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs  
02/26/2014

**SAMPLE**

The within deed is hereby approved in accordance with authority delegated to the Assistant Secretary - Indian Affairs by 209 IM 8; to the Director, Bureau of Indian Affairs by 230 IM 1, through the Deputy Bureau Director - Trust Services by 3 IM 4; and to the Director, Buy Back Program Bureau of Indian Affairs Acquisition Center by 3 IM 11. Consideration to be paid to the grantor for purchase of the ownership interests as selected in Exhibit A is **\$6,937.57**.

Approval Date: 02/26/2014  
Director, Acquisition Center

In compliance with the National Environmental Policy Act (NEPA), BIA has determined that the purchase of the fractionalized interests under this deed is categorically excluded from 116 IM 10.5.1. BIA has evaluated the purchase to determine whether it meets any of the extraordinary circumstances in 43 C.F.R. 5 46.215, and has determined that any extraordinary circumstances would not be affected because the land use of the purchased interests would not change. Any future change in land use that requires a major federal action would require further NEPA review.

### 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.

# Conveyed Interests Report

## AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST

**SAMPLE**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Conveyed Interests Report

Date: 02/26/2014  
Page: 1 of 1

Grantor ID: 344U000000  
Grantor Name: DOE, JOHN

Item	Tract ID	Tract Name	Tract Acreage	Owner Interest	Interest Value	Scholarship Contribution	Tract Appraisal Date
1	345 M 0000	BEAR FOLLOWS	320.000	.0003819444	\$95.49	\$10.00	11/19/2013
	State	County	Sec	Twn	Rng	Meridian	Legal Description
	SD	TODD	6	035.00N	031.00W	Sixth Principal	E Resource Minerals Only
2	345 0001	FAST RUNNER	320.000	.0023437500	\$468.75	\$10.00	11/19/2013
	State	County	Sec	Twn	Rng	Meridian	Legal Description
	SD	TODD	9	036.00N	032.00W	Sixth Principal	W Resource Surface Only
3	345 0002	SALLY BLUE SHIELD	160.000	.0333333334	\$6,373.33	\$318.67	11/19/2013
	State	County	Sec	Twn	Rng	Meridian	Legal Description
	SD	TRIPP	20	102.00N	078.00W	Fifth Principal	NE Resource Both (Mineral and Surface)

### 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 the return-by date for offers (contingent on the availability of funding), and you will receive an Acknowledgement Letter confirming the sale.
- Keep this letter for your records.
- If an offer does not get approved by the Program, you will receive notification and will retain ownership of your relevant interests.

### TOTAL OF SALE

- This is the total sum paid for the interests you chose to sell plus \$75.

### YOU MAY REQUEST THIS REPORT

- You may call the TBCC at 1-888-678-6836 to request your Approval of Conveyance and Conveyed Interest Report.
- Review your Conveyed Interests Report carefully for details about the land title interests that you sold and keep for your records.

### 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 .000381944 equals approx. \$250,000).

### 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 .0003819 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.

**SAMPLE**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Exhibit A - Purchasable Interests Inventory (PII) **DETAIL**

Date: 02/22/2014  
Page: 1 of 1

Offer Number: 100  
Deed ID: 345 400000001

Name	Tract Acreage	Owner Interest	Interest Value	Scholarship <sup>1</sup> Contribution	Tract Appraisal Date
FOLLOWS	320.000	.0003819444	\$95.49	\$10.00	11/19/2013
Twn	Rng	Meridian	Legal Description	Resource	
035.00N	031.00W	Sixth Principal	E	Minerals Only	
UNNER	320.000	.0023437500	\$468.75	\$10.00	11/19/2013
Twn	Rng	Meridian	Legal Description	Resource	
036.00N	032.00W	Sixth Principal	W	Surface Only	
BLUE SHIELD	160.000	.0333333334	\$6,373.33	\$318.67	11/19/2013
Twn	Rng	Meridian	Legal Description	Resource	
02.00N	078.00W	Fifth Principal	NE	Both (Mineral and Surface)	



Indian Land Tenure Foundation  
151 East County Road B2  
Little Canada, MN 55117-1523

## Informing Indian Landowners On the Land Buy-Back Program

THIS IS NOT AN OFFER TO PURCHASE LAND



Look inside for helpful information  
on the Land Buy-Back Program  
offer packets....

### 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 must be returned/postmarked **within the 45-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 completed forms are received, it may take up to 60 days after the return-by date to complete the sale (contingent on the availability of funding), 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 BUY-BACK PROGRAM

Land Buy-Back Program for Tribal Nations  
[www.doi.gov/buybackprogram](http://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:  
<https://www.doi.gov/ost/our-regional-offices>

#### COBELL SETTLEMENT INFORMATION

Indian Trust Settlement  
P.O. Box 9577,  
Dublin, OH 43017-4877  
1-800-961-6109  
[www.cobellsettlement.com](http://www.cobellsettlement.com)  
[www.indiantrust.com](http://www.indiantrust.com)  
[info@IndianTrust.com](mailto: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 BTFA website ([www.doi.gov/ost](http://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](http://www.law.cornell.edu/uscode/text/25/chapter-24)

AIPRA  
(Tribal Court Clearinghouse website)  
[www.tribal-institute.org/lists/understanding.htm](http://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](http://www.iltf.org).



Indian Land Tenure  
FOUNDATION

151 East County Road B2  
Little Canada, MN 55117  
651-766-8999  
[www.iltf.org](http://www.iltf.org)



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