

Examples of Explanations Given for Delay in Conveyance
TA Request 14

Subject	Summary of Explanations Given for Delay in Conveyance
Title or plat	In your correspondence of X 2009, you stated that the conveyance process of unit X in project X has been delayed due to title issues with the Borough or State. In a conversation with the IHBG Formula Customer Service Center on x, 2010, you stated that the Tribe did not have the authority to make title or plat the lot. Only the Borough or State had this authority. To date you have not provided specific information regarding your efforts to work with the Borough to ensure a timely conveyance of this unit.
Land lease	The Housing Authority (HA) was shown as the lessee of the Tribe's lands in the X, 2005, Title Status Report (TSR). This was over a year after the Tribe assumed the assets from the HA. You also stated that until the Tribe's Housing Authority was recognized by the Bureau of Indian Affairs (BIA) as the lessee, the Tribe could not convey interest in the homes in question. On X, 2009, the corrected TSRs were received. In your letter dated x, 2010, you provided information that X units were conveyance-eligible prior to receiving the corrected TSR from the BIA.
Land description / Survey & homeownership files	In your correspondence dated x, 2010, you stated that unit x in project X was conveyance eligible in FY 2008 and the conveyance process has been delayed due to new changes in the law and requirements of the BIA regarding surveys and legal descriptions. In your correspondence dated X, 2010, you stated that in 2008, the BIA informed the Tribe that it would have funds available to have the surveys completed. The funds were never made available and thus the Tribe had to find other sources of funding which were finally secured in X 2010. Since then, the BIA has requested new information which is not in any of the homeownership files. Currently, the Tribe is in the process of compiling all the required documentation needed to complete the conveyance process.
Land description & land lease	In your X, 2011, correspondence, you attached a BIA letter dated X, 2009, stating that the BIA was returning X Quit Claim Deeds from the Tribe "because a quit claim deed cannot be processed without a residential lease encumbering the land." You stated that the Tribe did not send the other X Quit Claim Deeds to BIA because the first set of Deeds were rejected. Your office also stated that due to budget constraints, the Tribal HA Department was unable to complete BIA's requirements, but that the Tribe is in the process of doing so now. You stated that the legal descriptions will be available by X 2011. However, the Tribe still needs to complete individual residential land leases for all of these units and the timeframe for this is not available.
Land lease – allotted land	During HUD's site visit in 2006, the Tribe provided evidence that it was having difficulty getting the BIA to approve quitclaim deeds because the original leases for home sites on allotted lands were judged to be not valid. The Tribe also demonstrated that beginning in FY 2004, the Tribe made significant efforts to put in place processes for obtaining new leases and to proceed toward conveyance.
Follow-up efforts	The HA provided information that the Tribe submitted conveyance documents for unit x to the BIA in X 2006 or X 2007, and followed-up on this information starting in X 2010. However, your correspondence does not document steps taken by the Tribe since 2006 for unit x to resolve the delays in conveyance.

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Land descriptions / Cadastral surveys	You stated that lack of a cadastral survey was the reason for the delay in conveyance, but did not document that projects are located in areas without cadastral surveys, that the TDHE requested, in a timely manner, that the Bureau of Land Management (BLM) conduct a cadastral survey in areas where projects are located, and correspondence between the BLM and the tribal designated housing entity (TDHE) regarding these requests and their current status.
Tribal ownership restrictions	You stated that in many instances homeowners have not submitted required documentation for conveyance such as the Certificate of Indian Blood and/or a fully completed Conveyance and Partial Assignment form.
Rehab with other program funds	In a conversation with the IHBG Formula Customer Service Center on X, 2010, you stated that conveyance was delayed as a result of rehabilitations made with Comprehensive Improvement Assistance Program (CIAP) funds.
Follow-up efforts	In your correspondence dated X, 2010, you described your continued efforts to resolve delays in conveyance with the BIA. Your correspondence stated that your office had meetings with the BIA Agency and the Land Title and Records Office (LTRO) from X, 2010. You were informed at these meetings that the BIA Agency will be receiving assistance from the Region Office in X and expects to begin conveying the Tribe's units in FY 2011.
Land descriptions / surveys	In your correspondence dated X, 2010, X 2010, and X, 2010, you provided information documenting the Tribe's efforts to resolve delays in conveyance with the BIA. Your correspondence stated that your office had multiple meetings with the X BIA Agency and the BIA X office on X, 2009, X, 2010, X, 2010, and X, 2010. At these meetings, the Tribe was asked not to convey units until the units were resurveyed for accurate legal descriptions. You provided a copy of the following supporting documents:
Environmental Assessments	According to the documentation in your letter of X, 2009, the BIA cannot complete conveyance of units in projects X and x until environmental assessments are completed and any underground storage tanks (UST) are removed. The BIA presented this new requirement to the TDHE in 2006. Since 2006, representatives from the TDHE have met with BIA five times in an effort to resolve these issues and to discuss the lack of assistance from the BIA for moving forward with conveyances. Currently, the TDHE is seeking funds to complete the environmental assessments and remove any USTs. You have provided an extensive chronology of the Tribe's attempt since 2006 to have the conveyances of the units in projects X and x processed by the BIA. You have also stated that you will be completing the environmental assessments and removing any USTs.
Homebuyer deceased - Heirs	In your correspondence dated X, 2009, you stated that unit X in project X was vacant. In subsequent conversations with the IHBG Formula Customer Service Center, you stated that the owner of unit X was deceased in 2003, there is still no clear heir, and the Tribe continues to work with the decedent's common-law-wife, who is not a Tribal member, to help her establish legal guardianship over the minor children who could be declared beneficiaries.
Homebuyer deceased - probate	In your correspondence dated X, 2011, you reported that unit X paid-off in 1995 but did not convey until 2009. You stated that the homebuyer's date of death was X, 2001, and the delay in conveyance was due to probate.

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Staff turnover – BIA	You also noted that your letter dated X, 2005, states that the position at the BIA responsible for processing conveyances was vacant for over 3 years. In a conversation with the IHBG Formula Customer Service Center on X, 2009, the Realty Specialist at the BIA, X Agency, stated that this position has been filled since 2008 and that there are no outstanding conveyances pending from the Tribe.
Staff turnover – TDHE	You also stated that the Tribal Administration has had a high turnover of administrative staff resulting in misrouted paperwork. In X, 2009, you spoke with the Tribal Administrator regarding missing conveyance documentation. The Tribal Administrator stated that he had no documentation for the units in question.
Land descriptions	In your letter dated X, 2010, you state that it has not been possible to convey the units in question due to defective legal and lot descriptions. You state that during 1995 through 2002, you prepared conveyance packages for these units when they became conveyance-eligible and submitted them to the Tribe’s Realty Office. However, when the quitclaim deed was sent to the BIA in X it was discovered that legal and lot descriptions for master leases were lacking and some legal descriptions were defective. You state that you were notified on X, 2002, that for these reasons, the BIA Recording Office refused to record the conveyance documents, and the conveyance packages were returned to the Tribal Realty Office. You also stated that the Tribal Realty Office assigned someone to correct the surveys and complete the legal description needed so the conveyances could be recorded by BIA. To date, the surveys have not been received and you have retained your own surveyor to provide the information. In addition, you stated that you met with the LTRO on X, 2009, and discussed plans to address the pending conveyances by proceeding to submit the quitclaims deeds with discrepancies in the legal descriptions with the understanding that there would be some defects. You also stated that you hired a full-time Title Conveyance Manager to address the pending and new conveyances in X 2009, and that you hired a surveying and mapping specialist company to correct legal descriptions.
Unspecified Issue	In your correspondence dated X, 2010, you also stated that the remaining x units in project X have unit ownership and land assignment issues since they have subsequent homebuyers. You stated that you are working to complete the conveyance documents and submit them to the BIA in the near future.
Tribal laws - land code	You stated that the conveyance of the majority of the above units was delayed due to issues surrounding the Tribe’s adopted land code. On x, 2001, the Tribe passed the “X Land Code.” In accordance with the Tribal constitution, this Land Code was sent to the BIA for approval. However, the BIA 2001 Land Code differed from the one adopted by the Tribe, and was subsequently not approved by the BIA. Therefore, since the code was not approved by both entities, it did not meet Tribal constitutional requirements for enactment. It was not until X, 2005, that the Tribal Council passed a final resolution modifying the land code and the conveyance process for eligible units could commence.
Tribal laws	Under the Tribe’s Assignment Code, only tribal members may receive assignments of tribal land. Executive Director states that in at least one case, a homebuyer who was a tribal member at the time the Mutual Help and Occupancy Agreement (MHOA) was signed has now been disenrolled. This homebuyer has been allowed to continue residence; however, he is ineligible for an assignment and has been uncooperative regarding conveyance.

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Litigation – divorce	In your letter dated X 2008, you stated that the conveyance of unit X in project X was delayed due to divorce litigation in Tribal court.
Unspecified dispute	In your letter dated X, 2008, you stated that the conveyance of unit X in project X was delayed due to a family dispute and the Board must rescind a decision to return the unit to the correct homeowner.
Unspecified litigation issue	You also reported that conveyance has been delayed for units X due to litigation. However, you did not provide details regarding the litigation.
Litigation – MHOA	You reported that the Tribe is pursuing legal action in four cases due to breach of contract on MHOA to terminate the MHOA of the current homebuyer. For unit x in project X, litigation began around the time the unit initially became conveyance eligible in 2007 or 2008. For X in project x, which was a subsequent homebuyer, litigation began after he moved into the unit.
Litigation – MHOA	Your correspondence dated X, 2011 indicates that unit X in project X was conveyance eligible in FY 2004 but conveyance was delayed because the unit was the subject of a lawsuit. The final judgment issued on X, 2011, was settled in favor of the HA with termination of the MHOA but with the homeowner still being allowed to live in the unit.
Unspecified - management oversight	In your correspondence dated X, 2009, you stated that the conveyance of several units in Table 1 above was delayed due to management oversight issues.
Deceased homebuyer - probate	In your correspondence dated X, 2010, you provide dates of death for three of these units. You also state that conveyance is beyond the Tribe’s control because heirs to the units cannot be contacted and therefore the units cannot be conveyed. However, as shown in the table below, units X and X in project X were conveyance-eligible 2 to 3 years prior to the homebuyers’ date of death. Therefore, had the Tribe conveyed the units in a timely fashion, matters of probate would have not been an issue for these units.
Deceased homebuyer - probate	You reported that the homeowner in unit X passed away and that the estate was probated on X, 2004, prior to the end of the amortization period on the MHOA. The heirs disputed successorship and the estate administrator paid-off the balance owed on the unit on X, 2008, in response to enforcement actions. The unit was conveyed on X, 2011.
Deceased homebuyer - probate	You stated that this unit was conveyance eligible in FY 2007 and during the conveyance process, the unit went into probate. You also stated that the Tribe decided to convey the unit in X 2010, and the unit still remains in probate with the Tribal Courts.
Unspecified MHOA administration	You also stated that the conveyance for several units was also delayed due to issues surrounding the review for the rightful owner of a unit. You stated that conveyances for these units will be finalized after documents are reviewed and cleared for the rightful owner or the rightful successor. You stated that the families do not always agree on the rightful owner.
Follow-up efforts	The only efforts HA has substantiated include discussions and correspondence in FY 2009 to address delays in the conveyance of units that became conveyance-eligible many years before.
Land description / survey	Your office reported the conveyance eligibility date of X 2006 for unit X in project X. You stated that conveyance has been delayed because the X Tribe Maps and Boundaries had to conduct a survey. Once approved, the survey will be recorded with the Tribe’s Clerk’s office.

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Staff error & withholding conveyance	You stated that X units were conveyance-eligible in FY 2008. However, a staff person at your office incorrectly calculated the conveyance eligibility dates of these units as FY 2009. You also stated that the Tribe has only submitted X out of X conveyance documents to the BIA in early 2009, and once this test case receives clearance with the BIA Realty personnel, your office plans to move forward and submit the remaining six conveyance documents.
Land lease	Your office also indicated that the conveyance of units X and X in project X has been delayed because the current homeowners are not the original homeowners. You provided a letter from the BIA X Agency dated X, 2009, which states that no ownership rights can ever be transferred through a lease and that any person other than the owner of the land would be considered a renter. In your correspondence dated X, 2009, you stated that the Tribe is in the process of giving the home back to the original homeowner.
Litigation - Unspecified	In your letter dated X, 2004, you indicated that the conveyance of unit X in project X has been delayed due to a legal dispute in Tribal Court. In your letter dated X 2009, you report that unit X in project X is still in legal dispute in Tribal Court over equity balances.
Follow-up efforts	You also stated that X units are at BIA pending conveyance as shown in Table 1 below. You state that the Tribe has conducted follow-up phone calls once a week to determine the status of these units. While the Tribe is making current attempts to resolve the delays in conveyance, these units were conveyance eligible in Fiscal Years (FY) 2002 through 2006 which is 4 to 8 FYs before the weekly calls began. The Tribe did not submit any information addressing its efforts to process these units for conveyance during this 4 to 8-year period.