



— BUREAU OF —  
**TRUST FUNDS  
ADMINISTRATION**

# Estate Planning Presentation

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June 2024

*We Excel,  
Native America Prospers.*

# Bureau of Trust Funds Administration (BTFA)

We manage the financial assets of American Indians held in trust by the Department of the Interior. We disburse more than \$1 billion annually and have more than \$8 billion under active day-to-day management and investment on behalf of Tribes and individuals.

*In a [reorganization effective October 1, 2020](#), the Bureau of Trust Funds Administration assumed the fiduciary functions previously managed by the Office of the Special Trustee for American Indians.*



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# Welcome Account Holders!

You've reached the gateway to information about Individual Indian Money (IIM) accounts. If an IIM account has recently been established in your name, please follow these steps to get started and learn more about managing your account:

1. Verify your contact information by calling the [Trust Beneficiary Call Center](#).
2. Choose how you want to [receive your money](#).
3. Review your [quarterly statement](#) or your Oil & Gas Royalty Statement when it arrives.
4. [Give us a call](#) if you have questions.

## Forms

[Form OMB 1035-004](#) (IIM Instructions for Disbursement of Funds and Change of Address)

[Internal Revenue Service Form W-9](#) (Request for Taxpayer Identification Number and Certification)



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# Topics to explore on this site include:

- **[Learn about your IIM account](#)**  
Learn about the [interest-bearing accounts](#) managed on behalf of individuals who have money or other assets held in trust for them by the federal government.
- **[Get help understanding your IIM statement](#)**  
A glossary of the terms and information found on Individual Indian Money account statements.
- **[Learn how to dispute your IIM statement](#)**  
An explanation of the steps involved in disputing the accuracy of your account balance.
- **[Choose how to receive your money](#)**  
A summary of payment options available to Individual Indian Money account holders.
- **[Search for unclaimed accounts](#)**  
A searchable list of Individual Indian Money account holders without a valid address on file with the Bureau of Trust Funds Administration.
- **[Manage your Money](#)**  
Tips for handling your money wisely so that you achieve your life goals.
- **[Plan for your Future](#)**  
Estate planning ensures that your trust assets are distributed the way you want when you die.
- **[Explore frequently asked questions](#)**  
Answers to frequently asked questions about Individual Indian Money accounts.



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# Frequently Asked Questions for IIM Accounts

- **What is an IIM account?**

An [Individual Indian Money \(IIM\) account](#) is an interest-bearing account managed by the Department of the Interior, Bureau of Trust Funds Administration (BTFA) on behalf of an individual who has money or other assets held in trust for them by the Federal government.

- Learn more about [IIM accounts](#).

- **Why do I have an IIM account?**

You might have an [IIM account](#) because you inherited the land through probate, you received an interest in trust land through a Gift Deed or purchase, or you received a per capita trust payment from a tribe, a tribal settlement, or a court-ordered judgment award.

- **Where does the money come from?**

The federal government deposits money into [IIM accounts](#) from a variety of sources. These sources include encumbrances (commercial, industrial, recreational, mineral, or agricultural leases), grazing and range permits, timber sales and permits, rights-of-way uses, land sales, and court judgment or settlement awards for tribes and individuals (e.g. per capita payments). IIM Accounts do not include proceeds from tribal gaming

- **When will I receive royalties from oil and gas leases?**

Check the [payment schedule](#) for the coming year.



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## Frequently Asked Questions for IIM Accounts

### How can I receive my money?

If your account is unrestricted, you may receive funds by electronic transfer (direct deposit, debit card) or check (through the U.S. mail). Learn more about [how to receive your money](#).

### Is there someone I can talk to if I have questions about my Statement of Performance?

Contact the [Trust Beneficiary Call Center](#) or your local [Fiduciary Trust Officer](#) if you have questions about your [Statement of Performance](#).

### How do I dispute my Statement of Performance?

To challenge the accuracy of activity within a Statement of Performance, you must submit an [Objection to the Statement of Performance](#) within 60 calendar days of the statement date.

### Do the funds in an IIM account earn interest?

Yes. If funds are held in an account for more than one day, they are invested and earn interest. The rate of interest on trust accounts is determined by how the money is invested and how those investments perform.

### Is the money in my IIM account taxable?

Most income derived directly from land held in trust by the U.S. Government is exempt from federal and state taxation for individual Indians. However, all interest income, capital gain income, and certain royalties are subject to federal and state taxes. Each year, BTFA issues IRS Form 1099, which is a record of income to beneficiaries who received taxable income during the previous calendar year. Learn more about [taxes on IIM Accounts](#).



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## Frequently Asked Questions for IIM Accounts

### Can I receive email or text notifications when payments are made to my account?

Yes. Contact the [Trust Beneficiary Call Center](#) to request a notification for your payments. You will need to provide an email address for email notifications or a cell phone number for text notifications.

### Do I need a will?

Having a valid, written will allows you to distribute your trust assets however you like when you die. If a beneficiary dies without a will or estate plan, the Federal government must determine the rightful heirs and distribute trust assets among them in accordance with applicable laws.

Learn more about [estate planning](#).

### How do I report the death of an IIM account holder?

Family members of deceased account holders should [contact their agency](#) as soon as possible to begin the probate process. This will ensure that future payments go to an Estate Account. Estate accounts remain open, receiving income and earning interest, until the probate process (which may take several years) is completed and assets are distributed in accordance to the probate officer.

### How do I update my contact information?

To change your contact information by phone, [contact](#) the Trust Beneficiary Call Center or your local Fiduciary Trust Officer. To change your contact information by U.S. Mail or fax, complete [Form OMB 1035-004](#) (IIM Instructions for Disbursement of Funds and Change of Address) and mail or fax it to your local Fiduciary Trust Officer.



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### **What is a fiduciary?**

A fiduciary is someone required to act for the benefit of another person on all matters within the scope of their relationship. A fiduciary who helps someone manage money is legally and ethically bound to ensure that financial assets are managed for the benefit of their client. The United States has a fiduciary duty to Indian people who own Indian trust assets or have Indian trust money managed by the Federal government.

### **What is a Fiduciary Trust Officer?**

Fiduciary Trust Officers have extensive knowledge of fiduciary trust issues and work directly with Indian beneficiaries for whom the Federal government holds assets in trust. As fiduciaries, these officers must act in the best interest of the beneficiaries they serve. Check our list of [regional Fiduciary Trust Officers](#) to find one near you, or visit our list of [Tribes Served](#) if you're not sure which office to contact.

### **What is an ITI report?**

Your Individual Trust Interest (ITI) report shows the undivided interest in land you own on any reservation in the United States. Your ITI report is generated from records held in the Regional Land Record Information System at the Bureau of Indian Affairs Land Title and Records Office.



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### **What is a Land/Owner/Address/Interest Report?**

Your Land/Owner/Address/Interest report shows the individuals who have interest in land you own on any reservation in the United States that includes the individuals names, addresses, and percent of ownership. Your Land/Owner/Address/Interest report is generated from records held in the Regional Land Record Information System at the Bureau of Indian Affairs Land Title and Records Office.

### **What is process of selling my allotted interest back to the tribe/nation?**

Not all tribes/nations are purchasing allotted interest from beneficiaries.  
Contact your local [Fiduciary Trust Officer](#) for more information.

### **My question wasn't answered on this page. Who can I contact?**

To get help with an IIM account, [contact](#) the Trust Beneficiary Call Center or your local Fiduciary Trust Officer.

### **Contact our Offices**

**Trust Beneficiary Call Center:** Phone: [\(888\) 678-6836](tel:(888)678-6836) Email: [tbccmail@btfa.gov](mailto:tbccmail@btfa.gov)

**Address:** 4400 Masthead NE, Albuquerque, New Mexico 87109

**Hours:** Monday to Friday - 9 am to 4:30 pm (Mountain Time). Closed on Saturday and Sunday.

**Northern Idaho Agency:** Phone (208) 621-4834 Email: [btfa\\_Norhtern\\_A\\_Idaho@btfa.gov](mailto:btfa_Norhtern_A_Idaho@btfa.gov)



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## Understanding your IIM Statement

Every [Individual Indian Money \(IIM\) account](#) holder should receive a quarterly statement detailing their account transactions and the composition of their trust assets. If you don't receive your quarterly statement, please [contact us](#) to verify your contact information.

### Account Number

Your IIM account number is made up of three sections, and will look something like "123 A 123456." The first three digits represent your Tribal code, land area code or Alaska Regional Corporation code. The one-letter character is an "alpha" or "class" code, which identifies the type of account you have. For example:

A = Account holder is the original allottee of the land.

U = An Indian account holder who is not the original allottee but owns land interests or receives a per capita payment.

N = An Indian who is not enrolled in a federally-recognized Tribe (lineal descendant).

L = Life estate, dower or courtesy, or homestead interest for an Indian.

B = Life estate, dower or courtesy, or homestead interest for a non-Indian.

J = Judgment per capita payment, generally used for minors and adults in need of assistance or under legal disability.

P = Tribal per capita payment generally used for minors or adults in need of assistance or under legal disability.

X = Non-Indian fee interest owner (a spouse who inherited interest from probate)

The group of numbers following the alpha code is your personal account number or, in some cases, represents your Tribal enrollment number.

Although you may have more than one type of account, your personal account number will always remain the same.



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## Transaction Activity

*Date:* the date of a transaction.

*Transaction Description:* a list of each transaction where money transferred in or out of your account, including who paid and the source of the revenue.

*Cash:* the dollar amount of money transferred in or out of your account for each transaction.

## List of Real Property Assets -- Trust Land

*Undivided Ownership:* this shows your undivided ownership interest in that tract. An undivided ownership means no one owner owns a specific portion of the land.

*Tract ID:* a unique number assigned to a tract of land by the Bureau of Indian Affairs.

*Tract Name:* the name of the original allottee.

*Tract Acres:* total number of acres in a tract of land

*Location:* geographic location (county, state) where the land is located.



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*Ownership Classification:* the type of interest you have in the property. “Title” means you hold title to the interest, but do not receive income from the use of the land. “Beneficial” means you do not hold title, but receive financial benefits of your interest in the tract. You could have both a title and beneficial interest in property.

## **Encumbrances**

An encumbrance is a claim, like a lease, against a property by a party that is not the owner.

*Document ID:* a unique number assigned by the Bureau of Indian Affairs to identify the legal instrument (for example, a lease) that authorizes the use of the property.

*Encumbrance Type:* the lease, right-of-way, or other legal instrument that authorizes the use of your property.

*Encumbrance Holder:* the lessee or company responsible for paying to use your property.

*Effective Date:* when the term of the lease begins.

*Expiration Date:* when the term of the lease ends.

*HBP:* held by production. When a lease is held by production the lessee retains the right to operate as long as the property is producing oil and/or gas.



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## Disputing the accuracy of a Statement of Performance

To challenge the accuracy of activity within a Statement of Performance, you must submit an [Objection to the Statement of Performance](#) within 60 calendar days of the statement date.

### Need help?

[Contact us](#) if you have questions about your IIM statement.

Northern Idaho Agency: Phone: **(208) 621-4834** or Email: [BTFA Northern A Idaho@btfa.gov](mailto:BTFA_Northern_A_Idaho@btfa.gov)

**Trust Beneficiary Call Center:** Phone: **(888) 678-6836** Email: [tbccmail@btfa.gov](mailto:tbccmail@btfa.gov)

For more information:

<https://www.doi/ost/iim-welcome-guide>

<https://www.doi.gov/gov>

<https://www.doi.gov/ost/search-unclaimed-accounts>



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## An Explanation of Your IIM Statement of Performance

A guide to the information on your Indian trust account statement of performance

This section shows the start and end dates for the quarterly **TRANSACTION ACTIVITY** that is included in your statement.

This column shows the **DATE** of each transaction during the statement period.

This column **DESCRIBES TRANSACTIONS**, such as cash receipts and disbursements (funds coming into and out of your account) including names of payers and types of leases (sources of payments).

This **CASH COLUMN** lists the dollar amounts that were received into your account (from sources such as leases or interest payments) and funds that were disbursed.

IF YOU HAVE ANY QUESTIONS,  
PLEASE CALL THE 800-633-6836  
TRUST BENEFICIARY CALL CENTER  
HOURS OF OPERATION:  
MONDAY - FRIDAY 7:00AM - 6:00PM (EST)  
SATURDAY 8:00AM - NOON (EST)

OFFICE OF THE SPECIAL TRUSTEE  
FOR AMERICAN INDIANS

INDIVIDUAL INDIAN MONEY  
STATEMENT OF PERFORMANCE

ACCOUNT OF BENEFICIARY  
XXXXXXXXXX

TRANSACTION ACTIVITY FOR ACCOUNTING PERIOD: 04/01/10 THROUGH 6/30/10

DATE	TRANSACTION DESCRIPTION	CASH
04/01/10	BEGINNING BALANCE	
	CASH RECEIPT FARM PASTURE B B 12 345 56789101112 AU 20060423 ABIC123456 DOCUMENT ID: 123 123456789 TRACT ID: 111 2222 RECEIVED FROM: FARMER McDONALD INVOICE #: 0000 PAYMENT DUE: 05/01/10 OWNERSHIP: 0.3000000000	100.00
04/01/10	CASH RECEIPT OIL & GAS BONDS B B 12 345 6789101112 CX 20060430 XK123456789 DOCUMENT ID: 234 567891011 TRACT ID: 123 4567 RECEIVED FROM: KALUX OIL COMPANY INVOICE #: 0100 PAYMENT DUE: 05/01/10 OWNERSHIP: 0.5200000000	214.36
05/01/10	CASH RECEIPT MONTHLY INCOME EARNED 0.0001 2010 INCOME AT THE ANNUALIZED RATE OF 3.00%	.80
06/01/10	CASH RECEIPT OIL & GAS ROYALTY FV12K123456789101112	23.65
06/01/10	CASH DISBURSEMENT PAID TO John Doe 10 Downing St. Highland, OK 78910 ACCOUNT BALANCE T/A CIBK # 01234567	-228.90
	ENDING BALANCE	0.00

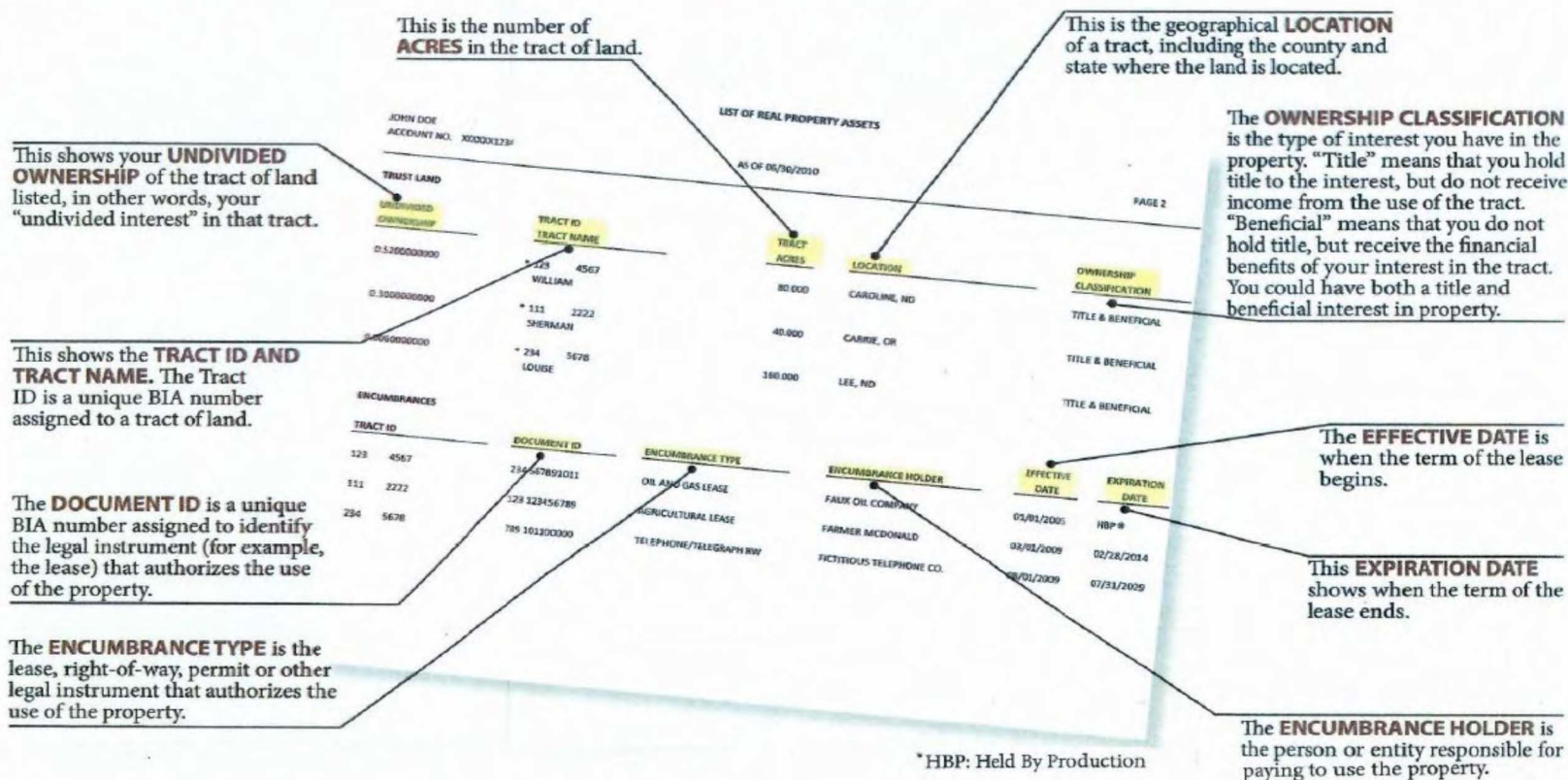
THE BALANCE IN YOUR ACCOUNT IS PROVIDED ONLY. REALIZED GAINS OR LOSSES MAY OCCUR IN THE FUND AS A RESULT OF REDEMPTION OR AMOUNTS PAID TO BENEFICIARY. ANY GAIN OR LOSS IN THE FUND IS REFLECTED ABOVE IN YOUR MONTHLY INCOME EARNED IN THE ANNUALIZED RATE. IF THE BALANCE IN YOUR ACCOUNT GENERATES AT LEAST ONE CENT OF INCOME, THEN THE INCOME IS FORFEITED.



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## Your Real Property Asset Statement

**This section of your account statement of performance provides a guide to the information in your real property asset statement. If you have any questions, call the **Trust Beneficiary Call Center**, toll free, at 1-888-678-6836 or check the OST website at [www.doi.gov/ost](http://www.doi.gov/ost).**



## YOUR INDIVIDUAL TRUST INTEREST (ITI) REPORT: HOW TO READ IT

- A. FRACTION ACQUIRED
- B. AGGREGATE SHARE CONVERTED TO LCD
- C. AGGREGATE DECIMAL
- D. REPORT ID, REQUESTOR (BIA / IIM EMPLOYEE)
- E. OWNER: BIRTHDATE
- F. TRIBE NAME, AND STATE
- G. YOUR NAME
- H. PAGE, DATE, CST TIME (CENTRAL STANDARD TIME)
- I. LAC – THIS IS THE RESERVATION CODE WHERE THE TRACT IS LOCATED
- J. TITLE PLANT – LOCATION OF REGIONAL BIA OFFICE
- K. LAND AREA – RESERVATION WHERE THE TRACT IS LOCATED
- L. RESOURCES – BOTH MEANS SURFACE (LAND) AND MINERAL RIGHTS (OIL, GRAVEL, GAS, COAL)
- M. EXAM DATE – LAST DATE OF ACTIVITY IN THIS REPORT. VERIFDATE – DO NOT BE CONCERNED IF ZEROS APPEAR HERE
- N. THE NAME OF THE ORIGINAL ALLOTTEE
- O. SEC, TOWNSHIP, RANGE, COUNTY – LEGAL DESCRIPTION OF THE LOCATION OF THE TRACT
- P. LEGAL DESCRIPTION – NE (NORTHEAST), NW (NORTHWEST), SW (SOUTHWEST), SE (SOUTHEAST)
- Q. SECTION COUNTY ACRES – NUMBER OF ACRES IN THIS TRACT
- R. THESE ARE A SERIES OF LETTERS AND NUMBERS THAT ARE NOT IMPORTANT FOR DETERMINING FRACTIONATION
- S. NAME IN WHICH FIRST ACQUIRED – THE NAME USED WHEN YOU FIRST ACQUIRED THE LAND
- T. \*\*\*END OF REPORT\*\*\* LAST PAGE OF THE REPORT



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## Your Individual Trust Interest (ITI) Report

<b>(D)</b> REPORT ID: TA0071R REQUESTOR: ADERICHE		<b>BUREAU OF INDIAN AFFAIRS INDIVIDUAL/TRIBAL INTERESTS REPORT ALL TITLE HOLDINGS</b>			<b>(H)</b> PAGE: 1 DATE: 2/20/2006 CST TIME: 12:04:13	
<b>(E)</b> -----OWNER----- TRB CL NUMBER 201 U 017693		<b>(F)</b> TRIBE NAME BLACKFEET, MT		<b>(E)</b> BIRTHDATE: 12/19/1979		
----- LAST NAME BIRDSWING BIRDSWING		<b>(G)</b> -----NAMES OR ALIASES----- FIRST NAME TARA TARA LYNN MIDDLE NAME LYNN				
<b>(I)</b> -----TRACT ID----- LAC PFX NUMBER SFX 206 83		<b>(J)</b> TITLE PLANT BILLINGS, MT		<b>(K)</b> LAND AREA FORT PECK		
<b>(N)</b> BOWE, SAM ** ORIGINAL ALLOTEE **		<b>(L)</b> RESOURCES BOTH		<b>(M)</b> -----DATE OF LAST----- ExamDate / VerifDate 5/12/1997 00/00/0000		
<b>(O)</b> SEC TOWNSHIP RANGE COUNTY ST MERIDIAN 16 027.000N 052.00E ROOSEVELT MT Principal		<b>(P)</b> LEGAL DESCRIPTION E NE SW		<b>(Q)</b> SECTION CUM COUNTY SECTION ACRES ACRES 20.000 20.000		
<b>(R)</b> -----OWNER-----		<b>(S)</b> -----DOCUMENT----- TYP OT INT CLS TYP NUMBER I T A 11 IT TC124R988		TOTAL SECTION ACRES: 20.000 20.000		
NAME IN WHICH FIRST ACQUIRED		<b>(A)</b> FRACTION ACQUIRED		<b>(B)</b> AGGREGATE SHARE CONVERTED TO LCD		
BIRDSWING, TARA LYNN		5 288		5 288		
				<b>(C)</b> AGGREGATE DECIMAL .0173611111		

DATE: 7/06/2022  
TIME: 11:41:23 CST

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
LAND OWNER INCOME REPORT

PAGE: 1  
REQUESTOR: GJEFFERS

(INFORMATION LIMITED TO RANGE, AGRICULTURE, BUSINESS, AND NON-PRODUCING OIL & GAS LEASES)

Landowner ID:182U0  
Name  
Address:

Land: 182

Allotment Tract ID	Total Tract Contract Acres Type	Contract Number	Contracted Acres	Total Tract Rental Amount	Contract Expire Date	Owner Interest	Amt Due Owner	Payment Due Date
182 XXX	100.000							
NEZ PERCE COUNTY, ID	AGRIC	4200064092	100.000	\$556.00	12/31/2026	.0555555556	\$30.89	10/25/2018
LEWIS COUNTY	AGRIC	4200167574	100.000	\$324.00	12/31/2029	.0555555556	\$18.00	10/26/2021
SCHWARTZ BROTHERS	AGRIC	4200254555	100.000	\$200.00	12/31/2026	.0555555556	\$11.11	8/1/2021
Total Different Owners: 23	Tract Totals =====>		300.000				\$60.00	
182 XXX	120.000							
SHANE STUBBERS	AGRIC	4200154707	92.900	\$8,518.00	12/31/2028	.0001543210	\$1.31	11/1/2022
IDAHO COUNTY	AGRIC	4200167269	120.000	\$481.88	12/31/2029	.0001543210	\$0.07	10/22/2019
Total Different Owners: 90	Tract Totals =====>		212.900				\$1.39	
182 XXX	80.000							
TOM MOSMAN 3099 CENTRAL RIDGE ROAD CRAIGMONT, ID 83523	AGRIC	4200192447	80.000	\$5,056.00	12/31/2024	.0009259259	\$4.68	10/1/2022
Total Different Owners: 64	Tract Totals =====>		80.000				\$4.68	
	Land Area Totals =====>		592.900				\$66.07	
	Final Totals =====>		592.900				\$66.07	

\* \* \* \* End of Report \* \* \* \*



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## Choosing how to Receive your Money

For [unrestricted IIM accounts](#), you can receive your funds by electronic fund transfer or check

### How to Make a Selection

To select or change your payment method by phone, contact the [Trust Beneficiary Call Center](#) or your local [Fiduciary Trust Officer](#). To select or change your contact information through U.S. Mail, complete [Form OMB 1035-004](#) and send it to the [Trust Beneficiary Call Center](#) or call your local [Fiduciary Trust Officer](#).

## Electronic Fund Transfers

We encourage beneficiaries to take advantage of the available options for electronic fund transfers. Electronic fund transfers are automatic and funds are less likely to be misplaced, stolen, lost, or delayed.

### *Direct Deposit*

Direct deposit provides automatic, electronic transfers of money directly to a bank account. This service is free. You must have a bank account to use this service.



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### *Debit Card*

A debit card allows people without bank accounts to receive automatic, electronic deposits. There is no charge for a debit card. You can use the debit card to withdraw cash at banks and in-network ATMs. You can also use the debit card to make purchases anywhere Visa is accepted.

### **Checks**

If you don't choose an electronic fund transfer to receive money, payments will be sent to you in check form through the U.S. Postal Service. This process is much slower than electronic transfers. If a check is returned, your account will be restricted until your address can be verified.

### **Voluntary Hold**

Beneficiaries with an [unrestricted account](#) may put their account on "Voluntary Hold." This means money remains in the account and will continue earning interest under the management of our staff. Interest rates vary but are always higher than what's offered by regular savings bank accounts. While on voluntary hold, account holders may request a payment at any time. To setup a voluntary hold or request a payment, contact your [Fiduciary Trust Officer](#) or the [Trust Beneficiary Call Center](#).

### **Address Updates**

We will primarily be communicating with you through the U.S. Mail, so please keep the mailing address for your Unrestricted or Voluntary Hold (see above) account current. You can update your address any time by contacting your [Fiduciary Trust Officer](#) or the [Trust Beneficiary Call center](#).



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## Search Unclaimed accounts

Also known as the "Whereabouts Unknown" search tool.

Tens of thousands of beneficiaries haven't claimed their [Individual Indian Money](#) (IIM) account, or no longer have a mailing address on file with us. Some of these accounts have more than \$100,000 in them.

Use the form below to search unclaimed accounts by name, Tribe, or both. For best results, use your last name only or "last name, first name."

If you find your name on this list, please [contact us](#) so we can help you through the process of claiming your account.

*Last updated on 04/01/2024.*

### Whereabouts Unknown Search

Name

Tribe

Search

Choose any filter and select the search button to view the results.



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## Planning for the Future

This page emphasizes the importance of estate planning for Indian trust beneficiaries.

Covered topics include:

- [Estate Planning](#)
- [Hiring an Attorney](#)
- [Power of Attorney](#)
- [Probate and how it affects your loved ones](#)

### **Estate Planning**

**All beneficiaries should have some form of an estate plan.** An estate plan is a collection of legal documents like wills, powers of attorney, and trusts. These documents outline what happens to your assets after you die or become incapacitated. If you don't have an estate plan or a will, the U.S. Government will determine your heirs and distribute your trust assets when you die. This process, known as "probate," can take many years.

Some people can create an estate plan with minimal outside help. Others may wish to consult expert advisors like attorneys, financial planners, or accountants. Your local [Fiduciary Trust Officer](#) can answer questions about estate planning. Many of our offices have arrangements with legal service groups to assist with establishing wills. Contact your local [Fiduciary Trust Officer](#) for more information about these services. The [Indian Land Tenure Foundation](#) also offers information about estate planning.



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## Deceased Account Holders

Family members of deceased [IIM account holders](#) should [contact their agency](#) as soon as possible to begin the probate process. This will ensure that future payments go to an Estate Account. Estate Accounts continue to receive income and earn interest until the probate process is complete.

*PROTIP: Your will needs to change as your family changes. Review it frequently.*

## Hiring an Attorney

Estate planning for people with Indian trust assets requires specialized knowledge. Here are some questions you can ask prospective attorneys to check their skills in this area:

- Have you ever represented Native Americans in estate planning with IIM accounts?
- Have you ever been involved in disputed Indian probate?
- How long have you practiced?
- What does AIPRA stand for? (see information about AIPRA below)



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## Power of Attorney

A power of attorney is a legal document that allows someone else to act on your behalf. This is a private, inexpensive way to appoint a substitute decision-maker, although it may involve help from a lawyer. If you don't create a power of attorney in advance, a friend or family member might have to go to court to have a guardian appointed – a process can be lengthy and expensive.

You can name both a [financial power of attorney](#) (for decisions about money and property) and a [medical power of attorney](#) (for decisions about health care).

## Probate and how it affects your loved ones

Probate is a legal process to determine the validity of a will and administer the estate of someone who dies without a will. The [American Indian Probate Reform Act of 2004](#) (AIPRA) created Federal probate code to limit [fractionation](#), keep land in the hands of a beneficiaries' Indian children, and encourage the drafting of wills.

If you create a will, you can do almost anything you want with your property. If you don't create a will, the following regulations will govern who inherits your estate:

- Your spouse gets a "life estate" and holds property until death, then it passes to your children.



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- The land is inherited by children, grandchildren, parents, or siblings. If none exist, the land goes to the Tribe.
- Eligible heirs must be Indian or within two generations.
- If land is less than 5% of the tract, your spouse gets a life estate only if they live on the land, and it is inherited only by the oldest child or grandchild ("single heir rule", prevents fractionation). If none exist, it goes to the Tribe.
- The Federal government, Tribe and co-owners may purchase the land during probate. Consent of the heir is required, but if the interest is less than 5% and passes without a will, no consent is required unless the heirs live on the land.
- Your heirs may enter a consolidation agreement to avoid purchase without consent.

Note: AIPRA does not apply to trust or restricted property in Alaska, the Five Civilized Tribes, or the Osage Nation.

The Bureau of Indian Affairs [offers a guide](#) to the Department of the Interior's probate process.

## Questions?



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