

October 21, 1963

*Ind  
Indians*

Mr. Robert Duncan  
Singletary Building  
Perry, Okla. 73077

Dear Mr. Duncan:

This has reference to your recent letter regarding the efforts of Mr. Curtis Homeratha to dispose of his Noble County land by private sale.

The enclosed letter from the Anadarko Area Office explains why it was not possible to give Mr. Homeratha permission to sell his land through private negotiation. On August 23, 1963, Mr. Homeratha filed application for a supervised sale of the property.

Assuring you it was a pleasure to obtain this information for you, and with best regards and good wishes, I am

Sincerely yours,

Enclosure  
jy



ANADARKO AREA OFFICE  
Anadarko, Oklahoma  
73005

OCT 18 1963

Hon. A. S. Mike Monroney  
United States Senate  
Washington 25, D. C.

Dear Senator Monroney:

Having received a report from our Pawnee Indian Agency, we are now able to reply to your communication of October 3, 1963, with which was enclosed a letter from Mr. Robert Duncan of the law firm of Singletary & Duncan, Perry, Oklahoma. Mr. Duncan represents Mr. Ray Sanders, the non-Indian lessee of an eighty acre tract of trust or restricted land owned by Curtis Homeratha, a member of the Otoe Tribe. Over the past three months, Mr. Duncan has been interceding on behalf of Mr. Sanders, who desires to purchase this trust or restricted land from the Indian owner through a private negotiated sale.

Mr. Duncan communicated with this office by letter dated July 18, 1963, in regard to this case and was advised of the procedures applicable to the sale of trust or restricted Indian land, in general, and of the regulatory restriction upon private sales of Indian land to non-Indians.

An application for the sale of trust or restricted land, submitted by the owner(s) thereof, may not be approved in the first instance, unless it is determined that a sale would be in a long-range best interest of the Indian owner(s). This determination is made by the Officer in Charge of the local Indian Agency, which in this case would be Mr. John L. Johnson, Area Field Representative of the Pawnee Indian Agency, Pawnee, Oklahoma. The approval action must subsequently be concurred in by this office before the land may be sold.

In general, all laws and regulations providing for the sale of Indian trust or restricted lands into a fee simple status contemplate a public advertisement of such lands with invitations for sealed bids. Title 25, Code of Federal Regulations, Part 121, Section 121.18 provides for the sale of trust or restricted Indian land by private negotiations sale under the following situations:



(1) A sale to another Indian, an Indian tribe, or a conveyance to a member of the Indian's immediate family \* \*; (2) the United States or an agency thereof, or a state or local government or agency thereof, or such other sale as may be for a public purpose; (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise.

The land under consideration is described as E/2 NW/4, Section 20, Township 23 North, Range 1 East, Indian Meridian, Oklahoma, Noble County and is located approximately 2-1/2 miles West of Red Rock, Oklahoma. It is bounded on the North by Oklahoma State Highway No. 15. In these circumstances and considering the fact the land is well situated with public access it is of course not impractical to advertise.

The Pawnee Indian Agency has advised this office that on August 23, 1963, Mr. Curtis Homeratha, Indian owner of the above described land filed application with that office for a supervised public sale. Should the application receive favorable consideration by the Pawnee Agency and this office, the land will be listed and processed for public bidding in line with Departmental regulations.

Your interest in this case is appreciated and Mr. Duncan's letter to you is returned as requested.

Sincerely yours,

(SGD.) L. P. TOWLE

Area Director

Enclosures



C O P Y

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ANADARKO AREA OFFICE  
Anadarko, Oklahoma  
73005

Real Prop. Mgmt.  
Acq. & Disp.  
5233-63

July 31, 1963

Singletary & Duncan  
Attorneys at Law  
Singletary Building  
Perry, Oklahoma

Attention: Mr. Robert W. (Bob) Duncan

Gentlemen:

We have your letter of July 18, 1963, proposing a negotiated purchase by one Mr. Sanders (non- Indian) from Mr. Curtis Homeratha (Indian) of the latter's 80 acres of Indian land described as E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 20, Township 23 North, Range 1 East, I.M., Oklahoma, situated in Noble County. We understand from your letter that these parties have reached agreement on a sale price of the land of \$10,000 and that Mr. Sanders has deposited \$1,000 with the First National Bank in Perry to show his good faith in the matter. You also mention Mr. Sanders' desire to purchase an additional 20 acres of Indian land from Mrs. Rachel (Amy) Homeratha Littlecrow and indicated Mrs. Littlecrow would first apply for a patent in fee for this tract.

Mr. James McNeely, Real Property Officer assigned to the Pawnee Indian Agency, Pawnee, Oklahoma, can furnish you with full information concerning the law, regulations and procedures followed in transactions involving the sale of trust or restricted Indian land. As your inquiry has been addressed to this office, however, we welcome the opportunity to discuss the subject with you.

We assume you are fully aware that while an Indian may deal in unrestricted real estate and other transactions as a free agent, the same as any non-Indian citizen, any interest he holds in trust or restricted Indian land is subject to the control and supervision of the Bureau of Indian Affairs pursuant to authority delegated by the Secretary of the Interior. The restrictions run with or against the land, not the person.

Rules promulgated by the Secretary, implementing various congressional enactments, authorize the sale and disposal of trust or restricted Indian lands and are published in the Code of Federal Regulations, Title 25 - Indians, Part 121. The regulation which is pertinent to the case at



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hand (25 CFR 121.18) reads as follows: "Negotiated Sales. (a) The following types of conveyances may be negotiated: \* \* \* (3) a sale to a non-Indian when the Secretary determines that it is impractical to advertise \* \* \*." Cases falling in this category are extremely rare.

It may be said, in general, that practically all Indian lands that are sold and conveyed into an unrestricted fee simple status are disposed through the supervised public advertised sale procedures involving the following steps: (1) The Indian owner obtains application forms from the Agency maintaining jurisdiction over the land proposed for sale. (2) The application is completed and filed with the agency for consideration. (3) Should the officer in charge of the Indian agency determine it to be in the long-range best interest of the owner to dispose of his land, the application is approved, the land is officially appraised by the Bureau and listed for sale. We are enclosing, for your information, a copy of a current Invitation for Bids on Indian Land issued by the Pawnee Indian Agency July 16, 1963. The high bid for various tracts, if found to be not inconsistent with the estimated fair market value, is taken under consideration for acceptance by the Indian owner and approval by this office. If the owner accepts the high bid taken under consideration, the sale is processed for approval. The public sale procedure permits an Indian land owner to fully expose his land to the buying public for competitive bids.

It is the privilege of an Indian owner of trust land to file application for a patent in fee. Such applications are filed with the local agency and are considered on the basis of individual competency.

It is hoped that the foregoing comments will acquaint you with our practice in regard to the sale of Indian lands in this jurisdiction. As we are not positive of the address of Mr. Homeratha, we are releasing a copy of this letter to him through the Pawnee Indian Agency.

Sincerely yours,

(Sgd) H. L. Gardner  
Acting Area Director

Enclosure



October 3, 1963

Mr. Robert Duncan  
Singletary Building  
Perry, Okla. 73077

Dear Mr. Duncan;

Thank you for your letter regarding the efforts of Mr. Curtis Homeratha to obtain permission sell his Noble County land to his tenant, Mr. Ray Sanders.

I know of no regulation which requires that Indian land be offered at public auction when a fair price can be otherwise obtained.

The Area Indian Offices are much closer to matters of this nature than I am, however, so I am asking the Anadarko Area Office to carefully consider Mr. Homeratha's request and make a decision as soon as possible.

With best regards and good wishes, I am

Sincerely yours,

jy



*Handwritten signature*

LAW OFFICES  
SINGLETERY & DUNCAN  
SINGLETERY BUILDING  
PERRY, OKLAHOMA

AL. T. SINGLETERY  
ROBERT W. (BOB) DUNCAN

TELEPHONE FE 6-2775

September 30, 1963

Hon. A. S. "Mike" Monroney  
United State Senator  
Senate Building  
Washington D. C.

The East Half of the NW 1/4 of Sec. 20,  
Re: Twp. 23 N. Range 1 East of I. M.  
Noble County, Oklahoma

Dear Senator:

We have been trying for sometime to effect a sale for an Indian who owns some land here in Noble County, Oklahoma. The Indian, whose name is Curtis Homeratha, desires to sell the property to his present tenant, Mr. Ray Sanders.

Sanders has offered him a fair price for the property but we have been unable to secure the permission of the Indian Agency in Anadarko. We have complied with all the requirements which have been presented to us by both the Pawnee Area Field Office and the Anadarko office.

We have now been informed that Mr. Blinn E. Waller, the Area Realty Officer, in Anadarko, Oklahoma, feels that the land should be put up for auction sale at least once before the land owner is allowed to sell his property at a private sale.

We have not been shown any regulation which makes such a requirement. Mr. James McNeeley, the realty officer in the Pawnee Area Field Office has been of some help, but I feel could give us additional advice and assistance. Both of these gentlemen are doing what should be considered a fine job in their positions, and this is not intended in any way to imply otherwise; but we are anxious to see that this sale is consummated as soon as possible and if you can give us any advice or assistance Senator, we will certainly appreciate it.

Al sends his best personal regards.

Sincerely yours,

SINGLETERY & DUNCAN

*Robert Duncan*  
Robert Duncan

RD:ls

REC'D A.A.O.  
OCT 7-1963