

“Report of Lien Search,” or similar form prepared in accordance with the State requirements prescribing the use of such form for Operating loans.

(e) *Disposition of title evidence.* All title evidence other than the opinion of title, mortgage title insurance policy, and water stock certificates will be returned to the borrower when the loan has been closed. The opinion of title or title insurance policy and any water stock certificates will be retained in the borrower's county office case folder.

[39 54 3662, Jan. 29, 1974, as amended at 56 FR 67472, Dec. 31, 1991]

§ 1823.415 Supervision and servicing.

Borrowers will be supervised in accordance with subpart A of part 1942 of this chapter. Loans will be serviced in accordance with subpart E of part 1951 of this chapter. The cooperation, assistance, and advice of appropriate BIA officials will be sought at all times.

[39 FR 3662, Jan. 29, 1974, as amended at 47 FR 52119, Nov. 19, 1982; 54 FR 47196, Nov. 13, 1989]

§ 1823.416 Check request and loan closing.

Before any loan can be closed, the District Director must notify the State Director in writing that all loan closing conditions have been met. Checks will be requested and loans will be closed in accordance with subpart A of part 1942 of this chapter.

[39 FR 3662, Jan. 29, 1974, as amended at 54 FR 47196, Nov. 13, 1989]

§ 1823.417 Civil rights.

Indian tribes, for the purpose of this subpart, are not subject to title VI of the Civil Rights Act of 1964 so long as the expected use of land acquired does not include operation of a facility which would be open to the public. Therefore, such tribes are not subject to part 1816 of this chapter.

§ 1823.418 State requirements.

Each State Director will, with the assistance of OGC, supplement this Subpart with State regulations, forms, worksheets, sample documents, and such other guidance as necessary to successfully carry out the program.

EXHIBIT A TO SUBPART N TO PART 1823— LOAN DOCKET ITEMS—LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

(1) The tribe with the assistance of BIA will provide the following:

SF 424.1: Application for Federal Assistance (For Non-construction).

Form FmHA or its successor agency under Public Law 103-354 1910-11: Applicant Certification, Federal Collection Policies for Consumer or Commercial Debts. (O & 1C—Sign O);

Official audit report of the preceding 4 years including income and expenses;

List of tribal officers, including title and addresses and signature identifications;

Copy of tribe's constitution and bylaws or charter or other evidence of organization and rules of operation;

Legal services contract approved by BIA if a private law firm. A written statement will be provided when a BIA attorney performs the legal services.

Land Utilization Plan including:

(a) A short narrative description of why the land is being purchased, what use is to be made of it, and the annual net income expected to be derived from the land. If it has proven income record, that information should be included. If not, it should be so stated. If any development work is contemplated by the tribe, this should be explained, including assurance of the source of funds to carry out such development. If the land is to be operated by the tribe, this should be described, including assurance of availability of the necessary money to meet operating costs and method of management. If the land is to be leased, there should be a description of how it will be used and assurance that its intended use will conform to the overall land use pattern of the reservation or any variations justified; (b) Recommendation of BIA Soil Conservation Specialist.

Form FmHA or its successor agency under Public Law 103-354 440-34: Option to Purchase Real Property or similar purchase agreement containing the provisions of the option.

Form FmHA or its successor agency under Public Law 103-354 440-35: Acceptance of Option.

Form FmHA or its successor agency under Public Law 103-354 442-7: Operating Budget or Statement of Income and Expenses including income and expenses from all sources.

Resolution of Tribal Council or other governing body approving and providing for the proposed land acquisition and any actions necessary to carry it out, such authority to encumber real estate and waiver of immunity and, where legally necessary, evidence of any required tribal election or referendum. The resolution should substantially conform with Exhibit B.