

* Home Site Lease Example *

CHECK LIST FOR HOMESITE LEASE APPLICATION

(USE BLACK INK TO FILL OUT APPLICATION/NO WHITEOUT)
Incomplete application will not be accepted.

1. Required Clearance by the Applicant:

A. Rural / Grazing Areas:

1. Contact your local Chapter Grazing Committee Member
2. Grazing Committee Member fills out Homesite Field Clearance Certification
3. Obtain consent from Grazing Permit holder(s) per Field Clearance Certification
4. Submit to Navajo Land Department with all supporting documents

B. Farm Areas:

1. Field clearance report from BIA/Natural Resources.
2. Attend Land/Farm Board Meetings.
3. Farm Board Member fills out Homesite Field Clearance Certification per BIA Field Clearance report.
4. Obtain consent from Farm/Land Use permit holder(s) per Field Clearance Certification completed by BIA/Natural Resource's office.
5. Submit to Navajo Land Department with all supporting documents.

CHECK LIST BEFORE SUBMITTING TO NAVAJO LAND DEPARTMENT

- Attach an updated original Certificate of Indian Blood (Can be obtained from the Agency Census Office)
- A non-refundable \$15.00 money order for filing fee is attached.
Money order payable to: THE NAVAJO NATION
P.O. Box 9000
WINDOW ROCK, ARIZONA 86515

- The last (3) Signature pages are to be signed and witnessed upon submission of Homesite Lease Application at your Area Agency Land Department
- Signature(s), name(s), age, and census number(s) on the homesite lease application corresponds with the information shown on the Certificate of Indian Blood.
- Joint Applicants, check choice of Co-Tenancy and sign Form-JT06.

- Location on map must show direction to exact location of proposed homesite. (To be drawn by applicant) and acknowledged by Grazing or Land/Farm Board official. FORM-HSLA06
- Field Clearance Certification Form filled out and acknowledged by the Grazing or Land/Farm Board official. FORM-FCC06
- Consent Forms signed by Grazing or Land/Farm permit holder(s) and acknowledged by the Grazing or Land/Farm Board official. FORM-CON06

PLEASE SUBMIT THE COMPLETED APPLICATION TO CORRECT AREA AGENCY:

Navajo Land Department, Post Office Box 2179, Chinle, Arizona 86503	(928) 674-2056
Navajo Land Department, Post Office Box 948, Crownpoint, New Mexico 87313	(505) 786-2376
Navajo Land Department, Post Office Box 208, Shiprock, New Mexico 87420	(505) 368-1120
Navajo Land Department, Post Office Box 3309, Tuba City, Arizona 86045	(928) 283-3194
Navajo Land Department, Post Office Box 2249, Window Rock, Arizona 86515	(928) 871-6523

NOTE: An Archeological Clearance is required to process Homesite Lease Package.
For more information contact your local Area Agency Land Office.

ELIGIBILITY REQUIREMENTS

1. You must be an enrolled member of the Navajo Tribe or a non-member that meets the requirements set forth under Section V Part (C) (i) (ii) of the Homesite Lease Policy & Procedures.
2. You must be eighteen (18) years of age or older.

ACKNOWLEDGEMENT

I, (We), acknowledge and understand that the following conditions apply to a Homesite Lease:

1. The Homesite Lease is intended for residential purposes only and not to be used for any other purpose, i.e. police quarters or educational instructor quarters.
2. A Homesite Lease is not a business site lease.
3. A Homesite Lease is not a grazing permit.
4. No Homesite Lease Application shall be considered by the local Grazing or Land/Farm Board Officer when it has been determined that such lands have been formerly withdrawn or otherwise obligated for community purposes, e.g. subdivision plans, zoning, existing community projects.
5. Written Authorization from the District Grazing Committee is required if the proposed homesite is within a half a mile of a government or tribally developed permanent livestock watering point. (3 N.T.C. 714 e t seq.)
6. There is a non-refundable one dollar (\$1.00) annual fee for the lease that must be paid to the Navajo Nation each year in advance following the date of execution for term of the lease.
7. The Navajo Nation advises that all applicants do not disturb or construct on any proposed sites before final release of Homesite Lease Application. Be advised that Federal Laws may restrict or null Application.
8. A finalized homesite lease authorizes a lessee to encumber the leasehold interest of a homesite lease for building improvements.

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* If you are applying with yourself and your spouse, partner, family member, etc. please read carefully and choose 1 of the 3 listed.

FOR JOINT APPLICANTS ONLY

We have selected one of the following Cotenancy. We acknowledge and understand the difference. (For information, contact Navajo Land Department.)

If one person remains, they get the rest, no court time.

Joint Tenancy with right of Survivorship: is held by two or more persons jointly, with equal rights to possession and enjoyment during their lives. It is distinguished from other forms of cotenancy by the right of survivorship. Under the doctrine of survivorship, the entire estate, upon the death of one of the joint tenants, goes to the survivor, (or, in the case of more than two joint tenants, to the survivors, and so on to the last survivor); the estate of the deceased joint tenant has no interest, and because there is no interest for a testamentary will to transmit, a joint tenancy may not devise his or her interest in the joint tenancy.

In community property jurisdictions, including the Navajo Nation, it is possible for spouses to hold property in joint tenancy, but such property is separate and not subject to the court's distribution upon divorce, nor is it subject to probate upon the death of one spouse.

Absence of a valid contrary contractual agreement among or between the joint tenants, each joint tenant may unilaterally sever the joint tenancy by conveying or encumbering his/her fractional interest. The grantee then becomes a tenant in common (see below) with other joint tenant or tenants and the right of survivorship is destroyed. The fractional interest of each joint tenant can also be taken in satisfaction of debts; such taking severs the joint tenancy. **NO PROBATE REQUIRED, HOMESITE GOES TO SURVIVING PERSON.**

Tenancy in Common: is identical to a joint tenancy in all but one significant attribute - it lacks the right of survivorship. When a cotenant in common dies, the surviving cotenant(s) does not succeed to the decedent's interest. Rather, the decedent's fractional interest in the property must be probated. **PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.**

Community Property: By statute. The Navajo Nation is a community property jurisdiction (see 9 N.T.C. §205). If a married couple does not elect to hold their homesite in community property, then community property principles will govern the distribution of the marital property upon dissolution of marriage, and upon the death of one spouse, one half of the community property (the decedent's share) must be probated in accordance with Navajo law. **PROBATE REQUIRED, COURT WILL MAKE DECISION, ATTORNEY FEES INVOLVED.**

The above mentioned cotenancy has been explained to us. We acknowledge and understand the difference.

Signed this _____ day of _____, 20_____.

Sign your name matching your CBS

Applicant

Census No.

*Same as ↑

Applicant

Census No.

*Where there are squiggle lines do not fill in

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS NAVAJO AGENCY AND NAVAJO NATION

FOR OFFICE USE ONLY			
Field Clearance	Consent	Filing Fee	Certificate of Indian Blood
Land Status	Reviewed By:		Date:

HOMESITE LEASE APPLICATION FORM

DATE: Present Date

NAME: Name must match CIB CENSUS NO. Must fill in AGE: Must fill in

NAME: _____ CENSUS NO. _____ AGE: _____

ADDRESS: Current mailing address, if it changes Contact Chapter right away.

PHONE NO: If no no, message phone # OFFICE: _____

I, (We) hereby apply for one acre or less of Navajo Tribal Land for a homesite lease from the Navajo Nation for the purpose of developing a private dwelling for the term of sixty-five (65) years within: (SECTION _____ TOWNSHIP _____ RANGE _____) Contact Chapter Ex. 116

CHAPTER: Baahaali STATE: New Mexico

COUNTY: McKinley AGENCY: Eastern

GRAZING DISTRICT: He UNIT: (Grazing unit you are getting your HSI in)

Draw map showing the location and direction to the proposed site.

N
W + E
S

Please draw a map on the back of this sheet and be as detailed as possible. Include nearby neighbors who have a home site lease (HSI). This makes it easier for the surveyor and archeologist to locate.

ACKNOWLEDGEMENT

LOCAL GRAZING OFFICIAL/FARM BOARD MEMBER

DATE

**FIELD CLEARANCE CERTIFICATION
FOR
HOMESITE LEASE APPLICATION**

I, _____, Grazing Committee or Land/Farm Board Member of Grazing Management District _____, community of _____ chapter have identified the following individuals as landuse or grazing permittee(s) who are directly affected by the proposed home-site development as illustrated and proposed by the following homesite lease applicant(s):

Name must match CIB

Homesite Lease Applicant
(Print Name)

*Second person's name, if any

Homesite Lease Applicant
(Print Name)

**AUTHORIZED GRAZING/LAND USE PERMITTEE
(THIS IS NOT A CONSENT FORM)**

	NAME	CENSUS NO.	FARM PLOT OR PERMIT NO.
1.	_____	_____	_____
2.	_____	_____	_____
3.	The Chapter has information on this. If not, check with the land board.		
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____

CERTIFICATION

According to my records and to the best of my knowledge, the list of the affected permittee(s) referenced above includes all of the permitted landusers who are directly affected by the proposed homesite development.

1. Are there any improvement(s) on the proposed site? (i.e. Roads, Trails, Powerlines, etc.) If so, describe:

_____ Please answer these questions _____

2. Is there a permanent structure on the proposed site? _____ If so, when was the house built? _____ Does the applicant now live in the house? _____

Local Grazing Official/Farm/Land Board Member

Date

* Depending on the number of people who are listed on the grazing permit, there should be one page per person.

CONSENT FORM
FOR
NAVAJO TRUST LAND

I, Grazing Permit Holder Name hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit Name must match CIB and 2nd person name must match CIB to lease one acre or less of Navajo Tribal Land within my permitted grazing/land use area for residential purposes as illustrated and acknowledged by the Grazing/Land Farm Board Official on the Homesite Lease Application.

I further waive any rights I may have to compensate for the diminishment in value of my permitted grazing/land use rights as a result of the proposed homesite development.

Signed this _____ day of _____, _____.

WITNESSES:
(For thumbprint use only)

X _____
Permit Holder's Signature

C# _____

Only get witness

Grazing Permit No.: _____
Date of Issue: _____
Farm Plot No.: _____

Signature if Permit Holder
Signs with a thumb
print.

ACKNOWLEDGED:

Grazing Official/Farm Board Member

Date

Chapter

24. **EFFECTIVE DATE.** This Lease shall take effect on the date of approval of this Lease by the Secretary.

THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

Only signed by
witnesses if applicant
signs with a thumb print.

Must match CIB
LESSEE

LESSEE

APPROVED: _____

Pursuant to Departmental Manual (DM) 2,
230 DM 1, 3 IAM 4, and Memorandum of
Delegation of Authority dated April 22, 2005.

Agency Superintendent, Eastern Navajo
Bureau of Indian Affairs

* You must sign the 3 copies included in the
home site lease packet.