

**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

<input type="checkbox"/> Attach an updated original Certificate of Indian Blood (Can be obtained from the Agency <u>Census Office</u>)
<input type="checkbox"/> A non-refundable \$15.00 money order for filing fee is attached. Money order payable to: <u>THE NAVAJO NATION</u> <u>P.O. Box 9000</u> <u>WINDOW ROCK, ARIZONA 86515</u>
<input type="checkbox"/> The last (3) Signature pages are to be signed and witnessed upon submission of Homesite Lease Application at your Area Agency Land Department
<input type="checkbox"/> 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.
<input type="checkbox"/> Joint Applicants, check choice of Co-Tenancy and sign Form-JT06 .
<input type="checkbox"/> 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
<input type="checkbox"/> Field Clearance Certification Form filled out and acknowledged by the Grazing or Land/Farm Board official. FORM-FCC06
<input type="checkbox"/> 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.

FOR JOINT APPLICANTS ONLY

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

_____ **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_____.

Applicant

Census No.

Applicant

Census No.

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: _____

NAME: _____ CENSUS NO. _____ AGE: _____

NAME: _____ CENSUS NO. _____ AGE: _____

ADDRESS: _____

PHONE NO: _____ 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 ____

CHAPTER: _____ STATE: _____

COUNTY: _____ AGENCY: _____

GRAZING DISTRICT: _____ UNIT: _____

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

N
W + E
S

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):

Homesite Lease Applicant
(Print Name)

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.	_____	_____	_____
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:

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

CONSENT FORM
FOR
NAVAJO TRUST LAND

I, _____ hereby grant consent to the Navajo Nation and the Bureau of Indian Affairs to permit _____ and _____ 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 _____ C# _____
Permit Holder's Signature

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

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:

LESSEE

LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redlegation Order
209 DM 8, 230 DM 1 and 3 IAM 4.

Regional Director, Navajo Region
Bureau of Indian Affairs

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THE NAVAJO NATION, LESSOR

Date

By: _____
Director, Navajo Land Department

WITNESSES:

LESSEE

LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redlegation Order
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Date

By: _____
Director, Navajo Land Department

WITNESSES:

LESSEE

LESSEE

APPROVED:

(Date)

Pursuant to Secretarial Redlegation Order
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Regional Director, Navajo Region
Bureau of Indian Affairs