



Indian Land Tenure
FOUNDATION.

***AIPRA Basics:
Eligible Heirs***



www.iltf.org

AIPRA Terms Continued



- **“Heir”** – person who will receive property under AIPRA if you die without a will

- **“Eligible Heir” without a Will** – Indian, co-owner in trust property, or non-Indian children & grandchildren who are within two generations of an Indian 25 U.S.C. § 2201(9)

- **“Eligible Heir” with a Will (Devisee)** – any Indian, any co-owner, or any of your lineal descendents (children, grandchildren, great grandchildren, etc) whether “Indian” or not

Without a Will, who is “eligible” to receive land?

Means your children, grandchildren, great grandchildren, parents or siblings who are one of the following:

1. Member of a federally recognized Indian Tribe, or
2. Eligible to become a member of a Tribe, or
3. Your lineal descendants within 2 degrees of relationship to an Indian (for example - children or grandchildren of Indian),
4. They own an interest in trust land on October 27, 2004, or
5. They meet definition of Indian under the Indian Reorganization Act, (See earlier slide) or
6. In California, any person who owns an interest in trust or restricted land in California, or
7. A co-owner in same parcel

25 U.S.C. § 2201(9)

Non-Citizen Descendants

- WITOUT A WILL
 - Lineal descendants within 2 generations of an enrolled tribal member (from line 3 previous slide)
 - Specifically children and grandchildren

- WITH A WILL
 - Any lineal descendant of the testator (person whose will it is)
 - Children, grandchildren, great grandchildren, etc.
 - (B) Rules of interpretation
 - Any devise of a trust or restricted interest in land to a person who is only eligible to be a devisee under this clause shall be presumed to be a devise of the interest in trust or restricted status



**151 E. County Rd. B2
Little Canada, MN 55117
(651) 766-8999**

For more information
Visit us online at
www.iltf.org

Or contact Jim Wabindato
jwabindato@iltf.org