



Indian Land Tenure
FOUNDATION.

***AIPRA Basics:
Permanent Improvements***



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Real Estate or Realty

- Definition
 - Lands and anything permanently attached to the land, such as buildings, fences and those things attached to buildings like plumbing and heating systems (as defined under Common Law)
 - Common Law
 - The part of the law that is derived from custom and judicial precedent
 - Most well-known form of land ownership in the US
 - Differs from statutory law

Permanent Improvement under AIPRA

- Statute: Ch 24 ILCA. §2206
 - (a)(2) Intestate descent of permanent improvements
 - (A) Definition
 - In this paragraph, the term “covered permanent improvement” means a permanent improvement that is –
 - (i) included in the estate of the decedent; and
 - (ii) attached to a parcel of trust or restricted land that is also included in the estate

Permanent Improvement under AIPRA

- Statute: Ch 24 ILCA. §2206
 - (a)(2) Intestate descent of permanent improvements
 - (C) Application and effect
- The provisions of this paragraph apply to a covered permanent improvement –
- (i) even though that covered permanent improvement is not held in trust; and
 - (ii) without altering or otherwise affecting the non-trust status of such covered permanent improvement

Impact on Indian Country

- Can have the effect of separating ownership of buildings from the land
 - Law suggests that Improvements follow the property
- BUT
 - Tribes may be able to fix it through a tribal probate code, and will need to be tracked
 - State probate of personal property/non-trust assets might determine a different heir
- Protect yourself – Write a Will



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