AIPRA Basics:
Permanent Improvements
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
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