



Indian Land Tenure
FOUNDATION.

***Real Estate Basics:
Realty Bundle of Rights***



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Bundle of Rights

- The “bundle of rights” is a term in the United States for the collection of legal rights that are granted to an owner of title to real estate.
- Owners can use one or all of the rights
- Each right within the bundle can operate independent of the other rights.
 - A lease is an encumbrance on title
 - A will with an heir anticipates the future transfer of ownership

Bundle of Rights

The Bundle

- Right of Possession
- Right to Control
- Right of Enjoyment
- Right to Exclusion
- Right of Disposition

Right of Possession

- Simply put, this is the right to use the property
 - The right of possession may require your to do certain things to maintain that possession
 - Pay your mortgage if you borrowed money to acquire the property
 - Pay taxes assessed against the property
 - Abide by rules and regulations if part of a homeowners association
 - Failure to comply with the obligations of ownership may cause you to surrender possession

Right to Control

- This is the right to decide what happens on your property
 - An owner can decide to leave the property alone, build a home or choose to get income from it
 - An owner can decide whether or not to allow others to use the property
 - The right to control may still have limitations
 - Zoning regulations may stop an owner from building a septic system next to a body of water
 - Homeowner's associations may not allow an above ground pool or the parking of an RV in the driveway

Right of Enjoyment

- Also known as a right to quiet enjoyment, this right recognizes the ability of the owner decide how to design or live on the property
 - The only limitations on this right are prohibited by law. For instance you cannot
 - Sell drugs
 - Maintaining a public nuisance
 - Violations of law would permit an enforcement officer to arrest and detain you on your property

Right to Exclusion

- The right to prevent others from trespassing or entering your property
 - No one has the right to be on your land without your permission
 - Once again, there are exceptions to this right
 - Law enforcement carrying out a warrant or conducting active pursuit of criminal activity
 - Utility companies completing repair and maintenance activity within an easement

Right of Disposition

- The right of an owner to transfer ownership or use of the property to another party
 - Sale of the property
 - Will or gift of the property
 - Encumber the property
 - Create an easement or right-of-way
 - Lease the property
 - If there is a mortgage lien against the property, this must be paid off before the transfer can be completed

Federal Title and Oversight

- The Bundle of Rights is tied to title of the land. Because the federal government holds title to Indian land as trustee, they are the party that holds these rights.
 - The current trust system covering Indian lands necessarily means that the federal government can:
 - Establish regulations for all land transactions
 - Limit transfer to others
 - Decide whether to lease land or grant rights-of way
 - Restricted fee landowners hold title, but the bundle of rights are still limited the same as with trust land



**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