

TITLE: Realty Director

DEPARTMENT: Realty

Supervised by: Tribal Administrator

Supervises: Realty Technicians

DEFINITION:

Under the general administrative supervision of the Tribal Administrator, the director receives technical advice and assistance from the Area Realty Officer and technical staff as requested. Administers the Real Property Management program within the framework of established laws, regulations, policies, procedures, and program objectives. While advice and guidance are provided on policy matters, the Director is expected to carry out assigned duties and responsibilities with a minimum of supervision. Guides include Federal Statutes, Code of Federal Regulations, Indian Affairs Manual, States Laws, formal and informal Solicitors' opinions; decision rendered by Federal, State, and tribal courts, State inheritance laws and notary guidelines, tribal constitutions, codes, ordinances and resolutions, and Central and Area Office directives.

DUTIES AND RESPONSIBILITIES:

1. Responsible for planning and carrying out the Real Property Management program, providing staff assistance and guidance in connection with the discharge of all realty functions and procedures; and for the application of policies and practices concerned with realty activities as a whole.
2. Incumbent provides services for all aspects of trust or restricted Indian estates and land titles. The incumbent is assigned the primary responsibility to develop, organize and administer estate planning activities; to administer estates; and to plan, develop and administer title research and curative actions, all of which concern the acquisition, disposal, tenure and management of Indian lands, including probate-related activities.
3. Will have the primary responsibility for the development, organization, administration and coordination of activities, related to estate planning, which is essential to maintaining the value and usefulness of trust and restricted Indian lands. These activities include conferring with the client; obtaining vital information regarding domicile and the family group; procuring descriptions of all trust assets and liabilities, including size, location, value and income; examining documents including mortgages, non-secured Federal loans, tribal zoning ordinances, divorce decrees and wills; conducting full technical analysis and advising the client of the impacts of applicable escheat statutes, tribal codes, testate and intestate inheritance, the merits of land consolidation, and the ownership and managerial problems associated with fractional and non-Indian interests in trust land; explaining options to avoid such problems, including the transfer of title by deed or will, and the use of life estates, partitions, joint tenancies, and renunciations, ascertaining the client's exact wish in regard to the disposition of his or her property interest; and finally drafting, and supervising the execution of, the deed, will, etc., necessary to satisfy the client's intent.
4. Incumbent has the primary responsibility for the research and curative functions of the land titles program at the tribal level. Title research involves

investigations of trespass and adverse use; evaluations as to the technical validity of past real estate transactions including acquisition, easements, land exchanges, dispositions of property, leases, permits, relinquishments of trusteeship, etc., and the study of statutes, treaties, orders, regulation, guidelines, court decisions, etc., affecting such transactions. These conditions and transactions directly affect present and future authority to use and develop Indian lands. Incumbent reviews, analyzes and recommends curative actions for those problems, cases and controversies arising from the protection of title and rights, to, in and on Indian real property.

5. Incumbent is certified as a notary public in the State of Oklahoma and performs those responsibilities authorized by that capacity which do not conflict with their other duties.
6. The work involves analyzing the unique conditions and circumstances presented by different landowners for purposes of sound estate planning, determining the feasibility of any request to convey land in terms of the Indian's best interest, and developing recommended actions.
7. The drafting of documents requires knowledge and sensitivity as to context and the choice of words, employing ordinary phraseology to make the meaning plain and legal phraseology to make the meaning certain. The work requires articulating and carrying out the client's wishes smoothly, effectively and accurately, regardless of any personal views or preferences on the part of the incumbent. The work requires strict adherence to detail and fact as they relate to land title research and estate administration. The work, also calls for a high degree of judgment as it pertains to the drafting of wills, especially in determining the testamentary capacity of individuals making wills, and in reducing their intentions to writing.
8. Coordinates and initiates action relative to land acquisition and disposal program for the Nation. In connection therewith, examines applications or order for removal or restriction, patents in fee, purchase, sale between the individual Indians, exchange of land between Indian and non-Indian, counsels with heirs and assists them with the proper division of inherited trust lands, insuring occurrence and completeness of all documents.
9. Directs the administration and is responsible for the Nation leasing program on trust and restricted lands. Checks accuracy and completeness. Makes statistical and other realty reports required by the Nation. In close coordination with the Agriculture and Appraisal Programs, develops economical and feasible land use programs with a view of returns based on the highest and best use of the land.
10. Responsible for planning and conducting a positive program for trust and restricted lands under tribal jurisdiction.
11. Reviews and monitors program activities to ensure progress and contract compliance are being accomplished toward objectives, controls and monitors expenditures in accordance with budget allocations and guidelines.
12. Maintains public relations with various Federal/Public agencies. Attends national and local meetings relating directly to program activities. Performs other duties as assigned.

KNOWLEDGE AND SKILLS:

1. Must have a thorough knowledge of real estate principles and practices as they relate to sales, acquisitions, leases, easements, mortgages, partitions and wills; and of their application in curing land titles and in planning and administration of Indian trust estates. Incumbent must have a thorough knowledge of, and the ability to prepare and interpret, land descriptions and conveyance documents, including wills. Must have a thorough knowledge of the provisions of the Privacy Act and the Freedom of Information Act, as they apply to the management, ownership, and inheritance of Indian trust lands. Must have a good command of the English language, and the ability to communicate effectively in writing and orally. The incumbent must have comprehensive knowledge of those real estate related portions of Titles 25 and 43 of the United State Code and the Code of Federal Regulations.
2. Must have a thorough knowledge of real estate market practices and laws in the agency jurisdiction under which operations are effective; nature of realty property interest (ownership, etc.) real estate conveyances and land descriptions; suitability of lands and facilities; property rehabilitation, and maintenance procedures to put property in marketable conditions and sale techniques and devices which will assure prompt disposal of properties and maximum recovery to the government, tribes, or individual Indians.
3. Possess a thorough knowledge of the provisions of the Privacy Act and the Freedom of Information Act.
4. Possess comprehensive knowledge of Titles 25 of the United States Code and the Code of Federal Regulations as they pertain to the Realty and Oil and Gas program.

EDUCATION AND EXPERIENCE:

Applicant must have any combination of education or experience of four (4) years in related field of Real Property management practices. Must be familiar with land issues and concerns pertaining to Native Americans.

PREFERRED EXPERIENCE:

1. Realty practices, laws and values, including experience with realty transactions and conveyances; effects of various methods of acquisitions, knowledge of IIM accounts and disposal upon the uses and value of land.
2. Economic, social or ecological functions affective the use of real property, land and associated natural resources, e.q., conservation, urban renewal, agriculture and other practices.
3. Management and financing practices of lease and sale of real property and relocation assistance, payment and services due to acquisition of real property.