



# Navajo Region Mortgage Process



## Service Delivery Area:

- Navajo Nation
- Allotted Trust
  - Eastern Navajo Agency
  - Fort Defiance Agency
  - Shiprock Agency
  - Western Navajo Agency

BIA Agency  
Boundaries

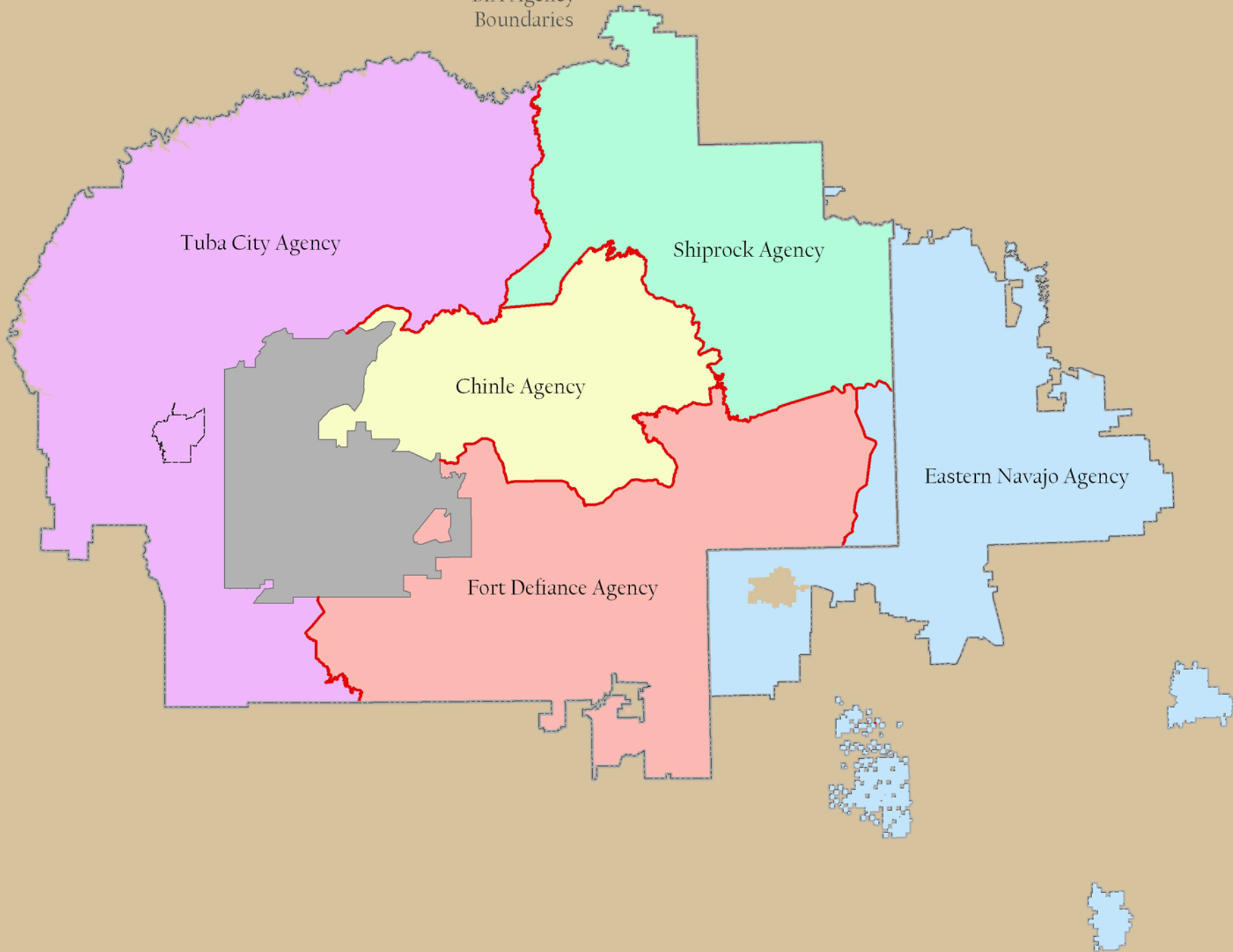
Tuba City Agency

Shiprock Agency

Chinle Agency

Eastern Navajo Agency

Fort Defiance Agency



# Authorities on Mortgages & Deeds of Trust

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- 25 U.S.C § 483a
- 25 U.S.C. § 415
- 25 C.F.R. Part 162

# Navajo Regional Office Mortgage Process

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- The individual applying for a mortgage must have a BIA-approved Homesite or Residential lease.
- The Lender requires a Certified Title Status Report (TSR) prior to initiating the process to show the title is clear and the borrower does have a leasehold interest.
- The Land Titles and Records Office (LTRO) sends a TSR directly to the requestor.

# Mortgage Process Continued...

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- The Lender and borrower complete a loan application. All mortgage/collateral documents need to be on an approved mortgage form.
- NOTE: The mortgage forms were reviewed and approved by the Navajo Nation, Southwest Regional Solicitors Office and Regional Director.
- The Navajo Nation (Navajo Land Department) signs and notarizes the mortgage package for Tribal trust lands.
- The Regional Director approves mortgage packages on Allotted trust lands.

# Mortgage form 3070 (Section 184)

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- Revised April 2000 approved 5/16/2001
- Form 3070 may not be altered
  - If there are any changes or special stipulations, an addendum must be added and is subject for review by the Navajo Nation Dept of Justice and BIA Solicitor
- Section 26 of Form 3070 contains the “Navajo Nation Right of First Refusal in the event of default.”
  - Notify Borrower
  - Notify Navajo Nation
  - Notify BIA, Real Estate Services

# Tribal lands

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- The Navajo Region (Real Estate Services) verifies:
  - Verify with Agency for a valid Home site Lease
  - Appropriate mortgage form & accurately completed
  - All supporting documents are attached
  - Spelling of names
  - Census number
  - Lease number
  - Appropriate Homesite approval date
  - Legal description in the leasehold mortgage matches the legal description in the lease
  - Dollar amount
  - Proper Notarization
  - Four sets of mortgage package

## Mortgage process continued...

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- The mortgage package is forwarded to Regional Director for approval.
- At the request of the lender, a courtesy copy maybe faxed. We will only fax the signature page unless otherwise requested.
- The mortgage package is forwarded to LTRO.

# Distribution After Recordation

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- Lender
- Mortgagee
- Navajo Nation
- BIA

# Agency Role: Process Requests for TSR from LTRO

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- Request must be in writing
- Request must include entire current Lease and Plat
- Request must briefly state it is for “mortgage” purposes
- Request is a **PRIORITY** in tandem for BIA 30-day policy

# Allotment Owners

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- A standard mortgage form is being reviewed by HUD for comments
- If any, changes will be reviewed by Solicitor
- Finalize

# Allotment Owners

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- “*Draft*” Standard Mortgage Form approved ?
- Form may not be altered
  - If there are any changes or special stipulations, an addendum must be added and subject for review by the BIA Solicitor
- In the *draft* mortgage form, Section 26, contains the “Allotment Owners Right of First Refusal in the event of default.”
  - Notify Borrower
  - Notify Allotment Owner(s) including Navajo Nation where surface rights may have been sold to the Tribe
  - Notify BIA, Real Estate Services

## Interior/ BIA Mortgage Contacts

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**Navajo Region, Division of Real Estate Services:**

P.O. Box 1060

Gallup, New Mexico 87305

**Southwest Division of Land Title and Records Office:**

1001 Indian School Road, NW

P.O. Box 26567

Albuquerque, NM 87125



# Navajo Region Mortgage Contacts

## Omar Bradley, Regional Director

<b>Regional Division of Real Estate Services:</b> Elsa Curley, Realty Officer Phone: (928) 871-5936	<b>Mortgage Points of Contact</b>	<b>Agency Superintendent Division of Real Estate Services</b>
Charlotte Davis, Realty Specialist Mortgage Point of Contact Phone: (928) 871-5920	<b>Central Navajo Agency</b> Leonard Becenti	<b>Chinle Agency RES</b> Leonard Becenti, Realty Specialist Phone: (928) 674-5151
	<b>Eastern Navajo Agency</b> Thelma Francisco, Realty Specialist (505) 786-6114	<b>Eastern Navajo Agency</b> Duane Bird Bear, Superintendent Jerry Degroat, Realty Officer (505) 786-6122
	<b>Fort Defiance Agency</b> Rosemari Knoki	<b>Fort Defiance Agency</b> Rosemari Knoki, Supv. Realty Spec. Phone: (928) 729-7211
	<b>Shiprock Agency</b> Mary J. Lujan	<b>Shiprock Agency</b> Mary J. Lujan, Realty Officer Phone: (505) 368-3374
	<b>Western Navajo Agency</b> Wilson Napoleon	<b>Western Navajo Agency</b> Wilson Napoleon, Realty Specialist Phone: (928) 283-2246



**USDOJ WORKS WITH: Navajo  
Nation, HUD, USDA, FRB, Agencies,  
Financial Institutions, Loan Applicants**