

## **CHAPTER 5 HOMESTEADS**

- §201. Designation of homestead areas.
- §202. Establishment of area and requirements for use of homestead tracts.
- §203. Persons eligible to homestead.
- §204. Application for homestead land; place; form; contents.
- §205. Same; approval.
- §206. Issuance of homestead permit.
- §207. Conditions of occupancy.
- §208. Deeds of conveyance.
- §209. Transfer of homestead permit.
- §210. Revocation of homestead permit.
- §211. Waiver of requirements.
- §212. Certificate of compliance.
- §213. Cessation of rights in homestead permit on issuance of certificate.

### **§201. Designation of homestead areas.**

Such areas of public lands within the Trust Territory as may be suitable for agricultural or grazing purposes or for the establishment of community sites, and which are not required for government use or reserved for other purposes by any other provision of law, may be designated by the high commissioner on behalf of the government of the Trust Territory for homesteading purposes. Such areas may, in accordance with the provisions of this chapter, be allotted to qualified persons for the purpose of farming or developing village lots with the right to acquire title upon the fulfillment of the conditions prescribed herein. (Code 1966, § 950; Code 1970, tit. 67, § 201.)

Source: 67 TTC 5 § 201, modified.

### **§202. Establishment of area and requirements for use of homestead tracts.**

(1) The district administrator, upon advice of the planning commission, shall, subject to the approval of the High Commissioner, determine and establish:

(a) The maximum area of land allowable for each agricultural, grazing, or village lot homestead tract within the district;

(b) Standards and requirements for the use, occupation and development of the homestead tracts within the district; and

(c) That amount of land which a person, clan, lineage, family or group of persons may own within the Trust Territory, the excess of which shall prevent the acquisition of land for homesteading.

(2) The district administrator shall file a copy of each of his determinations under this section with the clerk of courts of the district. (Code 1966, § 951; Code 1970, tit. 67, § 202; P.L. No. 4C-76, § 12(b).)

Source: 67 TTC 5 § 202, modified.

### **§203. Persons eligible to homestead.**

Subject to the provisions of this chapter and the rules and regulations issued pursuant thereto the following persons or groups of persons may be authorized to enter upon, occupy and improve a tract or tracts of public land for the purpose of homesteading:

(1) Any person who is eighteen years of age or over, and who is a citizen of the Trust Territory; provided, that no person shall be authorized to enter upon or acquire any right in any tract of public land which exceeds the maximum area of a homestead established by the district administrator in accordance with section 202 of this chapter; provided further, that no person shall be permitted to enter and acquire more than one homestead, except that a qualified person may enter one village lot in addition to a farm tract; and provided further, that no person who is the owner of lands within the Trust Territory, the amount of which equals or exceeds the maximum area which shall have been established in accordance with section 202 of this chapter, shall be permitted to enter and acquire any homestead tract.

(2) Any clan, lineage, family or group of persons who collectively possess land rights established by local custom as recognized by the High Commissioner; provided, that each district land advisory board, taking cognizance of the local customs concerning land tenure in its district, shall recommend to the district administrator the clans, lineages, families or groups of persons who are eligible for homestead privileges; provided further, that no clan, lineage, family or group of persons shall be authorized to enter upon nor acquire any rights in any tract of public land which exceeds the maximum area of a homestead established by the district administrator in accordance with section 202 of this chapter. Homesteads shall not be granted to an individual person if clan, lineage, family or group ownership of land is the custom of the specific area in question. (Code 1966, § 952; Code 1970, tit. 67, § 203.)

Source: 67 TTC 5 § 203, modified.

### **§204. Application for homestead land; place; form; contents.**

Application for permits to homestead land shall be made to the district land office in the district in which the land is situated. The application shall be in the form of an affidavit and shall contain:

(1) All statements of fact upon which the applicant relies to establish his right to homestead;

(2) A description by metes and bounds of the property sought to be homesteaded; and,

(3) Such other data as may by rules and regulations be required. (Code 1966, § 953; Code 1970, tit. 67, § 204.)

Source: 67 TTC 5 § 204, modified.

**§205. Same; approval.** The district land office shall verify the eligibility of the applicant and all essential facts set forth by the applicant. The district land officer shall thereupon recommend approval or disapproval of the application to the district administrator. (Code 1966, § 954; Code 1970, tit. 67, § 205.)

Source: 67 TTC 5 § 205, modified.

**§206. Issuance of homestead permit.**

Upon approval of the application, the district administrator shall issue a permit to enter upon, use and improve the land in accordance with standards as established under the provisions of section 202 of this chapter. This permit shall describe the land and shall contain a reservation of any and all public roads, rights of way, easements, mineral rights and uses essential to the public welfare. (Code 1966, § 955; Code 1970, tit. 67, § 206.)

Source: 67 TTC 5 § 206, modified.

**§207. Conditions of occupancy.**

(1) The homesteader shall enter upon and commence the use and improvement of the land in accordance with the requirements established under paragraph (b), subsection (1), section 202 of this chapter within one hundred twenty days after the receipt of the permit. Upon noncompliance with the foregoing, the permit shall expire and be null and void and the homesteader shall be construed to have waived all rights in and to said land.

(2) The homesteader shall within six months of entry place, at all corners of the land, markers which shall be obtained from the district land office, and shall at all times maintain all boundaries clear of any and all weeds, trash and underbrush.

(3) During the period of occupancy, the homesteader shall comply with all rules, regulations and requirements concerning the use, occupation and development of the land as established under paragraph (b), subsection (1), section 202 of this chapter. (Code 1966, § 956; Code 1970, tit. 67, § 207.)

Source: 67 TTC 5 § 207, modified.

**§208. Deeds of conveyance.**

Deeds of conveyance shall be issued by the government of the Trust Territory, over the signature of the High Commissioner, for homestead land entered under the provisions of this chapter; provided, that no such deed shall be issued until the expiration of three years from the date of entry and the execution of a certification by the district administrator certifying that the homesteader has complied with all laws, rules and regulations appertaining to the homestead. The High Commissioner shall issue the deed of conveyance within two years of the time the homesteader becomes eligible to receive the deed of conveyance under the provisions of this chapter. Such deed of conveyance shall convey to the homesteader any and all rights of the government of the Trust Territory to the property, excepting such rights as are reserved by law or by permit. (Code 1966, § 957; Code 1970, tit. 67, § 208.)

Source: 67 TTC 5 § 208, modified.

**§209. Transfer of homestead permit.**

No rights in or to a homestead permit granted under the provisions of this chapter shall be sold, assigned, leased, transferred or encumbered; except, that in the event of the death of a homesteader prior to the issuance of a deed of conveyance, all rights under the permit shall inure to the benefit of such person or persons, if any, as the homesteader shall last designate in writing filed in the district land office. In the event no designation has been made by the homesteader as provided in this section, then the permit shall be revoked, and the land, together with all appurtenances thereto entered thereunder, shall revert to the government. (Code 1966, § 958; Code 1970, tit. 67, § 209.)

Source: 67 TTC 5 § 209, modified.

**Cases:**

Agreement to convey land after perfection of homestead not enforceable. Plaintiff may not obtain specific performance and enforce an agreement made with defendant to convey land held under a homestead permit after defendant's homestead had been perfected. *Iisari v. Taroliman* (App. Div., April, 1976.)

Conveyance of land after title acquired from government. Where defendant who held land under homestead permit hands deed to plaintiff and verbally conveys land after homestead permit matures and after a certificate of compliance is issued and a deed is issued to defendant transferring the land to defendant, defendant has conveyed the land to plaintiff after acquiring title from the government. *Iisari v. Taroliman* (App. Div., April, 1976.)

**§210. Revocation of homestead permit.**

If, at any time after the issuance of a permit to enter a homestead tract and before the expiration of the period prescribed by section 208 of this chapter it is proved, after due notice to the homesteader, to the satisfaction of the district administrator that the homesteader has abandoned the land or has failed to comply with the laws, rules and regulations appertaining to homesteads, then said permit shall be revoked and the land so entered shall revert to the government; provided, that where there may be unavoidable cause, the district administrator may, in his discretion, allow the homesteader an extension of the period prescribed in section 208 of this chapter. (Code 1966, § 959; Code 1970, tit. 67, § 210.)

Source: 67 TTC 5 § 210, modified.

**§211. Waiver of requirements.**

The High Commissioner, upon recommendation of a district administrator, may in his discretion waive any requirement, limitation or regulations relating to homesteading when the public interest requires such waiver. (Code 1966, § 960; Code 1970, tit. 67, § 211.)

Source: 67 TTC 5 § 211, modified.

**§212. Certificate of compliance.**

A certificate of compliance issued under the provisions of section 208 of this title of this Code creates a right to the issuance of the deed of conveyance of any and all right, title and interest of the Trust Territory in the property in the holder of the certificate. A certificate of compliance, as such, is an instrument evidencing an interest in real property, and such interest may be sold, leased, or in any other way alienated by the holder thereof, whereupon the transferee shall succeed to all the rights of the transferor, to the extent that the transferor has transferred the same to him. (P.L. No. 5-71, § 1.)

Source: 67 TTC 5 § 212, modified.

**§213. Cessation of rights in homestead permit on issuance of certificate.** Any and all rights arising from any homestead shall cease upon the issuance of a certificate evidencing compliance with the term of such permit to the holder thereof, and upon such issuance the provisions of sections 209 and 210 of this title of this Code shall no longer apply. Nothing in this section, however, shall deprive the holder of the certificate of the full and complete right of possession and use of the land which is the subject of the permit and certificate, or of the rights in the certificate as set forth in section 212 of this title. (P.L. No. 5-71, § 2.)

Source: 67 TTC 5 § 212, modified.