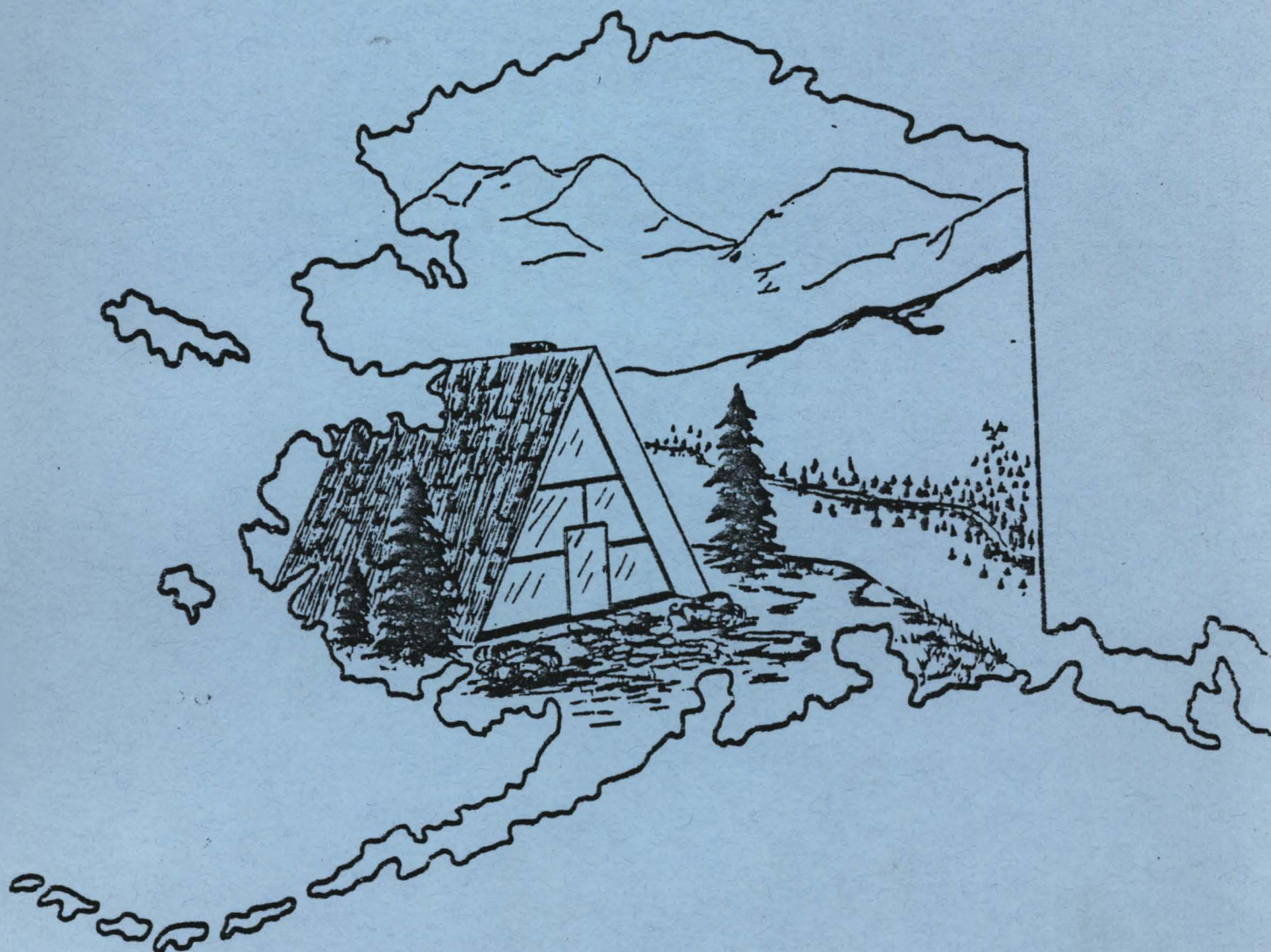


U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

# HOMESITE IN ALASKA





# United States Department of the Interior

IN REPLY REFER TO

## BUREAU OF LAND MANAGEMENT

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### HOMESITE INFORMATION PAMPHLET

GENERAL: The Act of May 26, 1934, (48 Stat. 809) authorizes the sale of one tract of public land, not to exceed 5 acres, to any citizen of the United States 21 years of age or older, who has occupied the land and used it in good faith as a homesite. Unappropriated and unreserved land open to settlement, whether surveyed or unsurveyed, is subject to settlement and appropriation under the Homesite Act. An individual may purchase only one tract of land under this Act.

The land must be nonmineral in character, except that land classified as valuable or prospectively valuable for coal, oil, and/or gas may be appropriated subject to a reservation to the United States of all the coal, oil, and/or gas in accordance with the provisions of the Act of March 8, 1922, as amended. Lands that have potential value for geothermal resources may be settled, but any patent issued for these lands will contain a reservation of these resources to the United States in accordance with the Act of December 24, 1970 (84 Stat. 1566).

Persons desiring to obtain land for a homesite should visit the BLM office having jurisdiction over the land in which he/she is interested for information concerning the availability of the land and the procedures for initiating settlement. Since the land pattern in Alaska is now very fragmented and there are many private lands intermingled with the public lands, this initial visit to the appropriate BLM office is essential to keep a settler from spending time and money improving land that is not available to him.

### THE MEANING OF SETTLEMENT

Settlement is initiated through the personal acts of the settler placing improvements upon the land and establishing residence thereon. A person making settlement is required by law, in order to protect his rights, to do two things within 90 days after date of settlement. They are: (1) file a notice of location of the settlement in the Land Office, and (2) post a copy of the notice on the land. Unless a notice of the claim is filed within 90 days after the date of settlement, no credit can be given for any occupancy of the land prior to the filing of the notice of location. When filing the notice of location it is extremely important to give the date on which settlement or occupancy was made. The mere filing of a location notice without actual appropriation of the land is not sufficient to hold the land against the valid appropriation of another settler. Settlement or occupancy requires the staking of the land, beginning improvements or using the land. This initial act of settlement must be followed within a reasonable time by further acts of settlement and improvement and residence. This act requires that a habitable house must be placed on the land and residence maintained therein for not less than five months each year for three years. Qualified veterans may receive credit for residence in accordance with length of military service. (See Page 5)

### DESCRIPTION OF THE LAND

1. Surveyed land must be described by aliquot parts of a legal subdivision, section, township, range, and meridian. ("Aliquot parts" means portions of a 40 acre legal subdivision obtained by dividing the 40 acre quarter sections into 2, 4, 8, 16, etc., equal parts to obtain 20, 10, 5, or 2 1/2 acre parcels.)
2. Unsurveyed land must be described by metes and bounds, giving directions and distances. The description must be tied to a survey monument, or prominent natural feature so the BLM can readily and accurately identify the claim on the ground and on the official land status records.

The point of beginning must be tied to a survey monument, if there is one in the vicinity. If there is no survey monument available, the point of beginning must be tied to a natural feature such as the mouth of a creek or stream, river junction, mountain peak, or other prominent point or natural object. The latitude and longitude of the point of beginning must also be given as accurately as possible. The description must be accurate enough to be plotted on the BLM's land status records. The claimant must also submit a copy of a topographic map such as a U.S.G.S. 1" to 1 mile quadrangle, with the boundaries of his claim clearly outlined.

The applicant must describe the land in rectangular form and the boundaries must follow the cardinal points of the compass (true north, south, east, west) unless one or more of the boundaries is a stream or other fixed natural object. In this case, only the approximate course and distance along such stream or natural object need be given, but the other boundaries must conform to cardinal directions. A homesite may not be more than four times as long as it is wide.

For more complete information and instructions on how to describe and mark unsurveyed lands, please contact the appropriate BLM office in Alaska.

#### NOTICE OF LOCATION

1. Notice of location is filed in the appropriate BLM office after the initiation of settlement on the land. The notice must be filed in duplicate if land is surveyed, and in triplicate if land is unsurveyed, and in either case it must be accompanied by a filing fee of \$10.00.
2. The Homesite Law limits filings to any qualified person (singular). For this reason, a notice of location may not be made in two names (even if those filing are husband and wife). It must be made in only one name.
3. When the notice is filed and the filing fee paid, the BLM, will assign it a serial number. The claimant should refer to this serial number when inquiring about his claim.
4. BLM will then check the official land status records for any record of prior existing claims or rights to the land and will gather information as to the mineral value of the land.
  - a. If no prior claims are found, the land is not reserved, and has no value for minerals other than coal, oil, and/or gas, the land is available for settlement. The BLM will then provide the claimant with a copy of his/her notice, signed by the authorized officer, which is the authority to continue to "prove-up" on the land.
  - b. If prior claims are found the lands are reserved, or are found to have mineral value, other than oil, gas, or coal; the lands are not available for settlement and the claimant will be so notified by decision.
  - c. If the lands in the claim are found to be valuable or prospectively valuable for coal, oil and/or gas; these minerals will be reserved to the United States as required by the Act of March 8, 1922, as amended (42 Stat. 415.48; U.S.C. 376-377).

d. If the lands in the claim are found to be valuable or prospectively valuable for geothermal resources, these resources will be reserved to the United States as required by the Act of December 24, 1970 (84 Stat. 1566).

5. The five-year statutory life of the claim begins on the date the claimant files the notice of location with BLM. The notice of location must be filed within 90 days of the date of settlement or the claimant cannot be given credit for any residence, etc. accomplished prior to the filing of the notice of location or application to purchase whichever is earlier.

Although actual residence need not begin prior to or at the time of filing the notice of location or within the first two years, the claimant must perform acts of appropriation in a substantially continuous manner in order to identify himself with the land. This is essential in order for the claimant to protect himself against adverse claims by others.

#### APPLYING TO PURCHASE (Applying for Patent)

1. The claimant may apply to purchase the claim at anytime after he/she has fulfilled the residence requirements of the law, but must apply within the five-year statutory life of the claim. (i.e., 5 years from filing of the notice of location.) Failure to apply for purchase by the end of the five-year statutory life of the claim will result in closure of the case file.

2. The application to purchase must be filed in the appropriate BLM office in duplicate and must be accompanied by a nonrefundable \$10.00 filing fee. (Check or money order must be made payable to the Bureau of Land Management).

3. The purchase price of \$2.50 per acre (with a minimum price of \$10.00) must be paid before a final certificate authorizing patent may be prepared.

4. When applying to purchase the claimant must show that:

a. He/she constructed a habitable house upon the land. "Habitable house" means a dwelling suitable for year-round use.

b. He/she resided on the land, in the habitable house, for not less than five (5) months each year for three (3) years after residence was established.

c. Veterans of World War II and the Korean Conflict may apply their service credit towards the residence requirements of the law as shown below: (Note: any person who served on active duty in the Armed Services from 1940 to the present and who was honorably discharged may qualify for these benefits.)



No. of Months in Military Service	No of Months Must Reside during First Year	No. of Months Must Residence Second Residence Year	No. of Months Must Reside Third Resi- dence Year
17 or more	5	--	--
16	5	1	--
15	5	2	--
14	5	3	--
13	5	4	--
5 to 12	5	5	--
4	5	5	1
3	5	5	2

A photostatic copy of the claimant's discharge papers showing the dates of induction, active service and discharge is adequate proof of service. Original papers should be submitted only in the event the claimant is not able to get a photostatic copy easily. Original papers will be returned at the time of preparation of the final certificate.

Example: Assume that notice of location was filed on January 1, 1981. The claimant proceeds to diligently appropriate the land by clearing, building his home, and performing other acts of improvements. He does not, however, actually begin to reside upon the land during the first year after filing notice of location.

On May 1, 1983, the claimant begins his residence. Residence is then computed as follows:

May 1, 1983, to May 1, 1984: First residence year

May 1, 1984, to May 1, 1985: Second residence year

May 1, 1985, to May 1, 1986: Third residence year

The claimant must show residence of five (5) months in each one of three (3) residence years unless veteran's credit is claimed.

5. What Happens After the Applications to Purchase is Filed? After the application to purchase is received, a BLM employee will examine the land to see that the applicant has complied with the requirements of the Homesite Law.

A. If the requirements of the law have been met the processing of the application will continue as follows:

1. Surveyed Lands: If the land is surveyed, the applicant will then be required to publish notice of the filing of the application to purchase as outlined below under "Publication."

2. Survey of Unsurveyed Land: If the land is unsurveyed, a survey will be scheduled. Publication cannot be authorized until the land is officially surveyed by the BLM. Cost of survey will be borne by the BLM.

a. After the land has been surveyed on the ground, a plat of survey is prepared. The plat must then be approved and officially filed.

b. When the plat of survey is officially filed, the applicant is notified and publication is authorized.

3. Publication: Full instructions for publishing the notice of filing of the application to purchase in a designated newspaper are mailed to the applicant. The BLM will ask for the purchase price at this time, if it has not already been paid. The applicant must also pay the cost of publication.

a. When publication is complete, the applicant must file the publisher's affidavit of publication and an affidavit of posting, showing that the required papers were posted on the land during the period of publication.

b. During the period of publication and for 30 days afterward, any person, corporation or association having or asserting an adverse interest in or claim to the land may file a notice of such claim in the office where the Application to Purchase is pending. Such notice must be filed in accordance with the provisions of the Act of May 14, 1898 (30 Stat. 413; 48 U.S. 359). The adverse claimant is then required to begin action to quiet title in a court of competent jurisdiction within 60 days after the filing of the adverse claim. No patent will be issued until the final decree of the court is received. The patent, when issued, will be issued in conformity with the final decree.

Any protest which may be filed that does not show the protestant intends to commence action to quiet title, and any contest which may be filed, will be disposed of in accordance with the rules of practice contained in 43 CFR 4.450.

B. If the applicant has not complied with the requirements of the law a government contest complaint will be issued, seeking to cancel the claim. Instructions for answering the complaint will be furnished to the applicant with the complaint.

#### FINAL CERTIFICATE AND PATENT

1. If no adverse claim is filed, and all else is found to be satisfactory, a final certificate authorizing patent is prepared. The patent is then issued and mailed to the applicant.
2. Once the patent is issued, the patentee is required by State law to record the patent in the recording district in which the land is located, recordation, taxes, etc., are the responsibility of the patentee.

For actual regulations concerning the Homesite Law, see Title 43 of the Code of Federal Regulations, part 2563.2.