



Lands and Realty- Color-of-Title

This following is intended to provide general information on the Color-of-Title Act, 43 U.S.C. 1068, and 1068a.

Background:

The Color-of-Title Act provides that any individual, group, or corporation who has evidence giving the appearance of having title to public lands, which are administered by the Bureau of Land Management, and legal title to the lands remains vested in the United States, may file a color-of-title claim. An applicant will receive a patent conveying clear title to the lands upon payment of the fair and reasonable sale price that reflects current market value of the lands if they meet the requirements for a Class 1 or Class 2 claim.

Class 1 Claim – If a land owner, for at least 20 years, has treated Public Land as their own possession without knowing it was public land and have improved the land during that time, it is filed under a Class 1 Claim. Under this type of claim, the claimant must demonstrate that they have made valuable improvements upon the land or have reduced part of the land to cultivation. Some examples of valuable improvements include but are not limited to building a home on the property, or other significant structure. Cultivation of the land is of course farming the land.

Class 2 Claim – If a land owner believes they hold right to Public Lands because they have honestly believed the land was part of their property and can show proof the land has been considered part of the property dating back to at least January 1, 1901, a Class 2 Claim can be filed. Under a Class 2 Claim, the land owner must produce documentation that all state and local taxes were paid on the land from January 1, 1901 through the present. Any time lapse in tax payments even by a previous owner negates the claim to this land under a Class 2 Claim.

Application Procedures:

How do I file a color-of-title application?

Applications must be filed in the appropriate BLM State Office using Forms 2540-1 and 2540-2 for both Class 1 and 2 claims and in addition, Form 2540-3 is required for Class 2 claims. These forms can be found at <http://www.blm.gov/blmforms/>. The cost associated with filing the Color-of-Title Claims includes a filing fee of \$x.00 and if approved, the fair market value price of the land. Money previously paid as a mortgage on the property in question may be deducted from the fair market value of the land.

Processing Time:

The average length of time to process a Color-of-Title application is 2 years. All claim information is thoroughly researched in hopes of resolving the issue in accordance with the law and regulations.

For More Information:

For more information about the Color-of-Title process, fees, or other BLM programs, please visit us on the web at www.blm.gov/es or call us at (703) 440-1600.