



United States  
Department of  
Agriculture

Farmers  
Home  
Administration

Washington  
D.C.  
20250

FmHA AN No.1845(1951)

December 30, 1988

SUBJECT: Notification of Former Farmer Programs Owner/Previous Operator of Leaseback/Buyback and Homestead Protection Rights on CONTACT Property Acquired After January 6, 1988

TO: State Directors and District Directors

ATTEN: Farmer Programs Chiefs:

PURPOSE/INTENDED OUTCOME:

The purpose of this AN is to clarify the procedure on notifying the former owner/previous operator of leaseback/buyback rights and former borrowers of homestead protection rights for properties acquired by FmHA after January 6, 1988. This AN is also to remind County Supervisors to start processing any homestead protection applications that may be on hand. The intended outcome of this AN is to make sure all notices related to leaseback/buyback and homestead protection are sent to borrowers whose farm property was acquired by FmHA after January 6, 1988 and now in the Agency's inventory.

COMPARISON WITH PREVIOUS AN:

There is no previous AN on this subject.

IMPLEMENTATION RESPONSIBILITIES:

For farm properties acquired after January 6, 1988, and where there has been no lease or purchase agreement signed with the former owner, the County Supervisor should immediately notify the former owner by sending Exhibit 0 of FmHA Instruction 1951-S. Exhibit 0 may be modified for those properties acquired after January 6, 1988, to allow the former owner 180 days from the date of the notice, instead of 180 days from the date of acquisition. It will be the responsibility of the former owner to notify the former owner's spouse and child(ren) or entity members (if the previous owner was an entity) of their leaseback/buyback rights. The spouse and child(ren) of the former owner or any entity members must respond within 190 days from the date of the notice.

EXPIRATION DATE: September 30, 1989

FILING INSTRUCTION:  
Preceding FmHA  
Instruction 1951-S



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Complaints of discrimination should be sent to:  
Secretary of Agriculture, Washington, D.C. 20250

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For properties acquired after January 6, 1988, and in the instance the former owner, spouse or child(ren) of the former owner or entity members did not exercise their rights under leaseback/buyback and someone other than the former owner was operating the farm or ranch when FmHA acquired the property, the former operator should be notified of leaseback/buyback rights using Exhibit P of FmHA Instruction 1951-S. Exhibit P may also be used to notify those previous operators of property acquired before January 6, 1988, if the operator of the property was not previously advised of leaseback/buyback rights.

The County Supervisor should also immediately contact those former borrowers who were sent Exhibit B of the unnumbered letter dated February 12, 1988, titled "Borrower Notification of Dwelling Retention," and those borrowers who responded within the 90 days required timeframe to begin the processing of their request in accordance with Section 1951.911(b), "Homestead Protection," of FmHA Instruction 1951-S.

If there are any former borrowers whose properties were acquired after January 6, 1988, and the former borrower has not been advised of homestead protection rights, the County Supervisor should immediately notify the former borrower by sending Exhibit M of FmHA Instruction 1951-S.

For those farm properties located within the boundaries of federally recognized Indian reservations and acquired after January 6, 1988, and the former owner was a member of the tribe having jurisdiction, over the reservation, the County Supervisor will also send Exhibit B to FmHA Instruction 1955-B. This Exhibit will inform the Indian tribes of the possible availability of the property for lease or purchase after the previous owner's rights have expired or been concluded.



LA VERNE AUSMAN  
Acting Administrator

Sent via electronic mail on 1/3/89 at 11:15am by ASD. A copy of this AN will be duplicated by the District Directors and distributed to the County Offices. State Directors will immediately distribute to Farmer Programs Chiefs and other appropriate personnel.