Lac du Flambeau Tribe Clarifies Access Road Closures

LAC DU FLAMBEAU—JANUARY 31, 2023—The Lac du Flambeau Band of Lake Superior Chippewa Indians issued the following statement to clarify its decision to close access roads after a decade of negotiating with title companies, who's policy holders have trespassed over private property owned by the Tribe.

"We feel for the individual property owners impacted by the title companies' refusal to negotiate in good faith over the course of 10 years," Tribal President John D. Johnson Sr. said. "If individual property owners realized where the actual fault lies, I suspect the title companies are concerned about individual property owners suing them."

"It seems the title companies are attempting to put all the blame on the Tribe, which owns the access roads, to keep attention off the fact that the title companies illegally issued faulty title policy commitments to individual property owners," President Johnson said.

First American Title Company and Chicago Title Insurance Company have been slow to act and take responsibility for issuing defective title policy commitment letters to homeowners that did not address access over Indian lands issues with their fee simple property on the Lac du Flambeau Indian Reservation. Rights of way for these properties expired 10 years ago. Over that time the Tribe has worked in good faith with the title companies and the Bureau of Indian Affairs to clarify ownership, control and maintenance of property on the Reservation.

"The Town of Lac du Flambeau and the title companies have not always acted in good faith to resolve this issue," President Johnson said. "The Tribe is fed up with the title companies' games. Title companies could have settled the situation by paying a fraction of what is being asked for now. Individual property owners are essentially being held hostage by title companies unwilling to negotiate in good faith."

"Imagine if someone built a road through your property without your permission to access land on the other side of your property," President Johnson said. "A title company then tells your neighbor they are guaranteed access forever to their property through your land over the illegally built road. How would you feel about it? Wouldn't you want to make sure, even though the road was built illegally to begin with, that everyone acknowledged that you owned the access road that rests on your land, and people using the road follow reasonable expectations for continued use of the road?"

"Unfortunately, the title companies and their attorneys are jeopardizing individual property owners, even though the Tribe's expectations in for return for the right of ways being granted to individual property owners are fair and reasonable," President Johnson said.

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