

plying with all of the foregoing provisions for eligibility.)

§ 706.32 Administration.

The U.S. Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program pursuant to the provisions of the regulations in this subpart and the field work shall be administered by the U.S. Forest Service through the office of the Southeastern Area Director, U.S. Forest Service, 1720 Peachtree Road, NW, Atlanta, Georgia 30309. Information concerning this program may be secured from the Southeastern Area Director, U.S. Forest Service or from State Forest Agency offices in Alabama, Florida, Georgia, and Mississippi.

PART 707—PAYMENTS DUE PERSONS WHO HAVE DIED, DISAPPEARED, OR HAVE BEEN DECLARED INCOMPETENT

Sec.

707.1 Applicability.

707.2 Definitions.

707.3 Death.

707.4 Disappearance.

707.5 Incompetency.

707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.

707.7 Form of application.

AUTHORITY: The provisions of this Part 707 issued under 54 Stat. 728, as amended, sec. 121, 70 Stat. 197, sec. 375, 52 Stat. 66, as amended, sec. 124(1), 75 Stat. 300, sec. 307(h), 76 Stat. 617, sec. 318, 76 Stat. 622, sec. 324(2), 76 Stat. 630, sec. 704, 68 Stat. 911, secs. 4, 3(b), 49 Stat. 164, 1149, as amended, sec. 101(4), 76 Stat. 606, sec. 3, 77 Stat. 45, sec. 4, 62 Stat. 1070; 5 U.S.C. 301, 7 U.S.C. 1334 note, 1339, 1375, 1879j, 1885, 1783, 1809; 16 U.S.C. 590d, 590h(b), 590(e), 590p(h), 15 U.S.C. 714b(d) (j) (k).

SOURCE: The provisions of this Part 707 appear at 30 F.R. 6246, May 5, 1965, unless otherwise noted.

§ 707.1 Applicability.

This part is applicable to the following programs set forth in this Title 7:

(a) Agricultural Conservation Program (Part 701);

(b) Land Use Adjustment Programs (Part 751);

(c) Conservation Reserve Program (Part 750);

(d) Feed Grain Diversion Programs (Part 775);

(e) Wheat Stabilization Programs (Part 776);

(f) Wheat Diversion and Certificate Programs (Part 728);

(g) CCC Loan and Purchase Programs for Grains and Similarly Handled Commodities (Part 1421), Cotton (Part 1427), Honey (Part 1434), Oilseeds (Part 1443), Peanuts (Part 1446), Mohair (Part 1468), Wool (Part 1472), and Farm Storage Facilities (Part 1474);

(h) Naval Stores Conservation Program (Part 706);

(i) Upland Cotton Program (Part 772); and

(j) All other programs to which this part is made applicable by individual program regulations.

(Sec. 602, 79 Stat. 1209, 7 U.S.C. 1838) [Amdt. 1, 32 F.R. 13649, Sept. 29, 1967]

§ 707.2 Definitions.

“Person” when relating to one who dies, disappears, or becomes incompetent, prior to receiving payment, means a person who has earned a payment in whole or in part pursuant to any of the programs to which this part is applicable. “Children” shall include legally adopted children who shall be entitled to share in any payment in the same manner and to the same extent as legitimate children of natural parents. “Brother” or “sister”, when relating to one who, pursuant to the regulations in this part, is eligible to apply for the payment which is due a person who dies, disappears, or becomes incompetent prior to the receipt of such payment, shall include brothers and sisters of the half blood who shall be considered the same as brothers and sisters of the whole blood. “Payment” means a payment by draft, check or certificate pursuant to any of the Programs to which this part is applicable. Payments shall not be considered received for the purposes of this part until such draft, check or certificate has been negotiated or used.

§ 707.3 Death.

(a) Where any person who is otherwise eligible to receive a payment dies before the payment is received, payment

may be made upon proper application therefor, without regard to claims of creditors other than the United States, in accordance with the following order of precedence:

(1) To the administrator or executor of the deceased person's estate.

(2) To the surviving spouse, if there is no administrator or executor and none is expected to be appointed, or if an administrator or executor was appointed but the administration of the estate is closed (i) prior to application by the administrator or executor for such payment or (ii) prior to the time when a check, draft, or certificate issued for such payment to the administrator or executor is negotiated or used.

(3) If there is no surviving spouse, to the sons and daughters in equal shares. Children of a deceased son or daughter of a deceased person shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of a deceased son or daughter of such deceased person, the share of the payment which otherwise would have been made to such son or daughter shall be divided equally among the surviving sons and daughters of such deceased person and the estates of any deceased sons or daughters where there are surviving direct descendants.

(4) If there is no surviving spouse and no direct descendant, payment shall be made to the father and mother of the deceased person in equal shares, or the whole thereof to the surviving father or mother.

(5) If there is no surviving spouse, no direct descendant, and no surviving parent, payment shall be made to the brothers and sisters of the deceased person in equal shares. Children of a deceased brother or sister shall be entitled to their parent's share of the payment, share and share alike. If there are no surviving direct descendants of the deceased brother or sister of such deceased person, the share of the payment which otherwise would have been made to such brother or sister shall be divided equally among the surviving brothers and sisters of such deceased person and the estates of any deceased brothers or sisters where there are surviving direct descendants.

(6) If there is no surviving spouse, direct descendant, parent, or brothers or sisters or their descendants, the payment shall be made to the heirs-at-law in ac-

cordance with the law of the State of domicile of the deceased person.

(b) If any person who is entitled to payment under the above order of precedence is a minor, payment of his share shall be made to his legal guardian, but if no legal guardian has been appointed payment shall be made to his natural guardian or custodian for his benefit, unless the minor's share of the payment exceeds \$1,000, in which event payment shall be made only to his legal guardian.

(c) Any payment which the deceased person could have received may be made jointly to the persons found to be entitled to such payment or shares thereof under this section or, pursuant to instructions issued by the Agricultural Stabilization and Conservation Service, a separate payment may be issued to each person entitled to share in such payment.

§ 707.4 Disappearance.

(a) In case any person otherwise eligible to receive payment disappears before receiving the payment, such payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to one of the following in the order mentioned:

(1) The conservator or liquidator of his estate, if one be duly appointed.

(2) The spouse.

(3) An adult son or daughter or grandchild for the benefit of his estate.

(4) The mother or father for the benefit of his estate.

(5) An adult brother or sister for the benefit of his estate.

(6) Such person as may be authorized under State law to receive payment for the benefit of his estate.

(b) A person shall be deemed to have disappeared if (1) he has been missing for a period of more than 3 months, (2) a diligent search has failed to reveal his whereabouts, and (3) such person has not communicated during such period with other persons who would be expected to have heard from him. Evidence of such disappearance must be presented to the county committee in the form of a statement executed by the person making the application for payment, setting forth the above facts, and must be substantiated by a statement from a disinterested person who was well acquainted with the person who has disappeared.

§ 707.5 Incompetency.

(a) Where any person who is otherwise eligible to receive a payment is adjudged incompetent by a court of competent jurisdiction before the payment is received, payment may be made, upon proper application therefor, without regard to claims of creditors other than the United States, to the guardian or committee legally appointed for such incompetent person. In case no guardian or committee has been appointed, payment, if not more than \$1,000, may be made without regard to claims of creditors other than the United States, to one of the following in the order mentioned for the benefit of the incompetent person:

- (1) The spouse.
- (2) An adult son, daughter, or grandchild.
- (3) The mother or father.
- (4) An adult brother or sister.
- (5) Such person as may be authorized under State law to receive payment for him (see standard procedure prescribed for the respective region).

(b) In case payment is more than \$1,000, payment may be made only to such person as may be authorized under State law to receive payment for the incompetent.

§ 707.6 Death, disappearance, or incompetency of one eligible to apply for payment pursuant to the regulations in this part.

In case any person entitled to apply for a payment pursuant to the provisions of § 707.3, § 707.4, § 707.5, or this section, dies, disappears, or is adjudged incompetent, as the case may be, after he has applied for such payment but before the payment is received, payment may be made upon proper application therefor, without regard to claims of creditors other than the United States, to the person next entitled thereto in accordance with the order of precedence set forth in § 707.3, § 707.4, or § 707.5, as the case may be.

§ 707.7 Form of application.

Persons desiring to claim payment in accordance with this Part 707 may do so on Form ASCS-325, "Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent". If the person who died, disappeared, or was declared incompetent did not apply for payment

by filing the applicable program application for payment form, such program application for payment must also be filed in accordance with applicable regulations. If the payment is made under the Naval Stores Conservation Program, Part II of the Form ASCS-325 shall be executed by the local District Supervisor of the U.S. Forest Service. In connection with applications for payment under all other programs itemized in § 707.1, Forms ASCS-325, and program applications for payments where required, shall be filed with the ASCS county office where the person who earned the payment would have been required to file his application.

The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

PART 708—RECORD RETENTION REQUIREMENTS—ALL PROGRAMS

§ 708.1 Record retention period.

For the purposes of the programs in this chapter, no receipt, invoice, or other record required to be retained by any agricultural producer as evidence tending to show performance of a practice under any such program needs to be retained by such producer more than two years following the close of the program year of the program.

(Sec. 4, 49 Stat. 164, secs. 7-17, 49 Stat. 1148, as amended; 16 U.S.C. 590d, 590g-590q) [25 F.R. 105, Jan. 7, 1960. Redesignated at 26 F.R. 5788, June 29, 1961]

PART 709—ASSIGNMENT OF PAYMENT

Sec.

- 709.1 Basis, purpose, and applicability.
- 709.2 Definitions.
- 709.3 Purposes for which a payment may be assigned.
- 709.4 Execution of assignment form.
- 709.5 Interest; payment assigned not to be discounted.
- 709.6 Payment to the assignee.
- 709.7 Misrepresentations.
- 709.8 Liability of the Secretary or disbursing agents.

AUTHORITY: The provisions of this Part 709 issued under sec. 8(g), 52 Stat. 35, as amended; 52 Stat. 205, 80 Stat. 1167; 16 U.S.C. 590h(g).

SOURCE: The provisions of this Part 709 appear at 32 FR 14921, Oct. 28, 1967, unless otherwise noted.