

Lac Vieux Desert Band of Lake Superior Chippewa Indians
Probate Code

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Lac Vieux Desert Probate Code
Chapter 1 – Wills and Estates

Section 1 – Title; Purpose; Definitions.

- 1.01 Title. This Code shall be known as the Lac Vieux Desert Band of Lake Superior Chippewa Indians Probate Code, and may be alternately referred to throughout this code as the “Probate Code” or the “Code.”
- 1.02 Purpose. The Tribal Council of the Lac Vieux Desert Band of Lake Superior Chippewa Indians enacts this Code to recognize the Tribal Court’s authority and jurisdiction over the estate of tribal members who have walked on and to provide a comprehensive framework to facilitate the distribution of the member’s estate. This Code shall apply to all petitions pending or filed after the date of adoption.
- 1.03 Severability. If any provision of the Code is found to be unconstitutional or unlawful by a court of competent jurisdiction, such provision(s) shall be struck, and the remainder of this Code shall remain in full force and effect.
- 1.04 Definitions.
- (a) “Abatement”, means a proportional reduction of the shares of beneficiaries under a will if the estate assets are not sufficient to pay the shares in full.
 - (b) “Authenticated”, means a genuine and valid original or copy of a public or official document, instrument or record.
 - (c) “Band”, “LVD”, or “Tribe”, means the Lac Vieux Desert Band of Lake Superior Chippewa Indians.
 - (d) “Beneficiary”, means a person nominated in a will to receive an interest in property other than in a fiduciary capacity.
 - (e) “Child”, for inheritance purposes, includes a biological or adoptive child who is entitled to take, or who would be entitled to take if the parent died without a will. “Child” does not include an individual who is a stepchild, a foster child, or a grandchild or more remote descendant.
 - (f) “Class gift”, means a devise or gift to a group of people, uncertain in number at the time of the gift, to be ascertained at a future time, who are all to take in equal, or other definite proportions, the share of each being dependent for its amount upon the ultimate number of people in the class.
 - (g) “Codicil”, means a written document that explains, modifies, or revokes a will or part of a will.

- (h) “Collateral Descendant” A collateral descendant descends from the same common ancestor as the decedent, but does not descend directly from the decedent. This includes siblings, cousins, nieces, nephews, aunts, and uncles.
- (i) “Decedent,” means a person who is deceased.
- (j) “Descendant” means, in relation to an individual, all of his or her descendants of all generations, with the relationship of parent and child at each generation being determined by the definitions of child and parent contained in this act.
- (k) “Devise”, means a gift of property by will or to give a gift of property by will which can be general, specific or residuary.
- (l) “Devisee”, means a person or entity designated in a will to receive a devise.
- (m) “Distributee”, means a person who receives property of a decedent other than as a creditor or purchaser.
- (n) “Estate”, means the property of the decedent subject to this Code.
- (o) “Executor”, means a person designated by a testator to carry out the directions and requests in a testator’s will and to dispose of the testator’s property according to the provisions of his or her will. This may include, but is not limited to, gathering the estate, protecting the interest of the estate, paying all debts enforceable against the deceased and, after payment of any tax due and of the costs of the administration, distributing the estate according to the terms of the will, or otherwise according to law.
- (p) “Exempt Property”, means property that can neither be passed by will nor claimed by creditors of the deceased in the event that a decedent leaves a surviving spouse or surviving issue.
- (q) “Fiduciary”, means a person or entity that manages money or property for someone else and for the benefit of that person.
- (r) “Heirs”, means those persons, including the surviving spouse, who are entitled to the property of a decedent under intestate succession.
- (s) “Interested Party”, means an heir, devisee, beneficiary, or a guardian of a legally incompetent person or minor, or a personal representative or fiduciary of the same who is an heir; as well as any creditor, surety, or any other person having a property right in an estate of a decedent.
- (t) “Intestate”, means one who dies without leaving a valid will.

- (u) “Intestate Succession”, means succession to property of a decedent who died intestate or partially intestate (i.e. without a will or with a will which does not effectively name all assets within the estate).
- (v) “Issue”, means the entirety of the children, grandchildren, and lineal descendants of more remote degree. “Issue” does not include those who are the collateral descendants of living descendants of the decedent.
- (w) “Judge”, means a judge of the Lac Vieux Desert Tribal Court.
- (x) “Minor”, means a person who is less than 18 years of age.
- (y) “Parent” for inheritance purposes, includes a biological or lawful adoptive mother or father of a person entitled to take, or who would be entitled to take if the child died without a will. “Parent” does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction, or a stepparent, a foster parent, or a grandparent.
- (z) “Personal Representative” means a person appointed by the Tribal Court to manage a decedent’s estate when the decedent did not leave a will. A Personal Representative, once named, shall have all of the authority of an Executor.
- (aa) “Probate” is a general term for the entire process of administration of estates of deceased persons, including without wills.
- (bb) “Property” means anything that may be the subject of ownership, including both real and personal property or an interest in real or personal property.
- (cc) “Power of Appointment” means the ability of the testator (the person writing the will) to select a person who will be given the authority to dispose of certain property under the will.
- (dd) “Reservation” means all lands held in trust for the benefit of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.
- (ee) “Testamentary Capacity” means that: (1) the person has the ability to understand that he or she is providing for the disposition of his or her property after death; (2) the person has the ability to know the nature and extent of his or her property; (3) The person has the ability to identify the closest surviving members of his or her family; and (4) the person has the ability to understand in a reasonable manner the general nature and effect of his or her act in signing his or her will.
- (ff) “Testator or Testatrix”, refers to a person who makes or has made a will: one who dies leaving a will.

- (gg) “Tribal Court”, means the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Court.
- (hh) “Will”, means a legal document that states a testator's wishes and instructions for managing and distributing their estate after death.
- (ii) “Vulnerable Adult” means an individual who is 18 years of age or older and subject to the jurisdiction of the Lac Vieux Desert Band of Lake Superior Chippewa Indians who is functional but incapable of making responsible decisions regarding their personal care or wellbeing and/or unable to provide for their own personal needs.

Section 2. Jurisdiction.

2.01 General.

- (a) The Tribal Court shall have the authority to appoint Executors and Personal Representatives, determine Heirs, determine the validity of Wills, and to Probate and distribute the Estate and Will of any member of the Tribe or an individual who is a member of another tribe with respect to property located on the Tribe’s Reservation, to the extent that the property is not subject to the jurisdiction of the United States. The Tribal Court shall also exercise such functions over restricted or trust lands in the jurisdiction of the United States to the greatest extent allowed by law.
- (b) The Tribal Court shall also have the authority to settle an Estate of a deceased Tribal member, or other individual who is a member of another tribe, whether this person died Testate or Intestate, who at the time of death was domiciled on the Tribe’s Reservation or was, at the time of death, domiciled outside the Tribe’s Reservation but left an Estate or Property located on the Tribe’s Reservation.

2.02 Transfer to Tribal Court Jurisdiction. The Tribal Court may accept the jurisdiction of a Tribal member’s Estate which was originally filed in another court as follows:

- (a) A motion for transfer of jurisdiction to the Tribal Court will be filed in the court of original jurisdiction by an Interested Party. The Interested Party seeking the transfer will concurrently provide the Tribal Court with notice of the filing of the transfer motion.
- (b) The Tribal Court has sole discretion to accept or deny transfers of jurisdiction from state or other tribal courts. The Tribal Court may accept transfer of jurisdiction without a hearing when exigent circumstances are presented in an *ex parte* motion and indicate that the best interests of the Estate and the Tribe will be clearly served best by immediate transfer of jurisdiction. After a hearing in state or other tribal court on a valid motion to transfer jurisdiction resulting in a

ruling in favor of transfer, the Tribal Court must make a determination regarding acceptance or denial of jurisdiction within seven (7) calendar days and notify the state or other tribal court in writing of its determination.

- (c) Upon the hearing for transfer of jurisdiction from state or other tribal court the Tribal Court will enter an order of acceptance, wherein the case will be entered into the Tribal Court system or an order of denial, wherein the case will be rejected and returned to the referring court. When an order of acceptance is entered the Tribal Court will schedule further proceedings in accordance with procedures and timelines required under this code within fifteen (15) calendar days after entry of the order.

2.03 Applicability of Other Laws.

- (a) It is recognized by this Section that the United States through the Department of the Interior is obligated by current federal law to distribute trust real estate pursuant to the laws of descent and distribution of the State of Michigan. So that consistency can be maintained for the benefit of the Tribe, the Tribal Court will admit for probate any Will which is valid as a last Will and testament under 25 USC § 2206 for trust real estate upon the Lac Vieux Desert Reservation, or which would be valid under the laws of the State of Michigan. For Decedent's Estates where no Will is admitted to Probate, the Tribal Court shall apply the rules of descent and distribution as set forth in this Code.
- (b) The Tribal Court may apply foreign law, including laws of other tribes and states, federal law, common law and uniform or model laws, to resolve Probate issues when an issue is not covered by this Code.

Section 3 – Evidence of Death.

3.01 Proof of death shall be established by either:

- (a) A certified or Authenticated copy of a death certificate issued by an official or agency of the jurisdiction where the death occurred is prima facia evidence of the fact, place, date and time of death and the identity of the Decedent.
- (b) A person who is absent for a continuous period of seven (7) years during which time he or she has not been heard from and whose absence cannot be satisfactorily explained after diligent search and inquiry into his or her whereabouts is presumed to be dead. His or her death is presumed to have occurred at the end of the seven-year period unless there is sufficient evidence for determining that death occurred at some other time.

Section 4 – Intestate Succession (Death without a Will).

- 4.01 Intestate Estate. The Intestate Estate of the Decedent consists of any part of the Decedent's Estate not disposed of by Will and not allowed to the Decedent's spouse or Descendant(s) under Section 6 (Family Rights and Protections). The Intestate Estate passes by Intestate Succession to the Decedent's Heirs as prescribed in this Section.
- 4.02 Share of Surviving Spouse. If there is a surviving spouse of the Decedent, the Intestate share of the surviving spouse is, subject to the provisions in this Section and Section 6 (Family Rights and Protections), as follows:
- (a) The entire Estate if:
 - 1. There is no Issue; or
 - 2. All of the Decedent's surviving Issue are also the Issue of the surviving spouse.
 - (b) If the Decedent has Issue that are not the Issue of the surviving spouse, the Intestate share of the surviving spouse shall be one half of the Estate. The remainder of the Estate shall pass in equal shares to the Decedent's surviving Issue or, by representation as described in Section 4.06, to the surviving children of the Decedent's Issue.
- 4.03 Share of Heirs Other Than Surviving Spouse. Any part of the Intestate Estate not passing pursuant to Section 4.02 above and Section 6 (Family Rights and Protections), as follows:
- (a) To the Decedent's Issue by representation as more fully discussed below in Section 4.06.
 - (b) If there is no surviving Issue, to the Decedent's parents equally if both survive, or the entire Estate if only one Parent survives;
 - (c) If there is no surviving Issue or Parent, to the Decedents' siblings equally. If a sibling has predeceased the Decedent, the siblings share shall pass to his or her Issue by representation.
 - (d) If there is no surviving Issue, Parent, or sibling, but the Decedent is survived by one or more grandparent or aunt or uncle, half of the Estate passes to the Decedent's paternal grandparents equally if both survive, or to the surviving paternal grandparent, or to the paternal aunts and uncles or, if one or more aunt or uncle is deceased, the Collateral Descendants taking by representation; and the other half passes to the Decedent's maternal relatives in the same manner. If there is no surviving grandparent or aunt or uncle on either the paternal or the maternal side, the entire Estate passes to the Decedent's relatives on the other side in the same manner as the half.

- 4.04 Requirement That Heir Survive Decedent for 120 Hours. An individual who fails to survive the Decedent by 120 hours is deemed to have predeceased the Decedent for purposes of homestead, Exempt Property, and Intestate Succession, and the Decedent's Heirs are determined accordingly. If it is not established that an individual who would otherwise be an Heir survived the Decedent by 120 hours, it is deemed that the individual failed to survive for the required period.
- 4.05 No Heir. If there is no Heir under this Section, the Intestate Estate passes to the Tribe.
- 4.06 Representation.
- (a) Application. If representation is called for by this Code, paragraphs (b) and (c), below, apply.
 - (b) Decedent's Issue. In the case of Issue of the Decedent, the Estate is divided into as many shares as there are surviving children of the Decedent and deceased children who left Issue who survive the Decedent, each surviving Child receiving one share and the share of each deceased Child being divided among its Issue in the same manner.
 - (c) Decedent's Siblings / Decedent's Aunts and Uncles. If a Decedent's Intestate Estate or a part thereof passes by "representation" to the Decedent's deceased parents or either of them or to the Decedent's paternal or maternal aunts and uncles or either of them, the Estate or part thereof is divided in the following manner:
 - 1. In the case of the Decedent's deceased Parents or either of them, the Estate or part thereof is divided into as many equal shares as there are (A) surviving siblings of the Decedent, and (B) deceased siblings who left surviving Issue, if any. Each surviving sibling is allocated one share, and the surviving issue of each deceased sibling is allocated one share, to be divided in the same manner as specified in paragraph (b).
 - 2. In the case of the Decedent's aunts and uncles, half the Estate is divided into as many equal shares as there are surviving paternal aunts and uncles, and deceased aunt and uncle who left surviving Issue, if any. Each surviving paternal aunt and uncle is allocated one share, and the surviving Issue of each deceased aunt or uncle is allocated one share, to be divided in the same manner as specified in paragraph (b). The other half of the Estate passes to the Decedent's maternal relatives in the same manner.
- 4.07 Kindred Without Both Parents in Common. Relatives who have the same father or the same mother, but not both Parents in common (i.e., a person who shares one Parent in common with another person, commonly referred to as a half-sibling) inherit the same share they would inherit if they had both Parents in common. But stepchildren and foster children do not inherit, unless legally adopted.

4.08 After-Born Heirs. An individual in gestation at a particular time is treated as living at that time if the individual lives 120 hours or more after birth.

4.09 Advancement.

- (a) If an individual dies Intestate as to all or a portion of his or her Estate, Property the Decedent gave during the Decedent's lifetime to an individual who, at the Decedent's death, is an Heir is treated as an advancement against the Heir's Intestate share only if (1) the Decedent declared in a contemporaneous writing or the Heir acknowledged in writing that the gift is an advancement or (2) the Decedent's contemporaneous writing or the Heir's written acknowledgment otherwise indicates that the gift is to be taken into account in computing the division and distribution of the Decedent's Intestate Estate.
- (b) For purposes of paragraph (a), Property advanced is valued as of the time the Heir came into possession or enjoyment of the Property or as of the time of the Decedent's death, whichever first occurs.
- (c) If the recipient of the Property fails to survive the Decedent, the Property is not taken into account in computing the division and distribution of the Decedent's Intestate Estate, unless the Decedent's contemporaneous writing provides otherwise.

4.10 Debts to Decedent. A debt owed to a Decedent is not charged against the Intestate share of any individual except the debtor. If the debtor fails to survive the Decedent, the debt is not taken into account in computing the Intestate share of the debtor's Descendants.

4.11 Individuals Related to Decedent Through Two Lines. An individual who is related to the Decedent through two lines of relationship is entitled to only a single share based on the relationship that would entitle the individual to the larger share.

4.12 Status of Heir. No person is disqualified to take as an Heir because he or she or any person through whom he or she claims is not a member of the Tribe or because he or she does not live on the Reservation.

Section 5 – Wills.

5.01 Who May Make a Will.

- (a) Any person eighteen (18) years or older who is of sound mind and of Testamentary Capacity may make a Will.
- (b) Whether a Testator had sufficient mental capacity is judged as of the time the Will was executed, not before or after. The contestant of the Will has the burden of establishing the lack of Testamentary Capacity.

5.02 Execution of a Will. A Will must be (1) made in writing, (2) be signed and dated by the Testator, and (3) attested (to affirm to be true or genuine) to and signed by two disinterested adult witnesses.

5.03 Holographic Will. Any document, writing or recording that was not executed in compliance with the requirements of Section 5.02 above, the document, writing or recording may be treated as if it had been executed in compliance with that section if the proponent of the document, writing or recording establishes by clear and convincing evidence that the Decedent intended the document, writing or recording to constitute (a) the Decedent's Will, (b) a partial or complete revocation of the Will, (c) an addition to or an alteration of the Will, or (d) a partial or complete revival of his or her formerly revoked Will or of a formerly revoked portion of the Will.

5.04 Incorporation by Reference. Any writing in existence when a Will is executed may be incorporated by reference if the language of the Will manifests this intent and describes the writing sufficiently to permit its identification. Though not required, it is in the best interest of clarity to attach the referenced writing to the Will at the time the Will is written.

5.05 Self-Proved Will.

(a) An attested will may be made self-proved by attaching affidavits, signed by the Testator and the witnesses before a notary public, under official seal, certifying that they complied with the requirements for execution of the Will.

(b) To create a self-proved Will, the Testator's affidavit must contain the following information in substantially the same form:

[Lac Vieux Desert Reservation)
State of _____) ss.
County of _____)

I, _____, swear or affirm under penalty of perjury that, on the _____ day of _____, 20____, I requested _____ and _____ to act as witnesses to my will; that I declared to them that the document was my last will; that I signed the will in the presence of both witnesses; that they signed the will as witnesses in my presence and in the presence of each other; that the will was read and explained to me (or read by me), after being prepared and before I signed it, and it clearly and accurately expressed my wishes; and that I willingly made and executed the will as my free and voluntary act for the purposes expressed in the will.

Testator

- (c) To create a self-proved Will, the attesting witnesses' affidavit must contain the following information in substantially the same form:

[Lac Vieux Desert Reservation])
State of _____) ss.
County of _____)

We, _____ and _____, swear or affirm under penalty of perjury that on the _____ day of _____, 20_____, _____ published and declared the attached document to be his/her last will, signed the will in the presence of both of us, and requested both of us to sign the will as witnesses; that we, in compliance with his/her request, signed the will as witnesses in his/her presence and in the presence of each other; and that the testator was not acting under duress, menace, fraud, or undue influence of any person, so far as we could determine, and in our opinion was mentally capable of disposing of all of his/her estate by will.

Witness

Witness

Subscribed and sworn to or affirmed before me this _____ day of _____, 20_____, by _____ testator, and by _____ and _____, attesting witnesses.

Notary Public

(seal)

My Commission Expires: _____

5.06 Revocation by Writing or Act. A Will or any part thereof is revoked by either of the following:

- (a) By a subsequent valid Will, Codicil, or other instrument which revokes the prior Will in whole or in part, expressly or by inconsistency; or
- (b) By being burned, torn, cancelled, obliterated, or destroyed with the intent and for the purpose of revoking it by the Testator or by another person in the Testator's presence and at the Testator's direction.

- (c) The mere burning, tearing, obliteration, or destruction of the Will does not revoke the contents of the Will unless it is the intent of the Testator to revoke the Will by such action.

5.07 Revocation by Divorce; No Revocation by Other Changes of Circumstances.

- (a) If, after executing a Will, the Testator is divorced or the Testator's marriage annulled, the divorce or annulment revokes any disposition or appointment of property made by the Will to the former spouse, any provision nominating the former spouse as Personal Representative or Executor unless the Will expressly provides otherwise.
- (b) Property prevented from passing to a former spouse because of revocation by divorce or annulment passes as if the former spouse failed to survive the Decedent. If provisions are revoked solely by this Section, they are revived by Testator's remarriage to the former spouse, a degree of separation which does not terminate the status of husband and wife is not a divorce for purposes of this Section. No change of circumstances regarding a former spouse or spouse other than as described in this Section revokes a Will.

5.08 Revival of Revoked Will.

- (a) If a subsequent Will that partly revoked a previous Will is itself revoked by a revocatory act under Section 5.07, the revoked part of the previous Will is revived. This Section does not apply if it is evident from the circumstances of the revocation of the subsequent Will or from the Testator's contemporary or subsequent declarations that the Testator did not intend the revoked part of the previous Will to take effect as executed.
- (b) If a subsequent Will that wholly revoked a previous Will is itself revoked by a revocatory act under Section 5.06, the previous Will remains revoked unless it is revived. The previous Will is revived if it is evident from the circumstances of the revocation of the subsequent Will or from the Testator's contemporary or subsequent declaration that the Testator intended the previous Will to take effect as executed.
- (c) If a subsequent Will that wholly or partly revoked a previous Will is itself revoked by another Will, the previous Will or its revoked part remains revoked, unless it or its revoked part is revived. The previous Will or its revoked part is revived to the extent that it appears from the terms of the later Will, or from the Testator's contemporary or subsequent declarations, that the Testator intended the previous will to take effect.

5.09 Rules of Construction and Intention.

- (a) The intention of a Testator as expressed in the Testator's Will controls the legal effect of the Testator's dispositions.
- (b) The following rules of construction apply unless a contrary intent is clear in the Will:
 - 1. After-Acquired Property. A Will is construed to pass all Property which the Testator owns at his or her death including Property acquired after the execution of the Testator's Will.
 - 2. Anti-Lapse. If a Devisee fails to survive the Testator or is treated as if the Devisee predeceased the Testator, the Issue of the deceased Devisee who survive the Testator by 120 hours take the place of the deceased Devisee. If they are all of the same degree of kinship to the Devisee, they take equally. If they are of unequal degree, those of more remote degree take by representation. A person who would have been a Devisee under a Class gift if the person had survived the Testator is treated as a Devisee for purposes of this Section, whether the death occurred before or after the execution of the Will. Words of survivorship, such as, in a Devise to an individual, "if he or she survives me," or, in a Class gift, to "my surviving children," are a sufficient indication of an intent contrary to the application of this rule of construction.
 - 3. Failure of Testamentary Provision. If a Devise other than a residuary Devise fails for any reason, it becomes part of the residue. If the residue is devised to two or more persons and the share of one of the residuary beneficiaries fails for any reason, their share passes to the other residuary beneficiaries, or to other residuary beneficiaries in proportion to their interest in the residue.
 - 4. Nonademption of Specific Devises. A specific Devisee has a right to the specifically devised Property in the Testator's Estate at death and the following:
 - A. Any balance of the purchase price, together with any security agreement, owing from a purchaser to the Testator at death by reason of sale of the Property;
 - B. Any amount of a condemnation award for the taking of the Property unpaid at death;
 - C. Any proceeds unpaid at death on fire or casualty insurance on or other recovery for injury to the property; and

- D. Property owned by the Testator at death and acquired as a result of foreclosure, or obtained in lieu of foreclosure, of the security interest for a specifically devised obligation.
5. Nonexoneration. A specific Devise passes subject to any mortgage or security interest existing at the date of death, without right of exoneration, regardless of a general directive in the Will to pay debts.
6. Exercise of Power of Appointment. A general residuary clause in a Will, or a Will making general disposition of all the Testator's Property, does not exercise a power of appointment unless specific reference is made to that power or there is some other indication of intent to include the Property subject to the power.
7. Ademption by Satisfaction. Property which a Testator gave in their lifetime to a person is treated as a satisfaction of a Devise to that person in whole or in part, only if the Will provides for deduction of the lifetime gift, or the Testator declares in a contemporaneous writing that the gift is to be deducted from the Devise or is in satisfaction of a Devise. For the purpose of partial satisfaction of the Devise, Property given during the lifetime is valued as of the time the Beneficiary came into possession or enjoyment of the Property or as of the time of death of the Testator, whichever occurs first.
8. Disinheritance. A Decedent may, by Will, expressly exclude or limit the right of an individual or class to receive Property of the Decedent passing by Intestate Succession. If that individual or a member of that class survives the Decedent, the share of the Decedent's Intestate Estate which that individual or class would have received, passes as if that individual or each member of that class had disclaimed an Intestate share.

Section 6 – Family Rights and Protections.

6.01 Omitted Spouse.

- (a) If a Testator fails to provide by Will for their surviving spouse who married the Testator after the execution of the Will, the omitted spouse shall receive the same share of the Estate they would have received if the Decedent left no Will unless it appears from the Will that the omission was intentional or the Testator provided for the spouse by transfer outside the Will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the Testator or from the amount of the transfer or other evidence.
- (b) In satisfying a share provided in this Section, the Devise(s) made by the Will abate as provided in Section 8.17 of this Code, which concerns "Abatement."

6.02 Omitted Children.

- (a) If a Testator fails to provide in his or her Will for any of their children living or born or adopted after the execution of the Will, the omitted Child receives a share in the Estate equal in value to that which they would have received if the Testator had died Intestate unless:
 - 1. It appears from the Will that the omission was intentional;
 - 2. When the Will was executed, the Testator had one or more children and devised substantially all their Estate to the other Parent of the omitted Child; or
 - 3. The Testator provided for the Child by transfer outside the Will and the intent that the transfer be in lieu of a testamentary provision is shown by statements of the Testator or from the amount of the transfer or other evidence.
- (b) If at the time of execution of the Will, the Testator fails to provide in their Will for a living Child solely because they believe the Child to be dead, the Child receives a share in the Estate equal in value to that which they would have received if the Testator had died Intestate.
- (c) In satisfying a share provided by this Section, the Devise(s) made by the Will abate as provided in Section 8.17 of this Code, which concerns "Abatement."

6.03 Homestead Exemption.

- (a) If there is a surviving spouse, the homestead, meaning the family residence, descends free from any testamentary or other disposition of it to the spouse.
- (b) If there is no surviving spouse and the homestead has not been disposed of by Will, it descends as other real estate.

6.04 Exempt Property.

- (a) In addition to the homestead exemption provided in Section 6.03, the surviving spouse of a Decedent who was domiciled on the Reservation is entitled from the Estate up to \$10,000 in household furniture, one automobile, household furnishings, appliances, and personal effects. If there is no surviving spouse, children of the Decedent are entitled jointly to the same value.
- (b) Rights to Exempt Property have priority over all claims against the Estate. These rights are in addition to any benefit or share passing to the surviving spouse or children by the Will of the Decedent unless otherwise provided or by Intestate Succession.

6.05 Family Allowance.

- (a) In addition to the right to the homestead exemption and Exempt Property, if the Decedent was domiciled on the Reservation, the surviving spouse and minor children whom the Decedent was obligated to support and children who were in fact being supported by the Decedent are entitled to a reasonable allowance in money out of the Estate for their maintenance during the period of administration, which allowance may not continue for longer than one (1) year. The allowance may be paid as a lump sum or in periodic installments.
- (b) The family allowance is payable to the surviving spouse, if living, for the use of the surviving spouse and minor and dependent children; otherwise to the children, or persons having their care and custody; but in case of any minor child or dependent child that is not living with the surviving spouse, the allowance may be made partially to the Child or their guardian or other person having their care and custody, and partially to the spouse, as their needs may appear. The family allowance is exempt from and has priority over claims as provided for in Section 8.15.
- (c) The family allowance is not chargeable against any benefit or share passing to the surviving spouse or children by the Will of the Decedent unless otherwise provided, by Intestate Succession, or by way of elective share. The death of any person entitled to family allowance terminates their right to allowances not yet paid.

- 6.06 Source of Property. If the Estate is otherwise sufficient, Property specifically devised is not used to satisfy rights to the Exempt Property. Subject to this restriction, the surviving spouse, the guardians of the minor children, or children who are adults may select Property of the Estate as the Exempt Property.
- 6.07 Petition to Court. The Personal Representative or any Interested Person aggrieved by any selection, determination, payment, proposed payment, or failure to act under this Section 6 may petition the Tribal Court for appropriate relief, which relief may provide a family allowance larger or smaller than that which the Personal Representative determined or could have determined.

Section 7 – Probate Procedure.

- 7.01 Commencement of Probate Proceedings. At any time after the death of a person subject to this Code, an Heir of the Decedent, a Beneficiary of the Decedent's Will, or a person designated to serve as Personal Representative by the Decedent's Will may file a Probate Petition with the Tribal Court for the Probate of the Will and the administration of the Decedent's Intestate Estate, if any.
- 7.02 Probate Petition.

- (a) The Probate Petition Shall Contain:
1. The name of the Decedent;
 2. The date of death of the Decedent;
 3. The Decedent's tribal enrollment status;
 4. The basis for the Tribal Court's jurisdiction;
 5. The names, relationship to Decedent, and the mailing addresses of persons who are or would be Heirs of the Decedent upon the death of the Decedent Intestate, and the ages of any who are minors, so far as such information is known to the petitioner;
 6. Whether the Decedent left a Will, and, if so, the names and addresses of the Beneficiaries under the Will;
 7. A general description and an estimate of the value of the Decedent's Estate subject to Probate in Tribal Court, and a general description of those portions of the Decedent's Estate, if any, that are not subject to Probate in the Tribal Court;
 8. A statement of whether any Probate proceedings are pending in any other jurisdiction, and, if so, the name and address of the Personal Representative appointed in such proceedings and the jurisdiction in which the proceedings are pending;
 9. A request for appointment of a Personal Representative and a statement of the qualifications of the proposed Personal Representative;
 10. A request for approval of the Decedent's Will, or a request that the Tribal Court find that the Decedent died without a valid Will; and
 11. A verification under oath or penalty of perjury signed by the petitioner that the contents of the petition are true and correct.
- (b) The petitioner shall file with the petition, or as soon after the filing as such documents can be obtained:
1. A certified copy of the Decedent's death certificate or other evidence of death, pursuant to Section 3 of this Code; and
 2. The original or a true and correct copy of the Decedent's Will.

- 7.03 Care of Property Pending Initial Hearing. Pending the initial hearing the Tribal Court may issue a temporary order authorizing an individual to care for the property. Reasonable costs for such service shall be a priority claim against the Estate.
- 7.04 Hearing on the Probate Petition.
- (a) Hearing Date. Within forty-five (45) days after receiving the Probate Petition, the Tribal Court shall schedule a hearing at which the Tribal Court shall determine whether the Will shall be admitted to Probate, shall appoint a Personal Representative, and shall determine whether summary probate procedures apply.
 - (b) Notice of Hearing. The Tribal Court shall provide notice by first class mail at least fourteen (14) calendar days before the hearing to the following persons: the surviving spouse, children, and other Heirs of the Decedent, the Devisees and Personal Representatives named in any known Will, and all persons involved in any other Probate proceeding involving the Decedent. The notice shall include (1) the date, time, and location of the hearing, (2) the name of the proposed Personal Representative, and (3) a copy of the Will, if any, that has been submitted for Probate. In addition, a notice shall be posted outside the Tribal Court, Tribal administration building, and one other location on the Reservation for at least ten (10) days prior to the hearing date. The public notice shall include the date, time and location of the hearing and be in substantially the same form as shown in the example contained in Appendix A.
 - (c) Evidence About Admission of the Will to Probate. If a Will is self-proved under Section 5.05 and no objection is raised, the Tribal Court may admit the Will to Probate without a hearing. If the Will is not self-proved, an objection is raised, or the Tribal Court determines that further evidence is required, the Tribal Court shall obtain testimony to determine whether the Will shall be admitted to Probate. Based on the evidence presented at the hearing, the Tribal Court shall decide, based on a preponderance of the evidence, whether the Will is valid and should be admitted to Probate.
 - (d) Evidence About Appointment of Personal Representative. At the initial hearing, the Tribal Court shall determine based on a preponderance of the evidence who should be appointed as Personal Representative of the Estate pursuant to Section 7.05 below.
 - (e) Evidence About Summary Probate. At the initial hearing, the Tribal Court shall determine based on a preponderance of the evidence whether summary probate procedures should be used pursuant to Section 7.07 below.
 - (f) Continuances. Upon a showing of good cause, the Tribal Court may grant a continuance to provide more time to present or obtain evidence.
- 7.05 Appointment of Personal Representative.

- (a) Qualifications. To be appointed as a Personal Representative, an individual must be of sound mind, must not be a Minor, and must be willing and able to properly carry out the duties of the Personal Representative.
- (b) Priority of Appointment. The following persons, if qualified, shall be afforded priority in order of their listing for appointment as Personal Representative:
1. The person or persons named to serve as Personal Representative or Executor in the Decedent's Will;
 2. The surviving spouse or such person as the surviving spouse may request to have appointed;
 3. Children over eighteen (18) years of age in descending order of age;
 4. Other blood relatives in order of the closeness of their relationship and then in descending order of age;
 5. Any potential Heir or person named in the Decedent's Will; and
 6. Any adult Tribal member.
- (c) Oath. Upon their appointment as Personal Representative, the individual appointed shall take an oath to be prescribed by the Tribal Court to the effect that they will faithfully and honestly administer the Estate.
- (d) Bond. The Personal Representative shall file a bond in an amount to be set by the Tribal Court to insure their faithful, honest performance of their duties as Personal Representative. The Tribal Court may determine that no bond is required. Unless otherwise made to appear necessary or desirable, no bond shall be required of a Personal Representative who is the spouse or Child of a Decedent.
- (e) Letters Testamentary and Letters of Administration. The Tribal Court shall issue Letters Testamentary and Letters of Administration to the Personal Representative. The Letters Testamentary and Letters of Administration shall be in substantially the following form:

Letters of Testamentary and Letters of Administration

_____, whose address is _____, having been appointed and qualified as Personal Representative of the estate of _____, deceased, who died on or about _____, is hereby authorized to act as Personal Representative for and on behalf of the estate and to take possession of the estate's property as authorized by law.

Issued this date: _____, _____.

(Seal)

By: _____
Tribal Court Clerk

(f) Termination. The appointment of the Personal Representative shall be terminated upon the following grounds:

1. The death of the Personal Representative;
2. Voluntary termination by the Personal Representative;
3. Removal of Personal Representative would be in the best interests of the Estate;
4. The Personal Representative has intentionally misrepresented material facts in the proceedings leading to his or her appointment;
5. The Personal Representative has disregarded an order of the Tribal Court;
6. The Personal Representative has become incapable of discharging his or her duties;
7. The Personal Representative has mismanaged the Estate; or
8. The Personal Representative has failed to perform any duty pertaining to the office.

(g) If the termination is involuntary, the Personal Representative shall be entitled to notice, and hearing and the Tribal Court shall make the removal determination based on a preponderance of the evidence. If the Personal Representative's appointment is terminated, the Tribal Court shall also issue an order revoking the Letters Testamentary and Letters of Administration. After termination of the appointment, the Tribal Court shall appoint a new Personal Representative.

7.06 Duties of Personal Representative.

(a) The duties of the Personal Representative shall be to:

1. Take constructive or physical possession of all Property of the Decedent subject to this Code as the Tribal Court shall order, taking into consideration the interests of the person or persons who may have occupied the homestead of the Decedent at the time of his or her death;
2. Within sixty (60) days of appointment make an inventory and appraisement of such Property and file it with the Tribal Court. The

Personal Representative shall have the duty to amend the inventory and appraisal within thirty (30) days of acquiring knowledge of any additional Property of the Estate.

3. Within sixty (60) days of appointment, determine and file with the Tribal Court a list of all known relatives of the Decedent, their ages, their relationship to the Decedent, and their whereabouts if known;
4. Within ninety (90) days of appointment and subject to the approval of the Tribal Court, ascertain and pay all of the debts and legal obligations of the Decedent;
5. Distribute the Estate in accordance with the order of the Tribal Court and file receipts with the Tribal Court showing distribution of the Estate.

7.07 Summary Probate.

- (a) If the Decedent's entire Estate is exempt from claims pursuant to Section 6, the Tribal Court shall apply the summary probate procedures in this Section.
- (b) In summary probate, the Creditor's Rights procedures in Section 7.08 shall not be used.
- (c) If summary probate procedures apply and the proper distribution of the Estate can be easily determined, the Tribal Court may issue a Distribution Order following the initial hearing and the distribution procedures in Section 7.09 need not be used. Based on the Distribution Order, the Personal Representative shall distribute the Estate and the Estate shall be closed pursuant to Section 7.16.
- (d) If summary probate procedures apply and the proper distribution of the Estate cannot be easily determined, the Tribal Court shall order the Personal Representative to follow the distribution procedures in Section 7.09.

7.08 Creditor's Rights.

- (a) If the Decedent's entire Estate is not exempt from claims pursuant to Section 6, the following procedures shall apply:
 1. General Notice to Creditors. The Tribal Court shall publish in local newspapers a notice to creditors of the Decedent. The notice shall provide a deadline, at least ninety (90) days after the date when the notice is first published, for the submission of claims against the Estate. The notice shall inform creditors that probate proceedings involving the Decedent are pending, shall provide the name and address of the Tribal Court and of the Personal Representative, and shall inform creditors that any claims not presented to the Tribal Court and the Personal Representative by the

deadline shall be barred. The notice shall be published in at least two consecutive issues of the newspaper.

2. Notice to Known Creditors. In addition to the notice given in paragraph 1 above, the Tribal Court shall provide notice to all known creditors by first class mail. The notice shall inform creditors that probate proceedings involving the Decedent are pending, shall provide the name and address of the Tribal Court and of the Personal Representative, and shall inform creditors that any claims not presented to the Tribal Court and the Personal Representative by the deadline shall be barred.
3. Barred Claims. Any claim by a creditor not filed by the deadline set in paragraph 1 above shall be barred.
4. Allowance of Claims. The Personal Representative shall decide whether to allow or disallow any claims. If a claim is disallowed, the Personal Representative shall notify the creditor and the Tribal Court. The Tribal Court shall schedule a hearing on the disallowed claims and shall provide the Personal Representative and the effected creditors with notice of the claim by first class mail at least ten (10) days in advance.
5. Hearing on Disallowed Claims. At the hearing on disallowed claims, the Tribal Court shall decide based on a preponderance of the evidence whether the disallowed claim is valid and should be allowed. The hearing on disallowed claims may, at the Tribal Court's discretion, be combined with the distribution hearing described in Section 7.09 - Distribution Hearing.
6. Priority of Claims Against the Estate. All just claims of creditors allowed by the Tribal Court shall be paid before distribution of the Estate but shall be paid only after payment of the family allowance and the distribution of Exempt Property as provided herein.
7. Secured Transactions. If a creditor's claim is secured by any Property of the Decedent, this Section does not affect the right of a creditor to realize on the creditor's security, whether or not the creditor presented the claim in the manner provided in this Section.

7.09 Final Report of the Personal Representative - Petition for Decree of Distribution.

- (a) Upon the filing of a full and complete inventory, payment of all claims, the Personal Representative shall make, verify and file with the court his or her final report and petition for distribution. Such final report and petition shall, among other things, show:

- (1) that the Estate is ready to be settled, and any moneys collected since the previous report; and
 - (2) any Property which may have come into the hands of the Personal Representative since his or her previous report; and
 - (3) debts paid; and
 - (4) generally, the condition of the Estate at that time; and
 - (5) a determination of the Estate based on the family protections in Section 6.01 through Section 6.06, the allowed claims against the Estate, the Decedent's Will, and the rules of Intestate Succession.
 - (6) the names and addresses of all the Devisees and Heirs; and
 - (7) a particular description of all the Property of the Estate remaining undisposed of.
- (b) Other matters as may tend to inform the Tribal Court of the condition of the Estate, and it may ask the Tribal Court for a settlement of the Estate and distribution of Property and the discharge of the Personal Representative.
 - (c) If the Personal Representative has been discharged without having legally closed the Estate, without having legally obtained an adjudication as to the Heirs, or without having legally procured a decree of distribution or final settlement, the Tribal Court may in its discretion upon petition of any Interested Party, cause all such steps to be taken in such Estate as were omitted or defective.

7.10 Time and Place of Hearing on Final Report and Petition for Distribution – Notice. When such final report and petition for distribution has been filed, the Tribal Court shall fix a day for hearing which must be at least thirty (30) days after the report was filed. The Personal Representative shall, not less than twenty (20) days before the hearing, mail a copy of the notice of the time and place fixed for hearing to each Heir, Devisee and Distributee whose name and address are known to him, and proof of such mailing shall be made by affidavit and filed at or before the hearing.

7.11 Hearing on Final Report and Petition for Distribution - Decree of Distribution.

- (a) Any Interested Party may file objections to the final report and petition for distribution or may appear at the hearing and present his or her objections. The Tribal Court may take such testimony it deems proper or necessary to determine whether the Estate is ready to be settled, and whether the transactions of the Personal Representative should be approved, and to determine who are the Devisees and/or Heirs or persons entitled to have the Property distributed to them;

- (1) The Tribal Court shall, if it determines that the distribution report filed by the Personal Representative is correct, enter a decree approving the distribution as proposed by the Personal Representative. Additionally, the Tribal Court shall order closing of the Estate pursuant to Section 7.16.
- (2) The Tribal Court shall, if it rejects all or a portion of the petition for distribution, determine the distribution of the Estate based on the family protections in Section 6, the allowed claims against the Estate, the Decedent's Will, and the rules of Intestate Succession. Additionally, the Tribal Court shall order closing of the Estate pursuant to Section 7.16.

7.12 Distributions to Minors.

- (a) When a decree of distribution orders distribution of an Estate or interest therein to a person under the age of eighteen (18) years, it shall be required that:
 - (1) The money be deposited in a bank or trust company or be invested in an account in an insured financial institution for the benefit of the Minor subject to withdrawal only upon the order of the Tribal Court in the original probate proceeding, or upon said Minor's attaining the age of eighteen (18) years and furnishing proof thereof satisfactory to the depository; or
 - (2) A general trustee shall be appointed, and the money or Property be paid or delivered to such trustee prior to the discharge of the Personal Representative in the original probate proceeding.

7.13 Reopening of Estates.

- (a) Any Estate may be reopened whenever necessary to dispose of the Decedent's property discovered after the Estate has been closed or to make other necessary corrections upon motion of an Interested Party.
- (b) A final settlement of the Estate shall not prevent a subsequent issuance of letters of administration, should other Property of the Estate be discovered, or if it should become necessary and proper from any cause that letters should be again issued.

7.14 Receipts for Expenses from Personal Representative. The Personal Representative shall produce receipts or canceled checks for the expenses and charges which he or she shall have paid, which receipts shall be filed and remain in Tribal Court until the Probate has been completed and the Personal Representative has been discharged; however, he may be allowed any item of expenditure, not exceeding fifty (50) dollars, for which no receipt is produced, if such item be supported by his or her own oath, but such allowances without receipts shall not exceed the sum of five hundred (500) dollars in any one Estate.

7.15 Rules Related to the Order of Distribution.

- (a) Priority of payments of demands against the Estate are as follows:
1. Where any lien for any demand or claim exists by virtue of a mortgage, pledge, attachment, judgment or execution levy, such lien shall have preference according to its priority to the extent of such demand on any specific Property upon which such lien shall have attached, Otherwise, all demands against the Estate of any deceased person must be paid in the following order:
 - (A) The costs and expenses of administration;
 - (B) Funeral expenses, including the reasonable cost of a burial lot and a reasonable sum for the marker on the grave;
 - (C) The Family Allowance as set forth in Section 6;
 - (D) Exempt Property as set forth in Section 6;
 - (D) The expenses of last illness;
 - (F) Debts having preference by the laws of the United States;
 - (G) All other claims.
 2. If the Estate is insufficient to pay all of the debts of any one class, each creditor must be paid pro rata in proportion to his claim, and no creditor of any class shall receive any payment until all of those of the preceding class are paid in full.
 3. If the Personal Representative disputes the amount or validity of any claim filed against the Estate, he or she shall report the same to the Tribal Court who shall fix a time and place for a hearing on the validity of such claim, and notice as provided by this Section shall be given to the creditor or claimant. At the time and place fixed for such hearing, the Tribal Court shall determine the extent and validity of the claim and shall enter an appropriate Order, either allowing or discarding said claim.
- (b) Partition of Property. When two or more Heirs or Devisees are entitled to distribution of undivided interests in any real or personal property of the Estate, the Personal Representative or one or more of the Heirs or Devisees may petition the Tribal Court to make partition. After notice to the interested Heirs or Devisees, the Tribal Court shall partition the Property in the same manner as provided by the common law for actions of partitions. The Tribal Court may direct the Personal Representative to sell any Property which cannot be partitioned without prejudice to the owners, and which cannot be conveniently allotted to any one party.

7.16 Closing of the Estate.

- (a) Affidavit by the Personal Representative. After the Estate has been distributed, the Personal Representative shall file an affidavit with the Tribal Court stating that the Estate has been distributed and is ready to be closed.
- (b) Order Closing the Estate. After receiving the affidavit from the Personal Representative stating that the Estate has been distributed, the Tribal Court shall issue an order closing the Estate and revoking the letters testamentary and letters of administration. The Tribal Court shall release any bond that the Personal Representative was required to post.
- (c) Property Discovered After Estate Closed. An Estate may be reopened whenever necessary to dispose of a Decedent's Property discovered after his or her Estate has been closed pursuant to Section 7.13. The Tribal Court shall order distribution of the Property to the person or persons entitled thereto after making whatever orders appear necessary to assure a just participation of the after discovered Property in the expenses of the Estate.

7.17 Distribution: Order in Which Assets Appropriated; Abatement.

- (a) Except as provided in subsection (b) below, and except as provided in connection with the share of the surviving spouse who elects to take an elective share, shares of Distributees abate, without any preference or priority between real and personal property, in the following order:
 - 1. Property not disposed of by the Will;
 - 2. Residuary Devise(s);
 - 3. General Devise(s);
 - 4. Specific Devise(s).
- (b) For purposes of Abatement, a general Devise charged on any specific Property or fund is a specific Devise to the extent of the value of the Property on which it is charged, and upon the failure or insufficiency of the Property on which it is charged, a general Devise to the extent of the failure or insufficiency. Abatement within each classification is in proportion to the amounts of Property each of the Beneficiaries would have received if full distribution of the Property had been made in accordance with the terms of Will.
- (c) If the Will expresses an order of Abatement, or if the testamentary plan or the express or implied purpose of the Devise would be defeated by the order of Abatement stated in subsection (a), the shares of the Distributees abate as may be

found necessary to give effect to the intention of the Testator.

- (d) If the subject of a preferred Devise is sold or used incident to administration, Abatement shall be achieved by appropriate adjustments in, or contribution from, other interests in the remaining assets.

Section 8 – Renunciation and Disqualification of Inheritance.

8.01 Renunciation of Inheritance. Any person who is an Heir; Devisee, or Beneficiary under a testamentary instrument or under the laws of Intestate Succession may renounce in whole or in part his inheritance or interest by filing with the Tribal Court a written instrument made under oath at any time prior to the entry of a decree of distribution. Upon such proper renouncement, the interest renounced passes as if the person renouncing it predeceased the Decedent.

8.02 Effect of Homicide on Intestate Succession, Wills, Joint Assets, Life Insurance and Beneficiary Designation.

- (a) A surviving spouse, Heir, or Beneficiary who criminally and intentionally causes the death of the Decedent is not entitled to any benefits passing under this Code and the Estate of the Decedent passes as if the perpetrator had predeceased the Decedent. Property appointed by the Will of the Decedent to or for the benefit of the perpetrator passes as if the perpetrator had predeceased the Decedent.
- (b) Any joint tenant who criminally and intentionally causes the death of another joint tenant thereby effects a severance of the interest of the Decedent so that the share of the Decedent passes as their Property and the perpetrator has no rights by survivorship. This provision applies to joint tenancies in real and personal property, joint accounts in banks, savings and loan associations, credit unions and other institutions, and any other form of co-ownership with survivorship incidents.
- (c) A named beneficiary of a bond, life insurance policy, or other contractual arrangement who criminally and intentionally causes the death of the principal obligee or the person upon whose life the policy is issued is not entitled to any benefit under the bond, policy, or other contractual arrangement, and it becomes payable as though the perpetrator had predeceased the Decedent.
- (d) Any other acquisition of Property or interest by the perpetrator shall be treated in accordance with the principles of this Section.
- (e) A final judgment of conviction of an offense containing the elements of criminal and intentional death is conclusive for purposes of this Section. In the absence of a conviction of criminal and intentional death, the Tribal Court may determine by a preponderance of evidence whether the death was criminal and intentional for purposes of this Section.

Section 9 – Trustee.

9.01 Appointment of Trustee in Connection with Probating an Estate; Minor Child.

- (a) The Tribal Court may, in the process of administering an Estate for which there is a valid Will containing a designation of a guardian or conservator for minor children if orphaned by the deceased's death, appoint the person therein designated as trustee of the minors involved without the necessity of a separate hearing.
- (b) If the person so designated is unfit, unable or unwilling to serve, or if such person's appointment is objected to by any child over fourteen (14) years of age, any adult relative or friend, or any official or representative of a public or private agency, corporation or association concerned with the minor child or children's welfare, or if the Tribal Court deems such to be in the minor's best interest, a separate trustee hearing shall be held as provided herein.

9.02 Appointment of Trustee in Connection with Probating an Estate; Vulnerable Adult.

- (a) The Tribal Court may, in the process of administering an Estate for which there is a valid will containing a designation of a guardian or conservator of a Vulnerable Adult, appoint the person therein designated as trustee of the Vulnerable Adult involved without the necessity of a separate hearing.
- (b) If the person so designated is unfit, unable or unwilling to serve, or if such person's appointment is objected to by any adult relative or friend, or any official or representative of a public or private agency, corporation or association concerned with the Vulnerable Adult's welfare, or if the Tribal Court deems such to be in the Vulnerable Adult's best interest, a separate trustee hearing shall be held as provided herein.

Section 10 – Appeals.

10.01 Tribal Appellate Court. [RESERVED].

10.02 Appeals, Procedure. The provisions set out in Chapter 11 of the LVD Tribal Court Rules shall apply to this Section.

Appendix A

LAC VIEUX DESERT
BAND OF LAKE SUPERIOR CHIPPEWA INDIANS
TRIBAL COURT

Case No.

Hon.
Tribal Judge

IN RE: Will or Intestate Estate of [NAME OF DECEDENT],

_____/

Date and Time of Hearing:

Location of Hearing: