**NON-REMOVABLE MILLE LACS BAND OF CHIPPEWA INDIANS**

**DISTRICT OF NAY-AH-SHING**

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| **IN THE COURT OF CENTRAL JURISDICTION** |

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| --- | --- |
| In the Matter of the Estate of: |  Case File No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  Decedent | **PETITION FOR** **DETERMINATION OF** **DESCENT** |
|  |

TO THE HONORABLE JUDGE OF THE ABOVE-NAMED COURT:

Petitioner, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ respectfully states:

 (Petitioner’s Full Name)

1. Petitioner resides at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

 (Petitioner’s Residential Address)

1. Petitioner has an interest herein as\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Petitioner’s Relationship to Decedent)

 and is, therefore, an interested person as defined by law.

1. Decedent was born on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

 (Decedent’s Birthday) (City, State)

1. Decedent died on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 (Date of Death) (City, State)

1. Decedent's residence at the time of death was at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 (Decedent’s Residential Street Address)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 (City, State, Zip Code)

1. That the names and addresses of Decedent's spouse, children, heirs and devisees and other persons interested in this proceeding and the ages of any who are minors so far as known or ascertainable with reasonable diligence by the Petitioner are:

[Include deceased close relatives with Date of Death (“DOD”) in Address column]

|  |  |  |  |
| --- | --- | --- | --- |
| **Name** | **Age** | **Relationship to Decedent** **or Legal Interest** | **Address** |
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 OR

1. [ ]  Based on reasonable diligence by Petitioner, it is believed that Decedent has no surviving spouse, children (natural, adopted, legitmate or illegitimate) and no grandchildren of deceased children.
2. That all persons identified as heirs have survived the Decedent by at least 120 hours.
3. That all children of Decedent are also the children of Decedent's surviving spouse except for:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. That venue for this proceeding is in the Court of Central Jurisdiction of the Non-Removable Mille Lacs Band of Ojibwe Indians, because the Decedent was an enrolled member of the Mille Lacs Band at the time of death.
2. That no Personal Representative of the Decedent has been appointed in this jurisdiction or elsewhere whose appointment has not been terminated.
3. That Petitioner has not received a demand for notice and is not aware of any demand for notice of any probate or appointment proceeding concerning the Decedent that may have been filed in this jurisdiction or elsewhere or proper notice has been given.
4. The Petitioner has made a reasonable diligent search for any testamentary document and believe the Decedent to be:

[ ]  Intestate. I am unaware of a will or other testamentary document in existence.

[ ]  Testate. Decedent’s Will is comprised of the following:

 [ ]  Last will dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ]  Codicil(s) dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

[ ]  Separate writing(s) dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

[ ]  The Will refers to a separate writing but none has been found.

1. The documents comprising the Will:

[ ]  accompany this Petition.

[ ]  are in the Court’s possession.

[ ]  have been probated elsewhere and an authenticated copy of the Will and statement or

 Order probating the same accompany this Petition.

[ ]  are unavailable, but a Statement of Contents Lost, Destroyed or Otherwise Unavailable

 accompanies this Petition.

1. That the Petitioner, to the best of his/her knowledge, believes the Will and any codicil or codicils thereto has or have been validly executed.
2. That after the exercise of reasonable diligence, the Petitioner is unaware of any instrument revoking the Will, and the Petitioner believes that the instrument which is the subject of this Petition is the Decedent's last Will.
3. More than three (3) years have passed since the Decedent’s death and there has been no probate proceeding or administration commenced in any other jurisdiction.
4. At the time of death, the Decedent was the owner (or lessee) of certain property described as follows:

|  |
| --- |
| SCHEDULE A: REAL ESTATE (Owned & Leased) |
| Item No. | Description of Property | Location |
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |

|  |
| --- |
| SCHEDULE B: PERSONAL PROPERTY |
| Item No. | Description of Property | Value |
| 1. |  |  |
| 2. |  |  |
| 3. |  |  |
|  |  |  |

1. The property on hand for distribution is as reflected in this document and should be distributed to the following persons in the following proportions or parts:

|  |
| --- |
| DISTRIBUTION PLAN |
| Name | Proportion |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

1. (Check appropriate box)

[ ]  The devisee or the devisee’s successors and assigns possess the property devised in

 accordance with the Will.

[ ]  Any heir or successors and assigns possess such property which passed to such heir under

 the laws of intestate succession in effect at the Decedent’s death.

OR

[ ]  The property was not possessed or claimed by anyone by virtue of the Decedent’s title during the time period for testacy proceedings.

 WHEREFORE, the Petitioner requests the order of this Court fixing a time and place for hearing on this petition, and that after the time for any notice has expired, upon proof of notice, and hearing, the Court enter a judicial order formally:

1. Finding that the Decedent died more than three (3) years ago;
2. Finding that venue is proper;
3. Determining Decedent's domicile at death;
4. Determining Decedent's state of testacy;
5. Determining Decedent's heirs;
6. Probating the valid and unrevoked last Will of Decedent including any valid and unrevoked codicil thereto;
7. Determining that Petitioner or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is entitled to appointment

 (Proposed Personal Representative)

 as Personal Representative;

1. Appointing Petitioner or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the Personal Representative

 (Proposed Personal Representative)

of the Estate of Decedent with no bond, in an undesignated administration;authorizing issuance of Letters Testamentary or Letters of General Administration to Petitioner or

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ upon qualification and acceptance;

 (Proposed Personal Representative)

1. Granting such other and further relief as may be proper in accordance with Band law, custom and tradition.

 FURTHER, under penalties for perjury for deliberate falsification therein; I declare or affirm that I have read the foregoing Petition and to the best of my knowledge or information, its representations are true, correct and complete.

Dated:

 Petitioner’s Signature

 Petitioner’s Printed Name