**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 ADJUDICATION** **OF INTESTACY, DETERMINATION OF HEIRS AND APPOINTMENT OF** **PERSONAL REPRESENTATIVE** |
|  |

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)

and at least 120 hours, but not more than 3 years have elapsed since Decedent's death.

1. Decedent's domicile 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. [ ]  The Decedent has no surviving spouse, children (natural, adopted, legitmate or illegitimate) and no grandchildren of deceased children.
2. The Decedent has no surviving spouse, children (natural, adopted, legitmate or illegitimate) and no grandchildren of deceased children other than those named in this Petition.
3. That all persons identified as heirs have survived the Decedent by at least 120 hours.
4. 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. That the original of Decedent's last Will duly executed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

 (Date)

 and codicil or codicils thereto dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, or, if previously probated elsewhere, an authenticated copy thereof and statement probating it is in the possession of the Court or accompanies this Petition. There is no separate letter of instructions has been found by Petitioner, nor is Petitioner aware of any.

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. That the Petitioner or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is entitled to priority and appointment

 (Proposed Personal Representative)

 as Personal Representative because Petitioner or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is nominated

 (Proposed Personal Representative)

 in the last Will of the Decedent as Personal Representative with no bond, in an undesignated administration, and is not disqualified to serve as a Personal Representative of the Decedent.

 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 is dead;
2. Finding that venue is proper;
3. Finding that the proceeding was commenced within the time limitations prescribed by law;
4. Determining Decedent's domicile at death;
5. Determining Decedent's heirs;
6. Determining Decedent's state of testacy;
7. Probating the valid and unrevoked last Will of Decedent including any valid and unrevoked codicil thereto;
8. 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;

1. Authorizing issuance of Letters Testamentary to Petitioner or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 (Proposed Personal Representative)

upon qualification and acceptance;

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