

**LUMMI TRIBAL COURT
LUMMI NATION, WASHINGTON**

IN RE THE ESTATE OF:

Case No.: _____ CVPB _____

Deceased

PETITION FOR PROBATE OF WILL

I, _____, request that the court probate the estate of the above-named person ("Decedent"). In support of this Petition, I state as follows:

I. DECEDENT

The Decedent died on ____/____/____.

II. WILL

The Decedent left a will, which is dated ____/____/____.

The original or a true and correct copy of the will, or document alleged to be the Last Will and Testament ☐ is attached to this petition ☐ will be filed as soon as it is obtained.

If the original of the will is not available, the following efforts have been made to obtain the original, and the following facts relate to its absence: _____

III. JURISDICTION OF THE LUMMI TRIBAL COURT

Pursuant to LCL 35.03.010, the Lummi Tribal Court has jurisdiction over the Decedent's estate because (*check all that are applicable*):

A. Tribal Status Requirement

☐ The Decedent is a member of the Lummi Nation, with enrollment #: _____

☐ The Decedent is eligible for enrollment as a member of the Lummi Nation because: _____

☐ The Decedent is a member of, or eligible to be a member of the following federally recognized Indian Tribe: _____

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Lummi Tribal Court
2665 Kwina Road
Bellingham, WA 98226
(360) 312-2239

☐ The Decedent is otherwise an "Indian" as defined in the American Indian Probate Reform Act of 2004, because: _____

B. Property Status Requirement

☐ The Decedent had an interest in real estate located within the Lummi Indian Reservation (*All interests and estates in land, including leasehold interests and improvements to land such as houses or other buildings which have been affixed to the land. See LCL 35.020.010 whether a mobile or modular home is "real estate" or "personal property."*)

☐ The Decedent had an interest in personal property (*any property that is not included in the definition of "real estate"*) located within the Lummi Indian Reservation and the Decedent was domiciled on the Lummi Indian Reservation. (*See Section IV for explanation of term "domicile."*)

IV. DOMICILE

At the time of death, the Decedent was domiciled at _____

which is ☐ on the Lummi Reservation ☐ off of the Lummi Reservation.

(*"Domicile" means the physical place where the person lives with the intent to remain, or if the person leaves for a temporary period, the physical place to which the person intends to return. In the absence of proof of domicile in another location, it is presumed that an enrolled member of the Lummi Nation is domiciled within the Reservation*)

V. SURVIVING FAMILY

To the best of the Petitioner's knowledge, the following are the surviving members of the Decedent's family (*spouse, children including adopted children, grandchildren, parents, grandparents, siblings, nieces and nephews, first cousins*):

Name	Relationship
Address	

Name	Relationship
Address	

Name	Relationship
Address	

Name	Relationship
Address	

Name	Relationship
Address	

Name	Relationship
Address	

Name	Relationship
Address	

VI. DECEDENT'S PROPERTY

The following is a general description of all property belonging to the Decedent (*add pages as needed*):

A. PROPERTY NOT SUBJECT TO PROBATE:

1. The Decedent ☐ does ☐ does not have an interest in trust or restricted land. (*Title is held in trust or restricted fee status by the United States for the benefit of a member of a federally recognized Indian tribe or a tribe..*) If so, describe interest:

2. If Decedent was not domiciled on the Lummi Reservation, list all Personal Property here:

3. The Decedent ☐ does not ☐ does have ceremonial regalia, sacred objects, Indian finery, and Indian artifacts, which shall be separately distributed under the provisions of LCL 35.09.040.

1 B. PROPERTY SUBJECT TO PROBATE

2 1. Real Property, other than trust or restricted property (*trust or restricted property is*
3 *subject to federal probate*):

4
5
6 2. If Decedent was domiciled on the Lummi Reservation, list all Personal Property here. (*A*
7 *portable home or building on trust land may be personal property rather than trust property*
8 *– include such property in the list.*)

9
10
11 VII. BENEFICIARIES OF WILL

12 The name, address, relationship, and age (if under 18 years) of each person who is a beneficiary
13 under the will is (*add additional page if needed*):

Name	Relationship
Age (if under 18)	Address

Name	Relationship
Age (if under 18)	Address

Name	Relationship
Age (if under 18)	Address

Name	Relationship
Age (if under 18)	Address

Name	Relationship
Age (if under 18)	Address

VIII. OTHER INTERESTED PERSONS

A. Does the Decedent have a spouse, who is still surviving, but not named or provided for in the will?

☐ No ☐ Yes. If yes, name and date of marriage: _____

B. Does the Decedent have a child(ren), who is still surviving, but not named or provided for in the will?

☐ No ☐ Yes. If yes, name(s) and date(s) of birth: _____

IX. OTHER PROBATE PROCEEDINGS

☐ There are no probate proceedings pending in any other jurisdiction.

☐ Another probate proceeding has been filed in _____ Court.

The Personal Representative is _____
at address: _____

X. PERSONAL REPRESENTATIVE

☐ I am named in the Will to act as the personal representative, to serve without bond. I am willing and qualified to act as Decedent's Personal Representative.

☐ I am willing and qualified under LCL 35.07.020 to act as Decedent's Personal Representative. I have the following relationship with the Decedent: _____, and

☐ No personal representative is named in the will.

☐ The named personal representative is unable, unwilling, or unqualified to serve because:

1 **WHEREFORE**, I request that this Court:

- 2
- 3 1. Appoint me to act as Personal Representative for the Decedent's estate and issue Letters of
- 4 Administration.
- 5 2. Approve the Last Will and Testament of the Decedent.

6 **DECLARATION**

7 I declare under penalty of perjury under all applicable civil and criminal laws that 1) I have read

8 this Petition or it has been read to me; and 2) I understand the contents of the Petition and believe

9 the contents to be true and correct to the best of my knowledge, information, and belief, formed

10 after reasonable inquiry. Below is the address at which I can receive all legal documents, and I

11 understand I have the duty to update this address with the court if it changes.

12 Dated: _____

13 _____
Signature of Petitioner

14 _____
Print or Type Name

15 _____
Address

16 _____
City, State, Zip Code

17 _____
Telephone Number