



**LEECH LAKE BAND OF OJIBWE
IN TRIBAL COURT**

In Re the Estate of:

Court File No. _____

Decedent.

**PETITION FOR FORMAL PROBATE
OF WILL, DETERMINATION OF
HEIRS, AND FORMAL APPOINTMENT
OF PERSONAL REPRESENTATIVE**

I, _____ [petitioner], state the following:

1. Information about the Petitioner. I am the petitioner in this proceeding. My mailing and physical address is: _____

My DOB is: _____; My Tribal affiliation is: _____

I have an interest in the distribution of the estate according to Leech Lake Probate Code because I am:

I am the decedent's: *(check all that apply)*

spouse

child

heir

other: _____

I have a property right in or claim against the decedent's estate.

I have priority for appointment as personal representative of the decedent's estate.

I am a fiduciary who represents the interests of an interested person.

2. Information about the Decedent. The decedent was born on _____ [Birth Date] in _____ [Birth City], _____ [Birth State], _____ [Birth County], _____ [Birth Reservation].

The decedent died on _____ [Death Date] in _____ [Death City], in _____ [Death State], on _____ [Death Reservation].

At the time of death, the decedent was domiciled in _____ [Domicile County] in _____ [Domicile State], on _____ [Domicile Reservation], and at _____ [Domicile Address].

More than 120 hours (check only one)

- but not more than three (3) years have passed since the decedent's death.
- and more than three (3) years have passed since the decedent's death. This proceeding should be allowed pursuant to the following exception in Minn. Stat. § 524.3-108.

(See: Chapter 8, Section 1--does above apply???)

3. Venue. Venue in this proceeding is proper because, at the time of death: *(check only one)*

- the decedent was domiciled on the Leech Lake Reservation; or
- though not domiciled on the Leech Lake Reservation, the decedent owned real or personal property situated within the Leech Lake Reservation to the extent that such estate consists of property which does not come within the exclusive jurisdiction of the Secretary of the Interior of the United States.

4. Information about Spouse, Children, Heirs, and Other Interested Persons. As best as I know or can ascertain with reasonable diligence, the names, addresses, relationships, and birthdates, if minors, of the decedent's spouse, children, heirs, and others interested in this proceeding, are set forth in the attached **Exhibit A: Interested Persons**.

5. Decedent's Assets and Indebtedness. The estimated value of the decedent's probate and non-probate assets and the estimated indebtedness of the decedent are set forth in the attached **Exhibit B: Decedent's Assets and Indebtedness**.

6. Negative Allegation Statement. *(choose only one and/or edit as appropriate)*

The decedent left no surviving issue, natural or adopted, legitimate or illegitimate.

The decedent left surviving no spouse; no children, natural or adopted, legitimate or illegitimate, other than those named in this petition; and no issue of any deceased children.

The decedent left surviving no children, natural or adopted, legitimate or illegitimate, other than those named in this petition; and no issue of any deceased children.

The decedent left surviving no spouse; issue; parents; brothers or sisters other than those named in this petition; and no issue of deceased brothers or sisters.

The decedent left surviving no spouse; issue; parents; brothers or sisters or issue thereof; grandparents; aunts or uncles; and no first cousins other than those named in this petition.

If the decedent is survived by a spouse and children: *(check only one)*

- All issue of the decedent are also issue of the surviving spouse.
- There are issue of the decedent and/or the decedent's surviving spouse who are not issue of both the decedent and decedent's surviving spouse.

7. **Survival of Heirs.** All the heirs survived the decedent by 120 hours or more (except the following:)

8. **Information about the Personal Representative.** (Check only one.)

The Will nominates _____ as personal representative:

_____ is willing to serve and is not disqualified to serve as personal representative.

_____ is unwilling or unable to serve as personal representative.

The Will does not nominate a personal representative.

The name(s) and address(es) of the nominated personal representative(s) are listed in **Exhibit A: Interested Persons.**

There is no other personal representative of the decedent's estate appointed anywhere whose appointment has not been terminated.

9. **Priority of Personal Representative.** The nominated personal representative has statutory priority because the nominee is (*check only one*):

nominated as the personal representative in the decedent's Will

the surviving spouse of the decedent

an heir of the decedent

other blood relative

a devisee of the decedent

other explanation

Everyone with a prior or equal right to appointment has renounced appointment or has consented in nominating _____ as personal representative. (*Attach any renunciations or consents.*)

10. **Testamentary Documents.** The decedent's last Will is comprised of the following documents: (check all that apply)

Will dated _____

Codicil dated _____

Separate Writing _____

11. **Execution of Will.** To the best of my knowledge and belief, the decedent's Will was validly executed.

12. **Due Diligence.** After exercising reasonable diligence, I am not aware of any instrument that revokes the Will. I believe the documents described in this petition are the decedent's last Will.

13. **Location or Disposition of Testamentary Documents.** (check only one)

- The original documents constituting the decedent's Will are already in the Court's possession.
- The original documents constituting the decedent's Will accompany this petition.
- An authenticated copy of the decedent's Will, as probated in _____ (other jurisdiction), accompanies this petition.

14. Administration. The decedent's Will: (check only one)

- specifies that the administration of the decedent's estate is to be supervised.
- specifies that the administration of the decedent's estate is to be unsupervised.
- does not specify that administration of the decedent's estate is to be supervised or unsupervised.

15. Bond. The decedent's Will: (check only one)

- specifies that a bond is to be posted in the amount of \$_____.
- specifies that no bond is to be posted.
- does not specify whether bond is required.

16. Demands for Notice. (check only one)

- Proper notice has been given to those persons who have filed a Demand for Notice.
- I am not aware of any Demand for Notice concerning the decedent's estate that may have been filed in Leech Lake Tribal Court or elsewhere that has not otherwise been waived.

WHEREFORE, I request the Court fix a time and place for a hearing and enter an order to formally:

1. Find that venue is proper;
2. Find that petitioner commenced this proceeding within the time limitations prescribed by the Leech Lake Band of Ojibwe Probate Code, Title 10.
3. Determine the decedent's domicile at death;
4. Determine the decedent's heirs;
5. Determine that the decedent died testate;
6. Determine the Will is valid and unrevokes;
7. Probate the decedent's Will;
8. Appoint _____ as personal representative with [a \$_____ bond amount][no] bond, in [an unsupervised][a supervised] administration;
9. Authorize issuance of Letters Testamentary/of General Administration to _____ upon qualification and acceptance;
7. Grant other appropriate relief.

I declare under the penalties for perjury that this petition, including all attached exhibits, has been examined by me and that its contents are true, accurate, and complete to the best of my information, knowledge, and belief.

Dated: _____

Petitioner

[Address]

Telephone: [Phone Number]

Facsimile: [Fax Number]

e-mail: [e-mail Address]

Subscribed and sworn to before me, a Notary Public/Clerk of Court, this _____ day of _____, 20__.

Notary Public/Clerk of Court

