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4 **IN THE TRIBAL COURT**  
5 **FOR THE LUMMI NATION, WASHINGTON**

6 IN RE THE ESTATE OF:

Case No.: \_\_\_\_\_ CVPB \_\_\_\_\_

7 \_\_\_\_\_,  
8 Deceased

PETITION FOR PROBATE - NO WILL

9  
10 I, \_\_\_\_\_, request that the Court probate the  
estate of the above-named person ("Decedent"). In support of this Petition, I state as follows:

11 I. DECEDENT

12 The Decedent died on \_\_\_\_/\_\_\_\_/\_\_\_\_.

13 II. ABSENCE OF WILL

14 I have not located a will left by the Decedent left a will. I have made the following efforts to  
15 determine if there is a will: \_\_\_\_\_  
16 \_\_\_\_\_

17 III. JURISDICTION OF THE LUMMI TRIBAL COURT

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

19 A. Tribal Status Requirement

20  The Decedent is a member of the Lummi Nation, with enrollment #: \_\_\_\_\_

21  The Decedent is eligible for enrollment as a member of the Lummi Nation because:  
\_\_\_\_\_

22  The Decedent is a member of, or eligible to be a member of the following federally  
23 recognized Indian Tribe: \_\_\_\_\_

24  The Decedent is otherwise an "Indian" as defined in the American Indian Probate  
Reform Act of 2004, because: \_\_\_\_\_  
25 \_\_\_\_\_

1 B. Property Status Requirement

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

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

11 IV. DOMICILE

12 At the time of death, the Decedent was domiciled at \_\_\_\_\_

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

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

18 V. SURVIVING FAMILY

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

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1 VI. DECEDENT'S PROPERTY

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

4 A. PROPERTY NOT SUBJECT TO PROBATE:

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

8  
9  
10 2. (*If Decedent not domiciled on the Lummi Reservation.*) Personal Property:

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

14 B. PROPERTY SUBJECT TO PROBATE

15 A. Real Property, other than trust or restricted property:

16  
17  
18 B. (*If Decedent is domiciled on the Lummi Reservation.*) Personal Property:

19  
20  
21  
22 VII. OTHER PROBATE PROCEEDINGS

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

24  Another probate proceeding has been filed in \_\_\_\_\_ Court.

1 The Personal Representative is \_\_\_\_\_  
2 at address: \_\_\_\_\_

3 **IX. PERSONAL REPRESENTATIVE**

4 I am willing and qualified under LCL 35.07.020 and .030 to act as Decedent's Personal  
5 Representative. I am not a corporation and I am over the age of 18, of sound mind, and have not  
6 been convicted of a felony or a misdemeanor involving moral turpitude.

7 I have the following relationship with the Decedent:

- 8  surviving spouse, or a person requested by the surviving spouse to be appointed  
9  next of kin:  
10  child  
11  parent  
12  sibling  
13  grandchild  
14  nephew or niece

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

- 16 1. Find that the Decedent died without a valid will.  
17 2. Appoint me to act as Personal Representative for the Decedent's estate and issue Letters of  
18 Administration.

19 **DECLARATION**

20 I declare under penalty of perjury under all applicable civil and criminal laws that 1) I have read  
21 this Petition or it has been read to me; and 2) I understand the contents of the Petition and believe  
22 the contents to be true and correct to the best of my knowledge, information, and belief, formed  
23 after reasonable inquiry. Below is the address at which I can receive all legal documents, and I  
24 understand I have the duty to update this address with the court if it changes.

25 Dated: \_\_\_\_\_  
Signature of Petitioner  
\_\_\_\_\_  
Print or Type Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Telephone Number  
\_\_\_\_\_