



# Spilyay Tymoo

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## Message from the Probate Department

Within the last year, we have started a new Probate process. Previously, we had to have a hearing after every step in the process. When we hired the Probate Pro Tem judge, she changed the process, to make the whole thing go smoother for everyone and with fewer hearings.

What starts the Probate process for us is receiving the death certificate from the Vital Statistics Department.

Then we can start filling out all of the opening paperwork—the Letter of Administration, the Petition to Probate, Order to Probate, Petition and Order to forward Decedents Mail, and Notice to Creditors—and then send it to Tribal Court for a judges' signature.

We then mail everything out along with a letter about the process and a court date, usually 90 days out.

A person can attend the hearing in person, via videoconferencing or phone.

You're given a phone number and a code to enter the hearing via phone and there will be a link to join via videoconferencing. That will be the first hearing.

There are certain things each person (responsible for taking the lead) should know beforehand. There will be a form to fill out on the assets of the estate as well as the following:

**Will:** Did the deceased have a will? Then you will need to bring it to the Probate Department,

so that we can use that as a guide to disbursing their belongings. Hopefully, it will tell us who is going to get what. At some point, all heirs will receive a copy of the Will.

**Bank information:** If the deceased had a checking and/or a savings account, you will need to bring in a bank statement and/or a debit card for the account, so that we can write a letter to the bank and ask them to send us the money.

We then deposit these funds into an estate account with Cash Management and keep the information in their probate file.

**Mail:** Bring in any mail, especially if there are checks in the mail. We will need to deposit the checks into the estate account also.

Once we send in an address change for the deceased, the mail box will close if it is in the decedent's name. Unless you worked it out with the deceased prior to their death to take over the ownership of the PO Box, those who also received mail at this address must get their own mailbox.

**Vehicles:** All vehicles belonging to the deceased must be parked until such time as the Probate is complete.

Please bring the keys and a title or registration to the Probate Department so we can put in their probate file. Probate has a fenced warehouse where the vehicle can be parked until such time as the probate is complete.

**Home:** If there is a home that belonged only to the deceased, the

Probate Department must know who is going to live in the house, for safekeeping, until such time as the probate is closed.

They must take the power bill out of the deceased name and put it in whomever is going to be living in the house.

There must be a unanimous decision by all heirs for one or more person(s) to live in the home by signing a letter naming the new residents.

In most cases, we've found that a lot of people say they don't want their home to be a party place.

If anyone is found to have alcohol and/or drugs being used in the home, we would have to work with the Police Department to get said people evicted and possibly boarding up the home.

Whomever is taking responsibility for the house must ensure the Home Insurance is intact. If there is a house fire and it wasn't insured, the house will be a total loss.

**Land:** As far as land, we don't probate this, it is done through BIA.

**Family:** If there are family members that are not enrolled with Warm Springs, we need names and addresses and where/if they are enrolled. Thank you,

**From the Probate Department of the Confederated Tribes of Warm Springs.**