



Spilyay Tymoo

Coyote News, est. 1976

May 31, 2023

From the Probate Department

by Valerie Squiemphen
Public Administrator

Two documents that are helpful to the Probate Department are the General Information For Probate and the Last Will and Testament

General information for Probate

Soon after the passing of a loved one, the form must be filled out. It is useful to our department to list any major assets of the deceased such as bank accounts, a home, any vehicles, land, a Will, and/or a business. This helps us to determine if the estate has a value of \$3500 or more.

This form will be filled out preferably by whoever is taking care of the funeral arrangements. We need you to answer to the best of your ability. Plus, it will give us information on how we can contact the next of kin should we have any questions.

Will

It is best if a person has a Will, that way, there won't be any fighting over assets of the estate. You can go to an Attorney to have them help you fill out a Will or you can call up the Native American Program, Legal Aid Services of Oregon in Portland, at (800) 546-

0534 (NAPOLS) or you can email them at wills@lasoregon.org. They offer this service free of charge. They can usually meet you in Warm Springs, but you must set up an appointment with them.

The last option is to fill out one of our fill-in Wills. Just stop by the Probate Department and pick up one of the forms. You must have 2 witnesses (neither can be in the Will) and you all must sign in front of Notary Public. Have someone either read it to you and fill it out for you. It's always best to get information beforehand to include in the Will (i.e. allotments, home location, vehicle(s), location of storage units/keys, bank deposit box information, etc.).

Who should make out a will

A person with:

- Trust Land. Tribal Home site leases
- Own anything of value (i.e. jewelery, artifacts, beadwork, coins)
- Checking and/or Savings account
- Safe Deposit Box
- Credit Life
- Money in IIM
- Own Livestock
- Own Vehicles
- Boats
- Fishing Nets

Fishing Spots

Details to remember

• Do not assume other children than your own that you raised will be an heir. They have to be legally adopted or named specifically in your Will.

• If you have several tracts of land, each tract should be assigned to individual persons so the ownership wouldn't be broken down so much, especially if you have a small share.

• Home should be assigned to one or two persons who will take care of the home and it should be specified that everyone in the family is welcome if they don't have a home.

• Legal names with birth dates should be used.

• If divorced and don't want ex-spouse to receive anything, then a survivorship clause should be included

• Remember to specify for heirs to obtain a headstone and someone else if none was obtained.

• Instructions on "giveaway"

• Leave a copy of your Will at Vital Statistics. Superintendent, Probate and/or BIA Realty

• The residue clause at the end of the Will, will be divided up with whomever you name if there is

any money that will come up that you don't specify

• Bills will have to be paid before anything is paid out

• If you have a loan, be sure it is paid up otherwise Credit Life will not be effective; heirs will be responsible for the balance.

• Try to get Credit Life on all credit cards and the heirs won't be responsible for the bills.

• Single people without a Will and without children will go to extended family.

• Non-Indian spouse only have life use of homes.

• They cannot will their life use interest, but on a home can be sold

• If still married, but separated will definitely have to make a Will

• If certain children or grandchildren are using Credit cards or grocery bill, be sure they understand they have to pay on the bills.

• Family taking over the house will be responsible for utility bills, insurance bills and up keep of the home.

• If you have a joint checking/savings account or jointly own a vehicle, this will automatically go to whoever survives

Reasons for making out a will

• Less confusion for heirs and Probate, both Tribal and BIA

• Family won't fight over items or home

• Your instructions can be bet-

ter honored

• Land interests won't be fractionated so much

• Probate hearings may be done sooner

• Whoever is name in the Will, cannot be a witness

• Need 2 witnesses

• Preparer of the Will cannot be in the Will

• Scrivener cannot be in the Will

• No one can force you to make out a Will

• Must be in right mind (not taking medications, no alcoholic beverage, or drugs)

Funeral prearrangements:

• Have forms to make prearrangements

• Give instructions on what kind of funeral you want and which church or longhouse you want to go to

• Instructions on who will be officiating

What Probate staff could do:

• Be willing to go to your home.

• Help retrieve information from Realty.

• Get ID number of the heirs.

• Get witnesses.

The Probate Department would appreciate your assistance by dropping off a copy of the Memory Card for your loved one, so that we can put it in their probate file. Thank you, in advance. Valerie Squiemphen, Public Administrator 541-553-3264.