

IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

IN RE THE PROBATE OF THE ESTATE OF:)

(D.O.D.) _____)

Petitioner(s))

Respondent(s).)

CASE NO. CV _____

PETITION FOR APPOINTMENT OF
ADMINISTRATOR AND/OR PERSONAL
REPRESENTATIVE OF THE ESTATE

I, _____, am the Petitioner in this action, and
certify the following to be true:

1. I am ☐ the surviving spouse of the deceased, OR
☐ a surviving child of the deceased, OR
☐ an heir of the deceased, OR
☐ a creditor of the deceased, OR
☐ the legal representative of the Quinault Indian Nation.
2. The deceased, _____, ☐ did leave a will, which is attached to
this petition, OR ☐ did not leave a will.

3. I am qualified to serve as the personal representative/executor/administrator of the estate of _____

4. The heirs of the estate include those listed on the Certificate of Heirs from the tribe together with the following heirs:

NAME	RELATIONSHIP
_____	_____
_____	_____
_____	_____
_____	_____

5. ☐ All of the heirs listed in the will agree that I should be appointed personal representative/executor/administrator of the estate of the deceased, as evidenced by the attached statement(s).

☐ Some of the heirs listed in the will do not agree I should be appointed personal representative/executor/administrator of the estate of the deceased.

☐ There are no other heirs listed in the will.

☐ The deceased did not leave a will, and I have attached a list of all the potential heirs, along with their addresses.

RELIEF REQUESTED

1. An Order should be issued by this Court which recognizes me as the personal representative/executor/administrator of the estate of _____ deceased.

2. That the Court grant me any other relief that is equitable and just.

DATED _____

I CERTIFY under penalty of perjury that the allegations herein are true to the best of my knowledge.

Petitioner (s)

IN THE TRIBAL COURT OF THE QUINAULT INDIAN NATION
TAHOLA, WASHINGTON

IN RE THE PROBATE OF THE ESTATE OF:

(D.O.B.)

Petitioner(s)

CASE NO. CV

CERTIFICATE OF HEIRS

CERTIFICATION

I, _____, certify under penalty of perjury
under the laws of the Quinault Indian Nation and the State of Washington that I am an
employee of the Quinault Indian Nation Enrollment Department. I am the Tribal Official in
charge of maintaining the Tribal Census records. According to the official Quinault Tribal
Records, I certify that the following persons are related to, _____,

deceased:

NAME

RELATIONSHIP

[ATTACH ADDITIONAL SHEETS IF NEEDED]

Additional sheet(s) attached? [] yes [] no

PLACE SIGNED: _____

DATE SIGNED: _____

I CERTIFY under penalty of perjury that the allegations herein are true to the best of my knowledge.

(print name)

IN THE TRIBAL COURT OF THE QUINALT INDIAN NATION
TAHOLAH, WASHINGTON

IN RE THE PROBATE OF THE ESTATE OF:)

) CASE NO. CV

) PROBATE NOTICE TO CREDITORS

(D.O.D.) _____)

Petitioner(s))

NOTICE

_____ has been appointed as Administrator of this Estate.

Any person having a claim against the decedent _____ must, before the time the claim would be barred by any otherwise applicable statute of limitations, present the claim by serving it on or mailing it to the Administrator or the Administrator's attorney, if listed, at the address stated below. The original of the claim shall be filed with the Quinalt Tribal Court at 36 Cuitan St., P. O. Box 99, Taholah, Washington, 98587. The claim must be presented within sixty (60) days of mailing the notice to the known creditors or sixty (60) days after the date of the first publication of the notice. If the claim is not presented within the time frame, the claim is forever barred. This bar is effective as to claims against both the decedent's probate and non-probate assets.

Dated of first publication: _____

Administrator: _____ Administrator's Attorney: _____

Address for mailing or service: _____

IN THE TRIBAL COURT OF THE QUINULT INDIAN NATION
TAHOLAH, WASHINGTON

IN RE THE PROBATE OF THE ESTATE OF:)

(D.O.D.) _____

Petitioner(s)

) CASE NO. CV

) ADMINISTRATOR'S THIRTY (30) DAY
) REPORT TO THE COURT
)
)
)
)

DECLARATION OF ADMINISTRATOR

Pursuant to the QTC, section 22.07.010(d) and the Order entered on _____,

I make this report to the Court.

1. ☐ Real property subject to this order, located at _____ (see attachment A) has been ☐ appraised; ☐ put on the market for sale and the proceeds will be divided according to the Court Order of _____; and/or ☐ other disposition: _____

2. ☐ The property of the estate has been divided as follows:

[Attach additional sheets if needed]

3. ☐ The following debts of the estate have been paid:

[Attach additional sheets if needed]

4. ☐ The Administrator has contacted the estate's debtors listed in the Court order dated _____, and have given each until _____ (date) to respond.

5. Other:

Respectfully submitted this _____ of _____, 20____.

Administrator

IN THE TRIBAL COURT OF THE QUINAULT INDIAN NATION
TAHOLA, WASHINGTON

IN RE THE PROBATE OF THE ESTATE OF:)

CASE NO. CV

(D.O.D.)

PETITION FOR DETERMINATION OF HEIRS
AND DISTRIBUTION OF THE ESTATE

Petitioner(s)

CERTIFICATION AND DECLARATION OF ADMINISTRATOR

I, _____, am the Administrator of the Estate of
_____, and I am petitioning the Court for an Order for the determination
of heirs, the determination of payments for claims against the estate, and distribution of the
estates as required by Quinault Tribal Code (QTC), Section 22.05.050. I declare the following to
be true:

1. I am ☐ the surviving spouse of the deceased, OR
☐ a surviving child of the deceased, OR
☐ an heir of the deceased, OR
☐ a creditor of the deceased, OR
☐ the legal representative of the Quinault Indian Nation.

2. The deceased, _____, died on _____ in the city of _____
_____ County, Washington State. (A copy
of the Death Certificate is attached here as Appendix A).

3. The deceased ☐ did leave a will. (Appendix B)
OR ☐ did not leave a will.

4. I am qualified to serve as the personal representative/executor/administrator of the estate of
_____.

5. ☐ Pursuant to the will, the following people will receive property:

[ATTACH SHEET IF YOU NEED MORE ROOM TO LIST NAMES] OR

☐ There is no will, and, to the best of my knowledge, the following are all of the heirs of the
deceased, as certified by the tribal official in charge of tribal census records (Appendix C):

[ATTACH SHEET IF YOU NEED MORE ROOM TO LIST NAMES]

6. The following is the nature and extent of the decedent's property, both real and personal:

[ATTACH SHEET IF YOU NEED MORE ROOM]

7. The following is a list of debtors who owe money to the deceased, and the amount they each owe:

[ATTACH SHEET IF YOU NEED MORE ROOM]

8. The following is a list of all claims against the estate of the decedent, and to my knowledge there are no other claims:

[] expenses relating to last illness owed to _____ in the amount of _____ (attach sheet if more than one bill due for this expense)

[] expenses relating to funeral and burial of decedent, owed to _____ in the amount of _____. (attach sheet if more than one bill due for these expenses)

[] expenses relating to the administration of the estate, _____ in the amount of _____

☐ all other claims and the amounts owing:

[ATTACH SHEET IF YOU NEED MORE ROOM]

RELIEF REQUESTED

The Administrator requests this Court to enter an Order Determining the Heirs to the estate of _____, and distribute said estate as follows:

☐ under the terms of the will:

[ATTACH SHEET IF YOU NEED MORE ROOM]

☐ in that there is no will, in the following order, according to the laws of the Nation:

☐ to the surviving spouse, as proved by a copy of the marriage certificate attached hereto, the following property:

☐ if there is no surviving spouse, to the surviving children listed herein:

☐ if there is no surviving spouse, and there are no surviving children, according to the laws of Washington State on descent and distribution, to the following:

DATED _____

I CERTIFY under penalty of perjury that the allegations herein are true to the best of my knowledge.

Petitioner (s)

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5
6 **QUINULT TRIBAL COURT**

7 Estate of:

8 [name],

9
10 Deceased.

No.

INVENTORY
(RCW 11.44.015)

11 I declare under penalty of perjury under the laws of the State of Washington that the
12 following is true and correct to the best of my knowledge:

13 1. The assets and liabilities shown on the attached *Inventory* comprise the true
14 inventory and appraisal of all the property of the estate of Decedent at the time of his or her
15 death that is subject to the jurisdiction of the above Court and that has come into my possession
16 and knowledge.

17 2. Each item is appraised at its fair net value as of the date of Decedent's death and
18 includes a statement of any encumbrance, lien, or other secured charge against that item.
19

20
21 (PR), Personal Representative
22 Estate of *
23
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INVENTORY

I. ASSETS: VALUE:

1. Bank Accounts:

(Name of bank, address & account #)

2. Annuities/Insurance Policies:

(Names of companies holding annuity or issuing policies, account or policy #)

If there is a beneficiary named other than the estate, asset will be listed but not counted as part of the estate valuation.

3. Stocks/Bonds:

(Name of stock, certificate or account number, number of shares & value)

4. Real Estate:

5. Receivables:

6. Personal Property:

1 A. Vehicles (need make, year & blue book value)

2
3
4 B. Other personal property: Nominal or \$
5 (Other personal property only needs to be itemized & appraised if of
6 significant value, such as jewelry, tools, antiques, coin collections, etc.)
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10 II. LIABILITIES/DEBTS:
11 (Itemize all debts of the decedent.)
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Quinault Indian Nation



Title 22 Probate Procedure

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TITLE 22

PROBATE PROCEDURE

22.01 Jurisdiction

22.01.010 Jurisdiction

When a member of the Quinault Tribe or any other Indian residing on the Quinault Reservation dies, the heirs of the decedent, the claims of creditors, and the distribution of such property shall be determined by the Quinault Tribal Court under this Title. The jurisdiction of the Court in such cases covers all of the decedent's property that is on the Quinault Reservation except property and funds which are restricted or held in trust by the federal government.

22.03 Small Estates

22.03.010 Small Estates

Any interested person may file a petition with the Clerk of the Quinault Tribal Court for the distribution, without administration, of the estate of the decedent in any case in which the total estate consisting of personal property not exceeding \$3,000.00 in value, provided that, the decedent in such case is survived by a widow or widower or by one or more minor children.

22.03.020

Information Required

The petition for distribution shall contain the information required by these rules. The petition shall be sworn to before the Clerk of the Court or other officer authorized to administer oaths.

22.03.030

Findings and Final Order

If the Court finds that the estate does not exceed \$3,000.00 in value, and that more than 30 days have elapsed since the death of the decedent, the Court may order the estate distributed pursuant to the decedent's will, if any, or to the rules of the descent and distribution of this Title.

22.05

Administration

22.05.010

Petition for Administrator or Executor

Any person claiming to be the heir of any member of the Quinault Tribe of Indians, or any other Indian residing on the Quinault Reservation, or surviving spouse of the decedent, surviving children, creditors, or the Quinault Tribe may file a petition for the appointment of an executor or administrator of the estate with the Clerk of the Quinault Tribal Court.

(a) All procedures shall be conducted in accordance with Title 15 of this Code.

(b) The Court shall thereupon appoint an administrator or executor of the estate who shall take

possession and control of the property of the decedent until the administration of the estate has been completed, and he has been discharged by order of the Court.

(c) It shall be the duty of the executor or administrator to preserve and protect the property for the benefit of the estate and heirs.

(d) Prior to appointment of the executor or administrator, the Court shall have authority to take possession and control of the property.

22.05.020

Wills

Every custodian of a will must deliver the will to the Quinault Tribal Court or to the executor named therein within 10 days of the death of its maker. Failure to do so may subject that person to liability for damages sustained by any person injured thereby.

(a) A will may be proven by the affidavit of the attesting witnesses identifying the signature of the testator and affirming that the will was executed by the decedent in the presence of the witnesses and declared by him to be his last will and testament.

(b) In the event that any person contests the validity of the will, the Court shall take no

further action until a hearing has been held to establish the validity of the will.

(c) Upon the completion of the hearing or hearings regarding the validity of the will, the judge of the Tribal Court shall either affirm the will and order it admitted to probate, or reject the will and order the administration of the decedent's estate as if the decedent had died without executing a will.

22.05.030

Appraisal of Property

When any action is filed under this Title, the Court shall appoint a qualified appraiser to appraise all of the personal property within the jurisdiction of the Court.

22.05.040

Claims

Creditors of the estate or those having a claim against the decedent shall file their claim with the Clerk of the Court or the executor or administrator within 60 days from the appointment of the executor or administrator.

(a) The Court, or administrator or executor shall examine all claims within 90 days of his appointment and notify the claimant that his claim is accepted or rejected. If the claimant is not notified of rejection, the claim shall be deemed accepted.

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(b) Claims shall be preferred in the following order:

- (1) All expenses of last illness and burial.
- (2) Any amount due the Quinault Tribe of the Quinault Reservation.
- (3) Expenses of administration.
- (4) All other claims.

22.05.050

Administration of Estate

(a) Within 90 days after the appointment of the executor or administrator, he shall file a petition of the determination of heirs and distribution of the estate.

(b) The petition shall be filed in duplicate and shall be sworn to or affirmed and shall contain:

- (1) The name of decedent.
- (2) Place and date of decedent's death.
- (3) Names, ages and relationship to decedent of all heirs of decedent, and if decedent dies testate, of all beneficiaries under his will.
- (4) Nature and extent of decedent's property and location of same.
- (5) State of existence or absence of will, and attachment of original will if decedent died testate.
- (6) Copy of death certificate or other adequate proof of death.

(7) Statement of all claims, including those approved or rejected for payment.

(8) A certificate of heirs signed by the tribal official in charge of tribal census records.

(9) The Court may file a petition for the determination of heirs and distribution of the estate on its own motion in the event an executor or administrator is not appointed or fails to act as required.

22.07

Descent and Distribution

22.07.010

Determination of the Court

At the time set for hearing, the Tribal Court shall proceed to examine all evidence relating to the distribution of the decedent's estate and determine any controversy relating to claims or as to those entitled to receive the decedent's estate. Upon conclusion of the hearing, the Court shall:

(a) Enter its order determining the heirs or devisees.

(b) Provide for payment of claims.

(c) Provide for distribution of the decedent's estate.

(d) Require a report in 30 days from any executor or administrator that he has carried out the orders of the Court.

22.07.020

- (e) Discharge the executor or administrator and close the estate upon finding that the executor or administrator has faithfully discharged his duties.

Descent and Distribution

In the event there is no will admitted to probate, the estate shall be distributed by order of the Court as follows:

- (a) Surviving spouse of the decedent, upon finding of the Court that a valid marriage existed at the time of the death of the decedent.
- (b) If there is no spouse, then to the surviving children.
- (c) If there is no spouse nor surviving children, then the estate shall be distributed in accordance with the laws of the state of Washington relating to descent and distribution until such time as a law on descent and distribution is enacted by the Quinault Tribe.

22.07.030

Expenses and Fees

After the payment of all expenses in connection with the distribution of the estate, the Court may charge such fees as may be deemed proper, taking into consideration the appraised value of the estate of the decedent, but not to exceed \$100.00.