

PROBATE PROCEEDING,
WILL OF _____
Deceased.

Case No. _____

To the Saint Regis Mohawk Tribal Court, Saint Regis Mohawk Indian Reservation
It is respectfully alleged:

1. The name, tribal enrollment information, domicile and interest in this proceeding of the petitioner[s] are as follows:

Name: _____

Physical Address: _____
(Street and Number)

(City, Village or Town) (State)
(Zip Code)

Mailing Address: _____
(If different from domicile)

SRMT Enrollment Number: _____

Name: _____

Physical Address: _____
(Street and Number)

(City, Village or Town) (State)
(Zip Code)

Mailing Address: _____
(If different from domicile)

SRMT Enrollment Number: _____

Interest(s) of Petitioner (s): [Check one] Executor (s) named in decedent's Will
 Other (Specify)

2. The proposed Executor [] is [] is not an attorney.

3. The proposed Executor [] is [] is not the attorney-draftsperson, a then-affiliated attorney or employee thereof.

4. (A) The name, residence, date and place of death, and SRMT Tribal Enrollment information of the above-named decedent are as follows:

(1) Name: _____

(2) Date of death _____

(3) Place of death _____

(4) Residence: Street _____

City, Town, Village _____

County _____ State _____

(5) SRMT Enrollment Number: _____

(B) Please attach a copy of the death certificate or proof of death.

5. The Last Will, herewith presented, relates to both real and personal property and consists of an instrument or instruments dated as shown below and signed at the end thereof by the decedent and the following attesting witnesses:

_____	_____
	(Date of Will)
	(Name of all Witnesses to Will)
_____	_____
	(Date of Codicil)
	(Names of All Witnesses to Codicil)
_____	_____
	(Date of Codicil)
	(Names of All Witnesses to Codicil)

6. No other will or codicil of the decedent is on file with the Saint Regis Mohawk Tribal Court, and upon information and belief, after a diligent search and inquiry, including a search of any safe deposit box, there exists no will, codicil or other testamentary instrument of the decedent later in date to any of the instruments mentioned in Paragraph 3 except as follows:

[Enter "NONE" or specify]

—

—

7. The names, relationships, and addresses of all distributees of each person designated in the Will herewith presented as primary executor, of all persons adversely affected by the purported exercise by such Will of any power of appointment, of all persons adversely affected by any codicil and of all persons having an interest under any other will of the decedent on file in the Saint Regis Mohawk Tribal Court, are hereinafter set forth in subdivisions (a) and (b).

[If the propounded will purports to revoke or modify an inter vivos trust or any other testamentary substitute, list the names, relationships, domicile and addresses of the trustee and beneficiaries affected by the will in subparagraphs (a) and (b) below. **Submit trust agreement**]

(a) All persons and parties so interested are as follows:

Name and Relationship to Decedent	Mailing Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(b) All persons so interested who are **minors or persons under disability**, are as follows:

Name and Relationship	Mailing Address	Name and Address for Guardian of Minor or Disabled Person
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(c) Please attach a complete certified family tree from the SRMT Tribal Clerk's office.

8. (a) The names and addresses of all substitute or successor executors and of all trustees, guardians, legatees, devisees, and other beneficiaries named in the Will and/or trustees and beneficiaries of any inter vivos trust designated in the propounded Will other than those named in Paragraph 6 herewith are as follows:

Name	Mailing Address

(b) All such legatees, devisees and other beneficiaries who are persons under disability are as follows:
[Furnish all information specified in NOTE below]

Name	Mailing Address	Name and Address for Guardian of Minor or Disabled Person

[NOTE: In the case of each infant, state (a) name, birth date, relationship to decedent, domicile and residence address, and the person with whom he/she resides, (b) whether or not he/she has a court-appointed guardian (if not, so state), and whether or not his/her father and/or mother is living, and (c) the name and residence address of any court-appointed guardian and the information regarding such appointment. In the case of each other person under a disability, state (a) name, relationship to decedent, and residence address, (b) facts regarding his disability including whether or not a committee, conservator, guardian, or any other fiduciary has been appointed and whether or not he/she has been committed to any institution, and (c) the names and addresses of any committee, person or institution having care and custody of him/her, conservator, guardian, and any relative or friend having an interest in his/her welfare.]

9. (a) No beneficiary under the propounded will, listed above, had a confidential relationship to the decedent, such as attorney, accountant, doctor, or clergyperson, except: **[Enter "NONE" or indicate the nature of the confidential relationship].**

(b) No persons, corporations or associations are interested in this proceeding other than those mentioned above.

10. (a) To the best of the knowledge of the undersigned, the approximate total value of all property constituting the decedent's gross testamentary estate is greater than \$_____ but less than \$_____.

Personal Property \$_____

Improved real property in Saint Regis Mohawk Indian Reservation \$_____

Unimproved real property in Saint Regis Mohawk Indian Reservation \$_____

11. Upon information and belief, no other petition for the probate of any will of the decedent or for letters of administration of the decedent's estate has heretofore been filed in any court.

WHEREFORE your petitioner (s) pray (s) that process be issued to all necessary parties to show cause why the Will and the Codicil (s) set forth in Paragraph 3 and presented herewith should not be admitted to probate; (b) that an order be granted directing the service of process, pursuant to SRMT PROBATE CODE upon the persons named in Paragraph (5) (6) hereof whose names or whereabouts are unknown and cannot be ascertained, or who may be persons on whom service by personal delivery cannot be made; and (c) that such Will and Codicil (s) be admitted to probate as a Will of real and personal property and that letters issue thereon as follows: [Check and complete all relief requested.]

[] Letters Testamentary to _____

_____ And that petitioner(s) have such other relief as may be proper

Dated: _____

1. _____
(Signature of Petitioner)

2. _____
(Signature of Petitioner)

(Print Name)

(Print Name)

COMBINED VERIFICATION, OATH AND DESIGNATION

[For use when petitioner is an individual]

SAINT REGIS MOHAWK TRIBAL COURT
SAINT REGIS MOHAWK INDIAN RESERVATION:

The undersigned, the petitioner named in the foregoing petition, being duly sworn, says:

1. VERIFICATION: I have read the foregoing petition subscribed by me and know the contents thereof, and the same is true of my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

2. OATH OF EXECUTOR ADMINISTRATOR as indicated above: I am over eighteen (18) years of age and a citizen of the United States and I will well, faithfully and honestly discharge the duties of Fiduciary of the goods, chattels and credits of said decedent according to law. I am not ineligible to receive letters and will duly account for all moneys and other property that will come into my hands.

3. DESIGNATION OF CLERK FOR SERVICE OF PROCESS: I hereby designate the Clerk of the Saint Regis Mohawk Tribal Court, and his/her successor in office, as a person on whom service of any process, issuing from such Court may be made in like manner and with like effect as if it were served personally upon me, whenever I cannot be found and served after due diligence used.

My address is

: _____ (Street Address) (City/Town/Village) (State) (Zip)

(Signature of Petitioner)

(Print Name)

On _____, 20 _____, before me personally came

to me known to be the person described in and who executed the foregoing instrument. Such person duly swore to such instrument before me and duly acknowledged that he/she executed the same.

Saint Regis Mohawk Tribal Court Clerk

**Checklist of Documents Required
For Intestate Probate Petition**
(A copy of all documents must be included with petition)

Certificate of Death []

Certified Family Tree by Saint Regis Mohawk Tribal Clerk []

Certified copy of the Will []