American Indian Probate Reform Act of 2004 (AIPRA)

Polson
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Thank you ITI Experts
- Dan Decker
- Rose Tellier

Thank you
- Deb DuMontier
  - Litigation Coordinator
  - U.S. Department of the Interior
  - Office of the Special Trustee for American Indians

Special request from planning committee
- Don’t be boring
- Don’t put people to sleep zzzzzzzzz
- Don’t be a dud!!!!

Marsha’s version of JEOPARDY!
Using response clicker

- Is already ON
- Don’t press these buttons
  - Menu
  - Enter
  - Go to
  - Clear

Test your clicker press 3/C

- 1/A
- 2/B
- 3/C
- 4/D

Not Accepting Answers

Screen shows your answer

- 1/A
- 2/B
- 3/C
- 4/D

Practice: Why I am attending the meeting

1. Sounded like information I should know
2. My spouse made me here
3. My children suggested I attend

Practice: At this point in time are you?

1. Married
2. Single
3. Divorced
4. Separated
5. Widowed
What if I entered a wrong answer? Last response counts

- 1/A
- 2/B
- 3/C
- 4/D

Practice: Number of years living in Montana

1. 0 – 9
2. 10 – 19
3. 20 – 29
4. 30 – 39
5. 40 – 49
6. 50 & over

For Yes No questions

- Do not use these keys: “Yes” or “No”

For Yes or No questions

- Use
  - 1, if yes
  - 2, if no

Have you previously attended a session explaining the American Indian Probate Reform Act (AIPRA)?

1. Yes
2. No

Purpose of AIPRA

- To Prevent Further Fractionation of Trust Lands
- To Encourage Consolidation of Indian Land Ownership
Fractionation:

- Each owner has an *undivided interest* (*ownership*) in the entire parcel
- Increasing number of owners with each passing generation

1st generation

Original Allottee

2nd generation

Original Allottee

1/3

1/3

1/3

3rd generation

Original Allottee

1/3

1/3

1/3

1/9

1/9

1/9

4th generation

Original Allottee

1/3

1/3

1/3

1/9

1/9

1/9

1/36

1/36

1/36

1/36
**5th generation**

```
- Original Allottee
- 1/3
- 1/9
- 1/36
- 1/144
```

**6th generation**

```
- Original Allottee
- 1/3
- 1/9
- 1/36
- 1/144
```

**6th generation with 3 children**

```
\[
\frac{1}{144} \times \frac{1}{3} = \frac{1}{432}
\]
```

**Fractionation by $$$$$**

- Example
  - Lease Dollar Amounts

**1st generation**

- $1,002 Annual Income
2nd generation

$1,002
Annual Income

$334
$334
$334

3rd generation

$1,002
Annual Income

$334
$334
$334
$111.33
$111.33
$111.33

4th generation

$1,002
Annual Income

$334
$334
$334
$111.33
$111.33
$111.33
$27.83
$27.83
$27.83

5th generation

$1,002
Annual Income

$334
$334
$334
$111.33
$111.33
$111.33
$27.83
$27.83
$27.83
$27.83
$6.96
$6.96
$6.96
$6.96

6th generation

$1,002
Annual Income

$334
$334
$334
$111.33
$111.33
$111.33
$27.83
$27.83
$27.83
$27.83
$6.96
$6.96
$6.96
$6.96
$2.32
$2.32
$2.32

AIPRA controls
Trust Property

• Trust Lands
• IIM Accounts
AIPRA: Probate Sections

• Effective for persons who pass away on or after June 20, 2006

Fact Sheet #3
How is Reservation Land Owned by Individuals?

• Trust Status?
• Fee Status?

What is the status of your real property on the Flathead reservation?

1. Trust
2. Fee simple
3. Have both types
4. Don’t know

Do you own land off the Flathead reservation?

1. Yes
2. No

Is your land located in Montana?

1. Yes
2. No
3. I don’t own any land off reservation

Montana

• For fee land, vehicles & financial accounts:
  - Montana Intestacy Statutes apply if you pass away without a will & are a Montana resident
**Fee Status**

- Land passes according to law of state where land is located

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**Personal property**

- **AIPRA does not** affect:
  - Checking Accounts
  - Saving Accounts
  - Vehicles

  Law of State where have domicile controls

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**Do you own undivided interests in trust lands on other reservations?**

1. Yes
2. No

---

**AIPRA requirement**

- Interests on all reservation land must pass to:
  - Eligible heirs to retain trust status

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**Eligible heirs**

(Defined under AIPRA)

- Children
- Grandchildren
- Great grandchildren
- Brothers & sisters
- Half brothers & sisters by blood
- Parents

---

**AIPRA distribution among eligible heirs:**

- Depends on percentage of undivided interest owned by the person who passed away
Do you own:
- Undivided Interests
  - 5% or more?
  - Less than 5%?

Fact Sheet #4
- Your Individual Trust Interest (ITI) Statement: How to read it

Where do I get my ITI?
- OST Individual Indian Monies
  - Statement of Account
  - Also includes Real Property Assets

Have you received a copy of your ITI statement?
1. Yes
2. No

Where do I get my ITI?
- Land Title & Records Office
  - CSKT Tribal Lands Department

Pablo 406-675-2700 Ext 1240
- George Ducharme
  - LTRO Manager
- Carolee Wendeworth
  - LTRO Assistant
Important fact on ITI Statement:

- Amount of undivided ownership owned in each parcel

List of Real Property Assets

- Left hand side—Trust Land
  - Undivided Ownership
- Decimal to 12 places
  - 0.017361354281

Because AIPRA uses percent

- Convert decimal to % by moving 2 places to the right
  - 0.0173611111 = 1.7%

Ex: ITI Statement

- 0.017366111123 = 1.7% Ft Peck
- 0.156250000243 = 15.6% Flathead
- 0.007812500047 = 0.8% Blackfeet
- 0.114583333345 = 11.5% Ft Peck
- 0.007812500034 = 0.8% Flathead
- 0.026041666756 = 2.6% Ft Hall

Use ITI to determine % of ownership

- 5% interest or more?

ITI Experts will share later

- Dan Decker
- Rose Tellier
Fact Sheet #7

- If your undivided interest in each allotment is: **less than 5%**
- What Happens If You Pass Away Without Writing a Will?

AIPRA Single Heir Rule

- Undivided interest of **less than 5%**
  - passes to **one person** in following order.....

Single Heir Rule (less than 5% & no will)

- **First priority:**
  - Oldest surviving eligible child

Single Heir Rule (less than 5% & no will)

- If no surviving eligible child
  - Oldest surviving eligible grandchild

Single Heir Rule (less than 5% & no will)

- If no surviving eligible grandchild
  - Oldest surviving eligible great-grandchild

Single Heir Rule (less than 5% & no will)

- If no surviving eligible child, grandchild or great grandchild
  - **Tribe**
Single Heir Rule

(less than 5% & no will)

• If tribe does not have jurisdiction
  ▪ Equal shares to Co-owners

Summary priority

(less than 5% & no will)

1. Oldest Surviving Eligible Child
2. Oldest Surviving Grandchild
3. Oldest Surviving great Grandchild
4. Tribe with jurisdiction
5. Co-Owner

Example: Single person

• AIPRA defines Single as
  ▪ Never married
  ▪ Widowed
  ▪ Divorced
(less than 5% & no will)

Example 1: Sara

• Single Person who has no written will
  ▪ No living parents
  ▪ No Spouse
  ▪ No Children
  ▪ No Grandchildren
  ▪ No Great Grandchildren

Who receives her interests in land because Sara has no written will and no heirs?

1. State of MT
2. Tribe with jurisdiction
3. State where land located
4. Federal government

ITI Statement

- \(0.0173661111 = 1.7\%\) Ft Peck
- \(0.0156250000 = 1.6\%\) Flathead
- \(0.0078125000 = 0.8\%\) Blackfeet
- \(0.0114583333 = 1.1\%\) Ft Peck
- \(0.0078125000 = 0.8\%\) Flathead
- \(0.0260416667 = 2.6\%\) Ft Hall

(Each is less than 5%)
Single Heir Rule (no will)

- Undivided interest of less than 5% passes to:
  - Tribe with jurisdiction on each reservation

Example 2: Single person, no spouse

- Has living Children (less than 5% & no will)

Example 2: Dad passes away with 2 eligible heirs

Dad’s ITI Statement

- .0173661111 = 1.7% Ft Peck
- .0156250000 = 1.6% Flathead
- .0078125000 = 0.8% Blackfeet
- .0114583333 = 1.1% Ft Peck
- .0078125000 = 0.8% Flathead
- .0260416667 = 2.6% Ft Hall
  (Each interest is less than 5%)

Children defined (AIPRA)

- Biological
- Must be an eligible heir
Who received the less than 5% interests when Dad has no written will?

1. State of MT
2. Tribe where land located
3. Oldest child
4. Youngest child
5. Federal government

Single Heir Rule

• All interests pass to oldest surviving eligible child

(Because each interest is less than 5% & no will)

Child age 29 receives

Child age 29 receives interests on each reservation with less than 5%)

Married--AIPRA

• AIPRA definition includes as married
  • Separated
  • Legal separation
  • Common law not recognized under AIPRA

Example 3: Married

(interests of less than 5% & no will)

• Husband passes away
  • Survivor (wife)
    • Who is not living on any of the parcels
  • No children
**Husband’s ITI Statement**

- \(0.0173611111 = 1.7\%\) Ft Peck
- \(0.0156250000 = 1.6\%\) Flathead
- \(0.0078125000 = 0.8\%\) Blackfeet
- \(0.0114583333 = 1.1\%\) Ft Peck
- \(0.0078125000 = 0.8\%\) Flathead
- \(0.0260416667 = 2.6\%\) Ft Hall

(Each interest is less than 5%)

**Who receives the husband’s interest no written will?**

1. Federal government
2. Tribe
3. Spouse
4. Deceased person’s Parents
5. State where land located

**Single Heir Rule** (less than 5% & no will)

- There is no surviving eligible:
  - child, or
  - grandchild, or
  - great-grandchild

**Example 3: Survivor is wife not living on parcel**

- All interests pass to Tribe where land located

**Passes to Tribe where interest is located**

- \(0.0173661111 = 1.7\%\) Ft Peck
- \(0.0156250000 = 1.6\%\) Flathead
- \(0.0078125000 = 0.8\%\) Blackfeet
- \(0.0114583333 = 1.1\%\) Ft Peck
- \(0.0078125000 = 0.8\%\) Flathead
- \(0.0260416667 = 2.6\%\) Ft Hall

(Each interest is less than 5%)

**Example 3: Wife not living on parcel**

- Spouse receives *none* of the interests.
  - Why????
    - Husband owned less than 5% interests
Example 4: Survivors: Husband & 3 Children
(interests of less than 5% & no will)

• Survivors:
  • Husband
    • Not living on the parcel
  • 3 Children
  (interests less than 5% & no will)

ITI Statement

- .0173661111 = 1.7% Ft Peck
- .0156250000 = 1.6% Flathead
- .0078125000 = 0.8% Blackfeet
- .0114583333 = 1.1% Ft Peck
- .0078125000 = 0.8% Flathead
- .0260416667 = 2.6% Ft Hall

(Each interest is less than 5%)

Who receives the interest if wife doesn’t have a written will?

1. State of MT
2. Tribe
3. Oldest Surviving Child
4. Oldest Grandchild

Single Heir Rule (no will)

• Interests of less than 5%
  • pass to oldest surviving eligible child

Husband & younger children do not inherit (less than 5% & no will)
24 year old receives all

- 0.017366111 = 1.7% Ft Peck
- 0.015625000 = 1.6% Flathead
- 0.007812500 = 0.8% Blackfeet
- 0.011458333 = 1.1% Ft Peck
- 0.007812500 = 0.8% Flathead
- 0.026041667 = 2.6% Ft Hall

(Because each interest is less than 5%)

Example 5:

- Survivors
  - Wife
    - living on one of the parcels
  - 3 children
    (Interests of less than 5% & no will)

Spouse lives on parcel

- 0.017366111 = 1.7% Flathead
- 0.015625000 = 1.6% Ft Belknap
- 0.007812500 = 0.8% Blackfeet
- 0.011458333 = 1.1% Ft Peck
- 0.007812500 = 0.8% Standing
- 0.026041667 = 2.6% Ft Peck

(Interests of less than 5% & no will)

Who receives the interest no will? (less than 5%)

1. State of MT
2. Tribe
3. Wife
4. Oldest Child
5. All children inherit

Exception: Single Heir Rule

- If spouse living on parcel:
  - He/she receives life estate on that parcel, including the family home

(Herbs of less than 5% & no will)
**Trust Land**
(Interests less than 5% & no will)

- Husband
- Wife
- Child Age 18 0
- Child Age 22 0
- Child Age 24 parcels with less than 5%

**Life Estate**
(Interest of less than 5% & no will)

- Allows life tenant to have possession of property during his/her lifetime
- But not ownership of property

**Single Heir Rule: No will**

- After death of Mom, oldest child (remainderman) receives:
  - Remainder interest
    - home
    - land

**Upon Mother’s passing oldest child receives:**

- Remainder interest
  - 1.7% parcel Flathead
- Includes family home (less than 5% & no will)

**Spouse passes away**
(Interests of less than 5% & no will)

- Husband
- Wife
- Child 0
- Child 0

**Oldest child Receives Flathead interest**

**More information:**

- **Fact Sheet #7**
  - Your undivided interest of less than 5%:
  - What Happens if you pass away without a written will?
Fact Sheet #6

• Your Undivided Interest: 5% or more
• What happens if you pass away without a written will?

To find out how much interest you own:

• Check your Individual Trust Interest Statement

ITI Statement...Which one is 5% or more?

1. 0.0173661111
2. 0.1056250000
3. 0.0078125000
4. 0.0114583333
5. 0.0478125000
6. 0.0260416667

ITI Statement which is 5% or more??

0.0173661111 on Ft Peck
0.1056250000 on Flathead = 10.5%
0.0078125000 on Blackfeet
0.0114583333 on Ft Peck
0.0478125000 on Flathead
0.0260416667 on Ft Hall

Family Situations

• Single
• Married

(Interests of 5% & more, no will)

Example 1:
Single Person

• No Children
• Parents are living

(Interests of 5% or more, no will)
5% or more on ITI

- \(0.0173661111 = 1.7\%\) Ft Peck
- \(0.1056250000 = 10.0\%\) Flathead
- \(0.5078125000 = 50.0\%\) Blackfeet
- \(0.0114583333 = 1.1\%\) Ft Peck
- \(0.0878125000 = 8.0\%\) Flathead
- \(0.0260416667 = 2.6\%\) Ft Hall

Both parents alive

- **Mother**
- **Father**

(Interests of 5% or more, no will)

Parents inherit equally

- **Mother** 1/2
- **Father** 1/2

(Interests of 5% or more, no will)

Example 2: Single Person

- No children
- Mother is only living parent

(Interests of 5% or more, no will)

Example: Single Person

- No children
- Parents are alive
- 3 living sisters

(Interests of 5% or more, no will)
**Survivors: 3 sisters & parents**

- Father
- Mother
- Sis

(Interests of 5% or more, no will)

Who receives the interests if they are 5% or more when a single person dies without a will?

1. Mother & Dad equally
2. Sisters equally
3. 1/5 to each (mother, dad, three sisters)
4. Tribe with jurisdiction

**Priority are parents**

- Father 1/2
- Mother 1/2

(Interests of 5% or more, no will)

**Example 3: Single Person**

- No children
- Parents are deceased
- 3 living sisters

**Survivors: 3 sisters**

- Father
- Mother
- Sis

(Interests of 5% or more, no will)

**Single Person**

(Interests of 5% or more, no will)

If parents are deceased, undivided interest passes equally to:

- Brothers & Sisters
**Example 4:**

**Single Person**

- No children
- Parents are deceased
- 2 sisters are deceased
- 2 brothers are living

*(Interests of 5% or more, no will)*

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**Example 5:**

**Single Person**

- No children
- Parents are deceased
- 2 sisters & 1 brother are deceased
- 1 brother is living

*(Interests of 5% or more, no will)*
Example 5: Single Person

Who receives 5% or more interests no will?
1. Living brother receives all
2. Niece & nephews equally 1/6 each
3. Living brother, niece & nephew equally 1/7 each
4. Tribe with jurisdiction

Example 6: (Interests of 5% or more, no will) Single Person

- No children
- Parents are deceased
- All sisters & brothers deceased
- Survived by niece & nephews

Nieces & Nephews Do NOT Inherit

Distribution
- Land passes to Tribe where interest in parcel is located

(Interests of 5% or more & no will)
Example 7:

- Single
  - With Children

(Interests of 5% & more, no will)

Survivors: 3 children
(Interests of 5% & more, no will)

Who receives interest of 5% or more with no will?

1. Children equally 1/3 each
2. Tribe
3. State of MT
4. Federal Government

Children Share Equally
(Interests of 5% & more, no will)

Example 8:
(Interests of 5% & more, no will)

- Single person:
  - 3 living children
  - 6 living grandchildren

Survivors: Children & Grandchildren
(Interests of 5% & more, no will)
Who receives interests of 5% or more no written will?

1. Children equally 1/3 each
2. Grandchildren equally 1/6 each
3. Children and grandchildren 1/9 each
4. Tribe

Children Share Equally
(Interests of 5% & more, no will)

What does grandchild receive, if any?
(Interests of 5% & more, no will)

Example 9:
(Interests of 5% or more, no will)

- What if survivors are?
  - 1 deceased child who is survived by a child
  - 2 living children who have children

What share does grandchild receive, if any, if parent owned 5% or more and had no will?

1. None
2. 1/3
3. 1/8
4. 1/6

Legal Term
(Interests of 5% & more, no will)

- Right of Representation
- Grandchildren have a right to inherit what their parent would have received if he/she had lived
Grandchild inherits by right of representation

(Interests of 5% & more, no will)

Parent

Son 1/3 1/3

1/3 0 0 0 0 Grandchildren

Example 10:

• What if survivors are?
  - a deceased son who is survived by 1 child
  - a deceased daughter who is survived by 2 children

(Interests of 5% or more, no will)

Survivors: 1 Child & 6 Grandchildren

(Interests of 5% & more, no will)

Parent

Son

Grandchild

Grandchild

Grandchild

Grandchild

Daughter

Grandchildren

What will grandchild with red lighting bolt receive, if anything, if grandparent owned 5% more?

1. Nothing
2. 1/3
3. 1/6
4. 1/7

Countdown

Right of Representation

• Grandchildren receive the share their parent would have received if he/she had lived

(Interests of 5% & more, no will)
Example 11:

**What if survivors are?**
- a deceased son who is survived by 1 child
- a deceased daughter who is survived by 3 children
- a living child with two kids

(Interests of 5% or more, no will)

Right of Representation

**Grandchildren receive the share their parent would have received if he/she had lived.**

(Interests of 5% & more, no will)

Example 12:

**What if?**
- All children passed away before their parents & grandchildren are living?

(Interests of 5% or more, no will)
What share, if any, will grandchild D receive if grandchildren are only survivors & Grandparent owned 5% or more?

1. 1/9
2. 1/3
3. 1/6
4. None, passes to Tribe
5. None, passes to Federal government

Survivors: Grandchildren

Example 13:
- What if
  - survivors are children, grandchildren & great grandchildren? (Interests of 5% or more, no will)

Family situation
- Married person

Example 1: Married
- No children
- Parents are alive (Interests of 5% or more, no will)
ITI Statement ownership

- .0173661111 = 1.7% Ft Peck
- .1056250000 = 10.0% Ft Belknap
- .5078125000 = 50.0% Blackfeet
- .0114583333 = 1.1% Ft Peck
- .0878125000 = 8.0% Standing R
- .0260416667 = 2.6% Ft Hall

(Interests of 5% or more, no will)

Husband dies; Wife Has Priority
(Interests of 5% & more, no will)

Father  
Mother  
Wife receives life estate

Wife dies; Husband has priority
(Interests of 5% & more, no will)

Father  
Mother  
Husband receives life estate

Example 2: Married

- Husband passes away
  - Wife living
  - 3 living children

Survivors

Husband  
Wife  
Their Child  
Their Child  
Their Child

(Interests of 5% or more, no will)

ITI Statement ownership

- .0173661111 = 1.7% Ft Peck
- .1056250000 = 10.0% Ft Belknap
- .5078125000 = 50.0% Blackfeet
- .0114583333 = 1.1% Ft Peck
- .0878125000 = 8.0% Standing R
- .0260416667 = 2.6% Ft Hall

(Interests of 5% or more, no will)
Wife – Life Estate

Husband

(Interests of 5% or more, no will)

Wife

Life Estate

Their Child

Their Child

Their Child

Married – no will

5% or more interest

• Trust property passes to surviving spouse as a life estate without regard to waste.

Legal Term

• Without regard to waste:
  • Life tenant can do anything to land while the he/she is alive

Life estate for surviving spouse

• Any income from trust lands during his/her lifetime

Life estate income

• Spouse receives
  • Lease
  • Royalties
  • Mineral income
  • Rent

Passing of spouse

• Property held in life estate for wife (mother) passes to the remaindermen
  • Children
Trust property

- Husband
- Wife
- Life Estate

Remainder Interest

Their Child

Their Child

Their Child

(Interests of 5% or more, no will)

Remainder Interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- 1/3
- 1/3
- 0
- 0
- 0
- 0
- 0
- 0
- Grandchildren

Legal term

- Grandchildren inherit remainder interests by
  - Right of Representation

(Interests of 5% & more, no will)

Remainder interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- 0
- 0
- 0
- 0
- 0
- 0
- 0
- 0
- Grandchildren

Remainder Interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- 1/6
- 1/6
- 0
- 0
- 0
- Grandchildren

Remainder Interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- Son
- 1/9
- 1/9
- 1/9
- Grandchildren

Remainder Interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- Son
- 0
- 0
- 1/9
- 1/9
- 1/9
- Grandchildren

Remainder Interests

(Interests of 5% & more, no will)

- Parent
- 1/3
- Son
- 0
- 0
- 1/9
- 1/9
- 1/9
- Grandchildren

Summary

- Retaining & receiving trust land depends on:
  - Eligible heirs
  - % interest owned
  - Family situation
  - Whether a will is written

Writing a will

- Fact Sheet #9

Written will

- Provides you the ability to control where your undivided interests in trust lands & IIM money goes

At what age can I write a will?

- Age 18 & older

Does a will have to be written?

- YES!!!
  - Includes
    - Typed
    - Computer software

Does my will have to be witnessed?

- Federal law--YES
- Two disinterested witnesses
HOLOGRAPHIC WILL—AIPRA rules

- Signature & provisions in handwriting of the will maker
- 2 disinterested witnesses

Confederated Salish and Kootenai Tribes

- Limited will drafting services
  - Also stores wills

AIPRA

- Special Rule
  - If undivided interests are left to more than one person in a written will

AIPRA presumption

- Heirs Inherit
  - Joint tenancy with right of survivorship

Joint Tenancy

- On passing of one
  - Survivors take all

Example:

- Mary wills her interests in land to her 3 children equally but doesn’t mention title
AIPRA assumes joint tenancy among children

Later one child passes away

Second child passes away, property owned by surviving child

If Mary had left interests as Tenancy in Common among children....

Later one child passes away

Second child passes away
Where to keep your will?
- Safe Place
  - CSKT offers will storage

Changing will
- Can be changed during lifetime as long as you are competent

Review Will
- Marriage
- Remarriage
- Divorce
- Birth of child
- Adoption of child
- Passing of heir (cont’d)

Review will (cont’d)
- Move to another reservation
- Acquire additional property

Adopted Child
- Tribal adoption Laws
  - Treated as child of will maker’s, not biological parents’ child

Pretermitted child (omitted)
- If not mentioned in will
  - May be able to inherit same share that he/she would have received without a will
Divorce

• Under AIPRA
  – Former spouse does not receive property mentioned in will

Separation-AIPRA

• Separation is not equivalent to divorce
  – Still married even if separated for years
  – Spouse receives what you leave to him/her in will

Self proved will

• Affidavit
  – Will maker & witnesses sign & acknowledge they were witnessing the signing of will before notary

Self proved will

• Notary
  – Also signs & dates the will
  – Use his/her official seal on the will

Residuary clause

• Last clause
  – Person to receive any part that may be left after rest of will clauses are carried out

Summary

• Have residuary clause
• Be sure to date & sign signature
• Signatures of 2 witnesses are required
More Information

Writing a Will

- Fact Sheet #9

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American Indian Probate Reform Act (AIPRA)

**IIM Accounts are in Trust**

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Your (IIM) Account

What happens to your IIM money if you pass away without a will?

- Fact Sheet #13

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IIM accounts

- Money earned from
  - Leases
  - Timber/land sales
  - Grazing
  - Mineral royalty payments

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Do you have an IIM Account?

1. Yes
2. No
3. Don’t Know

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ASK

- CSKT technician for IIM accounts
  - Debbie Caye
    - 406-675-2700
    - Ext. 1015
How to get my IIM Statement of Account?

- Toll free 1-888-678-6836
- Enrollment number
- IIM Account number
- Last 4 numbers of SS#
- Date of birth
- Mailing address

Trust Status

- Indian spouse & eligible heirs
  - retain trust status of money in account

Non-Indians

- Who are left money in IIM by written will
- Secretary of Interior distributes IIM monies directly to them

IIM distribution (no will)

- Depends on family situation
  - Single
  - Married

Example 1: Single

- IIM $5,000 no will
- Parents are living
  - No spouse
  - No children
  - No grandchildren
  - No great grandchildren

IIM account: $5,000 (no will)

- Mother $2,500
- Dad $2,500

Single Person
Example 2:
- If no spouse, no children, no grandchildren, no great grandchildren or no parents
  - Brothers & sisters split IIM money

Example 3: (no will)
- IIM $3,000
  - No children
  - Parents deceased
  - Has brothers & sisters, some deceased some living

2 living, 2 deceased

How much will brother with red lighting bolt receive of $3,000 IIM?
1. $3,000
2. $1,500
3. $375
4. Nothing
Example 4:
($3,000 IIM no will)

• Single
  – with children

$3,000 in IIM passes in equal shares

(IIM no will)

Survivors : 3 kids
($3,000 IIM no will)

Example 5:
$3,000 in IIM (no will)

• Single person
  – 3 living children
  – 6 living grandchildren
**Equal shares to children**
($3,000 IIM no will)

- Parent: $1,000
- Grandchildren: $1,000

**$3,000 IIM distribution**
(no will)

- Parent: $1,000
- Grandchildren: $1,000

**$3,000 IIM distribution**
(no will)

- Parent: $1,000
- Grandchildren: $1,000

**Two Children passed away before parent**

- Parent: $1,000
- Son: $1,000
- Son: $500
- Daughter: $333
- Grandchildren: $333

**Survivors: grandchildren**
($3,000 IIM no will)

- Parent: $1,000
- Son: $500
- Son: $500
- Daughter: $333
- Grandchildren: $333

**Summary**
(no will)

- IIM Account Distribution
  - depends upon family situation for a single person
Married Person
$2,000 IIM
- Survivor
  - Wife
  - No children
  (no will)

$2,000 IIM
no will

$9,000 IIM account
- Husband
- Wife
  - Their Child
  - Their Child
  - Their Child

How is the $9,000 in the IIM account divided?
1. $9,000 wife
2. $3,000 to each child, 0 to wife
3. $3,000 to wife, $2,000 to each child
4. $4,500 to wife, $1,500 to each child

IIM $9,000 no will
- Husband
- Wife
  - 1/3
  - $3,000

Equally divide 2/3 = $6,000
- Their Child $2,000
- Their Child $2,000
- Their Child $2,000

Wife $3,000
- $3,000

Grand Child $1,000
- Grand Child $1,000
- Grand Child $1,000
- Grand Child 0
Summary

• If AIPRA rules don’t fit your family, write a will

Resources

• CSKT
  – George Ducharme
  – Carolee Wendeworth
  – Dan Decker
  – Rose Tellier

Resources

• Indian Land Tenure Foundation
  – Message Runner Volume 5
  – www.iltf.org
  – 151 East County Road B2
  – Little Canada, MN
  – 55117-1523

Resources

• Indian Lands Working Group
  – Indianlandworkinggroup.org
  – 2401 12th Street NW
  – Albuquerque, NM 87104

Your Opinion Please

What is your reaction to using the response clickers?

1. Like using them
2. Sort of useful
3. So-So
4. Not too impressed
5. Didn’t like using them at all
How did you learn about this meeting?

1. Newspaper
2. Invited by a friend
3. Radio
4. Newsletter
5. Flyer
6. Other, write on card

What area would you like to receive more information?

1. Understand my ITI statement
2. Writing a will
3. Provisions of AIPRA
4. Other, write on card

What is your opinion of the co-sponsors displays?

1. Excellent
2. Very good
3. Average
4. So-So
5. Not helpful

Rank the knowledge you gained from today’s program

1. Didn’t learn anything new
2. Gained a little
3. Neutral
4. Gained some
5. Gained a lot

Rank the level of motivation that this program provided for you take actions.

1. No motivation
2. A little motivation
3. Neutral
4. Some motivation
5. Lots of motivation

Best wishes as you proceed with learning more about AIPRA through the packet of information

Marsha, Nori, Dan, Rose & the co-sponsors