



SQUAXIN ISLAND TRIBE

RESOLUTION NO. 23- 80

of the

SQUAXIN ISLAND TRIBAL COUNCIL

WHEREAS, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

WHEREAS, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

WHEREAS, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

WHEREAS, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

WHEREAS, the Squaxin Island Tribal Court wishes to correct certain mistakes that have been identified in SITC Title 8 Probate Code; and

WHEREAS, the Squaxin Island Tribal Council finds that it is in the Tribe's best interest to amend and clarify the Title 8 Probate Code 8.03.020 General rules for intestate succession and 8.06.010 Informal Probate Procedure.


NOW THEREFORE BE IT RESOLVED, that the Squaxin Island Tribal Council hereby adopts the proposed amendments to Title 8, Probate Code, attached here as Exhibit A 8.03.020 General rules for intestate succession and Exhibit B 8.06.010 Informal probate procedure.

CERTIFICATION

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 14th day of December, 2023, at which time a quorum was present and was passed by a vote of 6 for and 0 against, with 0 abstentions.

Kristopher K Peters
Kristopher K Peters (Dec 15, 2023 13:35 PST)

Kris Peters, Chair

Attested by 
Patrick Braese (Dec 16, 2023 08:04 PST)
Patrick Braese, Secretary

Jaimie Cruz
Jaimie Cruz (Dec 19, 2023 11:16 PST)

Jaimie Cruz, Vice Chair

EXHIBIT A

8.03.020 General rules for intestate succession.

- A. The following persons will inherit a decedent's interests, provided that each such person is eligible for inheritance under this code:
1. To the surviving spouse, one-half of the interest; the other one-half in equal shares to the child or children of any deceased child by right of representation;
 2. If there is no surviving spouse, the interest will devise in equal shares to the child of the decedent or children of any deceased child by right of representation; ~~ren of the decedent;~~
 3. If there are no surviving children or children of a deceased child, the entire interest will descend to the surviving spouse;
 4. If there are no surviving spouse and no surviving children, or children of a deceased child, the interest will descend in equal shares to the surviving parent of the decedent;
 5. If there are no surviving spouse, children, children of a deceased child or parents the interest will devise in equal shares to siblings, subject to the restrictions on inheritance provided in this code and the Housing Code;
 6. If there are no surviving spouse, children, children of a deceased child, parent, or siblings, the interest will be divided into as many shares as there are surviving heirs in the nearest degree of kinship;
 7. If there are no surviving heirs of decedent the estate shall go to the Tribe.
- B. For the purpose of inheritance to, through, and from any child, the effects and treatment of the parent-child relationship shall not depend upon whether or not the parents have been married.
- C. In all cases, heirs' interests are subject to the other provisions of this code, including but not limited to Section 8.02.010 (Residences located on real property held in trust for the Tribe).

EXHIBIT B

8.06.010 Informal probate procedure.

- A. Any person with a legal interest in the decedent's estate may request that the Tribal Court informally determine matters relating to probating the estate.
- B. Such person shall file with the Tribal Court a petition that is signed and verified by the applicant or his attorney, which shall describe:
 1. Why the Tribal Court has jurisdiction over the matter (see Section 8.01.030);
 2. The names, ages and addresses of the deceased's heirs and/or devisees;
 3. Whether or not the deceased died with a will and, if so, a copy of the will; and
 4. The share of decedent's estate that each heir or devisee should take.
- C. The Tribal Court may request additional information before issuing an order that approves or rejects the petition. Factors that the Tribal Court shall consider in making its decision include, but are not limited to, the complexity of factual or legal issues raised, whether it anticipates that the will is likely to be contested.
- D. Applicants have no right to appeal the Tribal Court's rejection of a petition for informal probate.
- E. If the Tribal Court deems the application appropriate for informal probate, it shall issue and serve upon each heir and/or devisee of the decedent, an order entitled, "Preliminary Order Granting Petition for Informal Probate and Determining Probate." The order shall, among other things:
 1. State the name of the decedent's estate, and the probate cause number;
 2. State the applicant's name and address;
 3. State that it is making an initial determination that the decedent died with or without a will, whichever the case may be;
 4. If the decedent died with a will, then the Tribal Court's order shall:
 - a. Include, for each devisee, an attached copy of the will;
 - b. List each devisee and, when appropriate, heir;
 - c. If possible, describe the share of decedent's estate that each devisee, and heirs when appropriate, appears entitled to take, including the distribution of any homestead allowance (Section 8.04.040), exempt property (Section 8.04.050), support for dependants residences located on real property held in trust for the Tribe (Section 8.04.060), and dwelling exemption (Section 8.04.070);
 - d. Describe where and when the notice described in Section 8.06.010(F) will be published; and
 - e. State that the order will become final ~~within two months after~~ 120 days from the date of the notice's last publication unless any devisee and/or heir contests the order in Tribal Court.
 5. If the decedent died without a will, or the will appears to only address a portion of the decedent's estate, or the will appears invalid, then the Tribal Court order shall:
 - a. Include, for each devisee (even for an apparently invalid will), an attached copy of the will;
 - b. Describe why the will appears invalid or, as the case may be, why the will does not appear to devise all of the decedent's property;
 - c. List each heir and, when appropriate, devisee;
 - d. If possible, describe the share of decedent's estate that each heir, and devisee when appropriate, appears entitled to take including the distribution of any homestead allowance (Section 8.04.040), exempt property (Section 8.04.050), support for dependants residences located on

real property held in trust for the Tribe (Section 8.04.060), and dwelling exemption (Section 8.04.070);

- e. Describe where and when the notice described in Section 8.06.010(F) will be published; and
 - f. State that the order will become final ~~within one month after~~ **120 days from the date of** the notice's last publication unless any devisee and/or heir contests the order in Tribal Court;
- F. Notice. Upon approval of the application for informal probate procedure, the applicant shall, within thirty (30) days, post notification to heirs and creditors of decedent's estate at minimum in the Klah Che Min and the Mason County Journal, and in additional places if the Tribal Court so requires. Notification shall remain posted for two months following the date of first posting. The applicant shall file with the Tribal Court proof of such publication. The notification shall contain:
- 1. Decedent's full proper name and any aliases;
 - 2. The address of decedent's primary residence at the time of death;
 - 3. The date that the notification was first published;
 - 4. Notice to creditors and parties with a legal interest in the decedent's estate that they have one hundred twenty (120) days from the date of the ~~last~~**first** publication of the notice to object to the informal probate procedure and/or finalization of the initial order determining probate.
- G. Opportunity for Objection. If no person with a legal interest in the decedent's estate files with the Tribal Court an objection within 120 days of the last date of the notice's publication, the Tribal Court shall serve upon all persons listed in Section 8.06.101(B)(2) a "Final Order of Probate." At minimum, such order shall:
- 1. Declare the decedent's will to be his or her last will and testament, list the persons entitled to receive his or her estate under the will and each person's share; and/or
 - 2. Declare that the decedent died without a valid will or that the will did not distribute the entirety of his or her estate, and list the persons entitled to receive his or her estate and each person's share.
- H. The right of an heir or devisee to inherit shall be subject to the prior rights of the decedent's creditors as described in Section 8.07.010.











Code - Amend 8.03 8.06 Probate Code_attachments


Final Audit Report

2023-12-19


Created:	2023-12-15
By:	Melissa Puhn (mpuhn@squaxin.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAA3alye1r2EuYtMcuFW2-gEZYjkdopTUI

"Code - Amend 8.03 8.06 Probate Code_attachments" History

-  Document created by Melissa Puhn (mpuhn@squaxin.us)
2023-12-15 - 9:30:49 PM GMT- IP address: 216.235.106.129
-  Document emailed to kpeters@squaxin.us for signature
2023-12-15 - 9:31:18 PM GMT
-  Email viewed by kpeters@squaxin.us
2023-12-15 - 9:35:28 PM GMT- IP address: 104.47.58.254
-  Signer kpeters@squaxin.us entered name at signing as Kristopher K Peters
2023-12-15 - 9:35:42 PM GMT- IP address: 172.56.105.139
-  Document e-signed by Kristopher K Peters (kpeters@squaxin.us)
Signature Date: 2023-12-15 - 9:35:44 PM GMT - Time Source: server- IP address: 172.56.105.139
-  Document emailed to pbraese@squaxin.us for signature
2023-12-15 - 9:35:45 PM GMT
-  Email viewed by pbraese@squaxin.us
2023-12-16 - 4:03:41 PM GMT- IP address: 104.47.58.254
-  Signer pbraese@squaxin.us entered name at signing as Patrick Braese
2023-12-16 - 4:04:05 PM GMT- IP address: 216.235.108.103
-  Document e-signed by Patrick Braese (pbraese@squaxin.us)
Signature Date: 2023-12-16 - 4:04:07 PM GMT - Time Source: server- IP address: 216.235.108.103
-  Document emailed to jcruz@squaxin.us for signature
2023-12-16 - 4:04:09 PM GMT

 Email viewed by jacruz@squaxin.us

2023-12-19 - 7:16:31 PM GMT- IP address: 104.47.58.254

 Signer jacruz@squaxin.us entered name at signing as Jaimie Cruz

2023-12-19 - 7:16:49 PM GMT- IP address: 216.235.106.129

 Document e-signed by Jaimie Cruz (jacruz@squaxin.us)

Signature Date: 2023-12-19 - 7:16:51 PM GMT - Time Source: server- IP address: 216.235.106.129

 Agreement completed.

2023-12-19 - 7:16:51 PM GMT