

1
2 Name of Person Filing: _____
Your Address: _____
3 Your City, State, Zip Code: _____
Your Telephone Number: _____
4 Email Address: _____
Attorney Bar Number (if applicable): _____
5 Representing: ☐ Self (without legal counsel)
Or Legal Counsel for ☐ Petitioner
6

7 **THE JUDICIAL COURT OF THE TOHONO O'ODHAM NATION**
8 **ADULT CIVIL DIVISION**

9 In the Matter of the Estate of: _____
10 _____
11 Date of Birth: _____
12 Date of Death: _____
13 _____
14

Case Number: _____

**PETITION FOR PROBATE AND
APPOINTMENT OF A PERSONAL
REPRESENTATIVE**

15 COMES NOW, the Petitioner, _____, and files
16 this Petition for probate and appointment of a personal representative, and alleges that the
17 following information is true and correct:

18 **1.** The name of the person who died is: _____.

19 This person died on _____ at the age of _____ years old. At the time of
20 death, the person lived at this address _____
21 _____.

22 **2.** I am entitled to file this Application because: (check one box)

23 ☐ Under 9 T.O.C. Ch. 3 § 17, I am a member of the Tohono O'odham Nation who is
24 named in the will.

25 ☐ Under 9 T.O.C. Ch. 3 § 17, the deceased did not name me in the will, but I am an
interested party because _____

_____.

☐ Under 9 T.O.C. Ch. 3 § 16, I am an heir of the decedent, as defined by tribal custom.

3. This Court has jurisdiction under the Tohono O’odham Constitution and Code to hear and decide this matter because: (check all that apply)

☐ the person who died, _____,
is a member of the Nation and lived on the Nation prior to death.

☐ the real or personal property of the decedent is located within the Nation and is not a trust or restricted land.

4. The decedent left behind the following persons who are the surviving spouse, children, and/or others entitled to inherit property under Tribal Custom:

Name	Age	Relationship	Address

(If you need more room, please attach a separate paper listing this information and write that you have done so above.)

IF THERE IS A WILL
(If there is no will, skip this section.)

5. This is an application for probate and appointment of a Personal Representative because the person died with a Will.

6. The deceased:

☐ Left a written Will, and I have filed a copy of the original Will with this application.

☐ Left an oral Will, and I intend to present evidence of that Will to this Court.

7. (pick one below)

☐ I believe that the Will was validly executed and is the last Will of the deceased. I exercised reasonable diligence, and I am not aware of any document or speaking that revokes the Will, or of the existence of any amendment to the Will made by the deceased.

☐ I do not know if the Will was validly executed and/or is the last Will of the deceased. I have reason to believe that the deceased may have revoked or made an amendment to the Will.

8. (pick one below)

☐ _____ is duly authorized to serve as personal representative of the Estate in accordance with the provisions of the Will.

☐ The Will did not name a person to serve as personal representative of the Estate. The undersigned petitioner is the surviving _____ to the deceased, and petitions to act as the personal representative on behalf of the deceased because: _____.

9. The following people are named as beneficiaries under the will:

Name	Age	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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2 **10. Bond (pick one below)**

- 3 ☐ No bond is required because it was waived in the will.
- 4 ☐ No bond is required because all known interested parties who may receive property
- 5 waived the bond requirement.
- 6 ☐ I request that the court set a bond amount of \$_____ because this
- 7 amount covers the estimated value of the estate's property and income for the next
- 8 year.
- 9

10 **IF THERE IS NO WILL**

11 **11.** This is an application for probate and appointment of a Personal Representative because

12 the person died without a will.

13 **12.** I have exercised reasonable diligence and I am not aware of any unrevoked Will,

14 amendment to a Will, or a trust signed by the deceased that relates to property located

15 within the Nation.

16 **13. Appointment of Personal Representative. (pick one below)**

17 ☐ I would like the Court to appoint me as personal representative. I should be the

18 Personal Representative of the estate because my relationship to the deceased is

19 _____ and petition to act as the personal representative on

20 behalf of the deceased because: _____

21 ☐ I would like the Court to appoint _____

22 as personal representative. This person should be the Personal Representative of the

23 estate because their relationship to the deceased is _____ and

24 petition to act as the personal representative on behalf of the deceased because:

1
2 **14.** The names, relationships, and addresses of all parties who have a prior or equal right to
3 appointment as personal representative are:

4 **Name Relationship Address**

5 _____
6 _____
7 _____
8 _____
9 _____

10 **15.** Bond (pick one below)

11 ☐ No bond is required, because all known interested persons to receive property waived
12 the bond requirement. I ☐ have ☐ have not attached waivers of the bond requirement
13 from all interested persons.

14 ☐ I request that the court set a bond amount of \$_____ because this amount
15 covers the estimated value of the estate's property and income for the next year.

16 **THE ESTATE**

17 **16.** The following is a general description of the property of the deceased that is subject to
18 probate in this Court, as well as a general description of the property, if any, that is not
19 subject to probate in this Court:

20 _____
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OATH AND VERIFICATION

I, Petitioner, _____, verify

I have read this Petition for Probate and Appointment of a Personal Representative and that the statements are true, accurate, and complete to the best of my knowledge and belief.

Date

Personal Representative (print name)

Signature