

ADMINISTRATOR OF ESTATE PACKET

COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

Mailing Address:
P.O. Box 368
Anadarko, Oklahoma 73005

Phone: 405/247-8527 or 8508
Fax: 405/247-7240
Email: stormy.bennett@bia.gov
angela.anderson@bia.gov

Physical Location:
Highway 281 North & Parker McKenzie Drive
Anadarko, Oklahoma
(located inside the Anadarko Agency)

The forms in this packet are to be used as a template, if you are seeking Letters of Administration of Estate. Please read the instructions carefully before completing the forms. The Court Clerks CANNOT accept petitions that does not conform to the instructions included in this packet.

Should you need assistance in preparing the petition, you must consult with an attorney at your own expense. This court does not have legal aid. The Court Clerks are prohibited by Ethical Code and Court Rules to provide legal advice and help parties prepare or type court documents. Different situations may require special procedures and the Court Clerks CANNOT advise you on how to proceed or what forms may be necessary in specific situations.

PACKET CONTAINS:

Instruction Sheet

Petition Form

Entry of Appearance & Waiver
Form

Sample Administrator of Estate
Petition

Sample Entry of Appearance &
Waiver



Website: <http://www.bia.gov/WhoWeAre/RegionalOffices/SouthernPlains/WeAre/ciospr/index.htm>



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Instructions for Filing a Petition for Administrator of Estate

IMPORTANT INFORMATION – PLEASE READ!

These standard instructions are informational purposes only and do not constitute legal advice about your case. If you do not understand this information, please contact an attorney.

STEP 1: Complete forms.

- Petition for Administrator of Estate
- Entry of Appearance and Waiver
- Summons

NOTE: Forms must be typed double-spaced and on letter size paper. The forms provided in this packet are guides to be used in preparing your documents for filing divorce. The forms must be re-typed. Forms must include all the required information (addresses, telephone numbers, email addresses, etc.) It is YOUR responsibility to provide the required information on the forms.

STEP 2: Obtain copies of required documents.

- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for the deceased
- Death Certificate for the deceased

NOTE: Obtaining these documents is YOUR responsibility.

STEP 3: Obtain a Money Order or Cashier's Check for filing.

- \$60.00 filing fee plus \$25.00 service fee for each interested party

NOTE: Money Order or Cashier's Check made payable to "Bureau of Indian Affairs". No personal checks are accepted. Insure that you receive a receipt for the filing fee from the Court Clerk at the time of filing.

STEP 4: Submit forms, documents and filing fee for filing to the Court Clerk.

- Petition for Administrator of Estate
- Entry of Appearance and Waiver (must be filed by the Defendant at least one (1) day after filing the Petition for Administrator of Estate)
- Summons
- Tribal Enrollment Verification (Tribal ID, Certificate Degree of Indian Blood, or Letter from Tribe) for deceased.
- Death Certificate
- Money Order or Cashier's Check (\$60.00 filing fee plus service fee made payable to "Bureau of Indian Affairs")

NOTE: If all forms, documents, and filing fees are not submitted at the time of filing, it will be returned back to you, until you obtain ALL required forms, documents and filing fees for filing.

Petition for Administrator of Estate must be signed in front of the Court Clerk or a notary public.

property estate and to act in collecting and preserving the property of said decedent to prevent deterioration and depreciation and to inventory the personal property;

9. That the Petitioner is a suitable person to be appointed Administrator due to his/her being the choice of the decedent, as evidenced by the decedent Last Will and Testament attached hereto; **OR**

That the Petitioner is a suitable person to be appointed Administrator by making an appearance in court on a day certain for hearing this petition and that he should be so appointed and be entitled to receive letters of administration of said estate; **OR**

That the Petitioner is a suitable person to be appointed Administrator due to the fact that no one else has come forward and filed;

WHEREFORE, the Petitioner respectfully prays that the Court will appoint him/her as Administrator of said estate to act on behalf of himself/herself and the heirs until the Court finds that the estate has been fully administered and that a hearing be set on this matter as soon as the Court deems necessary.

NAME, Petitioner
FULL ADDRESS(include city, state & zip)
TELEPHONE NO.
EMAIL ADDRESS

VERIFICATION

I, _____, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

NAME, Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,
20_____.

(SEAL)

Court Clerk/ Deputy

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

IN THE MATTER OF:)
ADMINISTRATOR OF ESTATE OF:)
) **Case No. P- _____ - _____**
_____, Deceased,)

_____ Tribal Member.)

SUMMONS

TO: Interested Party Name
Interested Party Address
Interested Party City/State/Zip Code

YOU ARE HEREBY SUMMONED in the above named action and directed to file a written Answer to the attached Petition with the Court Clerk of this Court, within thirty (30) days after service of this Summons, which is herewith served upon you.

A copy of your Answer must also be delivered to the Petitioner or his/her attorney/advocate and proof of such service with your Answer must be filed in this Court.

If you fail to Answer this Petition within the time stated, judgment by default can be rendered against you for the relief demanded by the Petitioner.

(SEAL)

Court Clerk/Deputy
CFR Court
P.O. Box 368
Anadarko, Oklahoma 73005
Phone: 405/247-8511

Petitioner or Petitioner's Attorney:
Petitioner Name
Petitioner Address
Petitioner City/State/Zip Code
Phone: Petitioner Telephone Number

YOU MAY SEEK THE ADVICE OF AN ATTORNEY/ADVOCATE ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THIS SUMMONS.

CERTIFICATION

I, the undersigned Court Clerk, hereby certify that I emailed, faxed, hand delivered or mailed, a true and correct copy of this document and copy of the petition to the following interested party:

Certified Mail – Restricted Delivery

Article No. _____

Interested Party Name

Interested Party Address

Interested Party City/State/Zip Code

(SEAL)

Court Clerk/Deputy Court Clerk

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

LETTERS OF ADMINISTRATION)
OF ESTATE OF:)
)
JOHN DOE, Deceased;)
Tribal Member.)

Case No. P- _____ - _____

PETITION FOR LETTERS OF ADMINISTRATION OF ESTATE

COMES NOW, Jane Doe, Petitioner herein, pro se and for this cause of action, the Petitioner alleges and states the following:

1. That the Court of Indian Offenses for the Southern Plains Region has personal and subject matter jurisdiction to hear and decide this matter in accordance to 25 CFR 11.116 and 11.700;
2. That the deceased, John Doe was an enrolled member of the Native Tribe of Oklahoma. A copy of the decedent’s Tribal Enrollment Card is submitted along with the petition to the Court;
3. That the decedent died on or about April 1, 2011, and at the time of death, the decedent was a resident of Indian Country under the jurisdiction of the Court, and that the decedent resided at 100 Gourd Clan Drive, Anadarko, Oklahoma 73005 and had lived at this address up until his death for 52 years;
4. That the Petitioner is the daughter of the decedent and a possible heir being named to receive a vested interest in the decedent’s real and personal property under the jurisdiction of the Court and property which does not come within the jurisdiction of the Secretary of the Interior;
5. That said decedent left real and personal property in Indian Country under the jurisdiction of the Court and the estimated and character of said personal property, so far as is known to this Petitioner, are as follows: 2000 Chevy Impala, VIN #54SER48S4E6578V0001; Sporster Bass Boat, ID #458796 & Nations Bank Checking Account #000111999888;
6. That all heirs at law of the decedent and their names and address including relationship to the decedent, so far as known to the Petitioner are:

Janey Doe, daughter (Petitioner)
4949 Blue Bird Road

Anadarko, OK 73005

Nancy Doe, daughter
P.O. Box 9999
Carnegie, OK 73015

Johnny Doe, son
111 Native Drive
Anadarko, OK 73005

7. That to the best of the Petitioner's knowledge, no will exists;
8. That the Petitioner is the daughter of said decedent and an heir and therefore is entitled to request a Administrator be appointed by the Court for the purpose of administering the personal property estate and to act in collecting and preserving the property of said decedent to prevent deterioration and depreciation and to inventory the personal property;
9. That the Petitioner is a suitable person to be appointed Administrator due to the fact that no one else has come forward and filed;

WHEREFORE, the Petitioner respectfully prays that the Court will appoint him/her as Administrator of said estate and Letters of Administration be issued to Petitioner to act on behalf of himself/herself and the heirs until the Court finds that the estate has been fully administered and that a hearing be set on this matter as soon as the Court deems necessary.

JANE DOE, Petitioner
4949 Blue Bird Road
Anadarko, OK 73005
Phone: 405/247-0000
janed@yahoo.net

VERIFICATION

I, Jane Doe, being duly sworn to tell the truth and being of lawful age above 18 years of age, hereby states that I have prepared and read this petition and verify that all of the factual allegations contained in this petition are in fact true and correct to the best of my knowledge and belief, **UNDER PENALTY OF PERJURY.**

JANE DOE, Petitioner

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____,
20____.

(SEAL)

Court Clerk/ Deputy

SAMPLE

**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

IN THE MATTER:

ADMINISTRATOR OF ESTATE OF:)

Case No. P- _____ - _____

JOHN DOE, Deceased;)

Tribal Member.)

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned relative of John Doe, being one of the persons having a right to the appointment of administrator of the estate of John Doe, do hereby waive my rights to said appointment in favor of Jane Doe, Petitioner herein, and I respectfully pray that the Court will appoint Petitioner, as administrator over the estate. Should I have objected to said appointment of the Petitioner, I am aware that I had the right to file an answer to said petition and appear in Court to make my objections known and that I waive that right.

Dated this _____ day of _____, 20____.

Signature

Please print your name & address: _____

Telephone: _____

State of Oklahoma;)
County of _____)

Before me, the undersigned Notary Public, came _____ this ____ day of _____, 20____, to me known to be the identical person who executed the above and foregoing Entry of Appearance and Waiver, and personally acknowledged to me that he/she has read, understood, and signed the same, and that he/she executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth. IN WITNESS THEREOF I have hereunto affixed my signature and official seal the date heretofore stated.

(SEAL)

NOTARY PUBLIC

My Commission Expires: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

COURT CLERK/DEPUTY