

Estate Planning Is

A planning process that may include the writing of a will, a gift deed, land consolidation, etc. and takes into account all your real, personal and trust property.

Estate planning allows you to come up with a plan on how your property will pass once you are gone.

Help Stop The Division of Trust Allotments!

When a trust landowner passes away the land is often split among many relatives into small shares, causing “fractionation” of the land. After many generations, some allotments have hundreds of co-owners. This makes it hard for the owners to use the land and any profits from the land must be split.

THIS CAN BE AVOIDED BY WRITING A WILL.

If you Choose to Do Estate Planning and Make a Will (“Testate” - to die with a will)

- You control how your land and personal property is passed on.
- You have the power to name a guardian for your children.
- You are able to name the person in charge of your estate.
- You can stop the fractionation of Indian trust land by leaving it to one person or many, if it is as joint tenants with the right of survivorship.

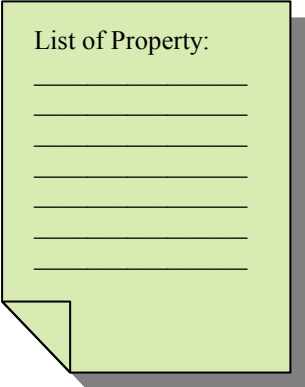
If You Don’t Do Estate Planning . . . (“Intestate” - to die without a will)

- Trust land will continue to fractionate
- A stranger will decide who will get your property.

Please Bring The Following With You . . .

- Name and addresses of family you want to leave property to.
- List of personal property and who you will give it to.
- Inventory of Trust property (ITI), contact your local BIA Agency—Real Property Mgmt.
- Individual Indian Money Account info. (IIM) - contact your local Office of The Special Trustee, if your tribe has one.
- Guardianship/Adoption papers

Fee land, need copies of the deeds



List of Property:

Will Storage Options

- Keep your Will with other important papers.
- Store it in a safety deposit box at your local bank (around \$15 per year). This will keep it secret.
- Keep it in a fire proof safe (also flood proof). More expensive.
- Keep in a weatherproof gun case.
- Ask someone you trust to keep it.
- Put in a ziploc bag and store it in the freezer until you find a safer place.
- Regardless of where you choose to store your will, you should keep a record of where it is stored.
- Also remember to inform your personal representative and family where the will is stored.

IMPORTANT*

The BIA is no longer writing approving, or storing wills. It is up to you. To assist you, Legal Services of North Dakota (LSND) provides **FREE** Will drafting to eligible trust land owners.

Please bring all your paperwork on your land and personal property when you meet with LSND.

DISCLAIMER: This information is not legal advice. If you have a legal problem, you should talk to a lawyer and ask for advice about your options.

Who Do I Contact With Additional Questions?

Call: 1-800-634-5263
**Seniors 60 and over Call
1-866-621-9886**

Legal Services of North Dakota

Bismarck Law Office
1025 N 3rd St #8, PO Box 2419
Bismarck, ND 58502-2419

Fargo Law Office
118 Broadway #421, PO Box 1327
Fargo, ND 58107-1327

Minot Law Office
20 1st St SW #201, PO Box 1666
Minot, ND 58702-1666

New Town Law Office
345 Main St, PO Box 217
New Town, ND 58763-0217

Belcourt Law Office
BIA Road 7 Bldg 85, PO Box 1365
Belcourt, ND 58316-1365



LEGAL SERVICES
of North Dakota

You may apply for legal services by completing our online website application.

Visit our website at www.legalassist.org

INDIAN ESTATE PLANNING



General Information - Flyer #928