



## UNITED SOUTH AND EASTERN TRIBES, INC.

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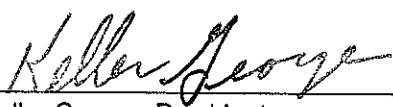
USET Resolution No. 2006:027


### IMPLICATIONS OF THE AMERICAN INDIAN PROBATE REFORM ACT

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprised of twenty-four (24) federally recognized Tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member Tribe, as the Board of Directors comprises delegates from the member Tribes' leadership; and
- WHEREAS,** the American Indian Probate Reform Act of 2004 (AIPRA), enacted on October 27, 2004, amends the Indian Land Consolidation Act including the prevention of further fractionation of trust and/or restricted land and the consolidation of fractional interests into usable parcels; and
- WHEREAS,** AIPRA will impact Tribal members' ownership rights of trust and/or restricted lands in the United States, with the exception of Alaska, by creating a nation-wide probate code that will affect the manner in which such land is distributed through probate; and
- WHEREAS,** the probate code under AIPRA will apply to the distribution of trust and/or restricted lands owned by a Tribal member who dies without a will and will direct who is to inherit such property; and
- WHEREAS,** the potential for a conflict exists between the probate code established by AIPRA and the probate codes or practices of Tribal governments, and in the event of any conflict, the provisions of AIPRA will apply unless the Tribe adopts its own probate code and submits such code to the Secretary of the Interior by June 2006; and
- WHEREAS,** individual Tribal members may avoid the distribution provisions of AIPRA regarding the transfer of their trust or restricted land if they engage in estate planning, such as the execution of a will or other testamentary instrument in accordance with AIPRA; and
- WHEREAS,** AIPRA becomes effective in June 2006 and many Tribal governments and their members are unaware of the impact it will have on the transfer of trust and/or restricted lands; therefore, be it
- RESOLVED,** the USET Board of Directors calls upon its members to review their Tribal probate codes and practices and take action they deem appropriate before June 2006 with respect to the implications of AIPRA; and, be it further
- RESOLVED** the USET Board of Directors calls upon its members to educate their Tribal members on the advantages of signing a will or engaging in other estate planning, especially with respect to their interests in trust and/or restricted lands.

### CERTIFICATION

This resolution was duly passed at the USET Impact Week Meeting at which a quorum was present in Arlington, VA, on Thursday, February 9, 2005.

  
Keller George, President  
United South and Eastern Tribes, Inc.

  
Eddie L. Tullis, Secretary  
United South and Eastern Tribes, Inc.

*“Because there is strength in Unity”*