

**IN THE SOUTHERN UTE TRIBAL COURT  
ON THE SOUTHERN UTE INDIAN RESERVATION**

**LAST WILL AND TESTAMENT OF \_\_\_\_\_**

I, \_\_\_\_\_, being of legal age and sound mind and memory, and residing within the exterior boundaries of the Southern Ute Indian Reservation or having property located within the exterior boundaries of the Southern Ute Indian Reservation, do hereby make, publish, and declare this to be my LAST WILL AND TESTAMENT.

**I. FIRST:** I declare that I am married to \_\_\_\_\_ (If unmarried, write "No Spouse".) I have had the following children, including both naturally and legally adopted children, living and deceased. (If no children, write "none". Attach additional sheet if necessary).

Name	DOB	Name	DOB

**II. SECOND:** I direct that the expenses of my last illness, burial expenses, legitimate debts, and taxes due to any jurisdiction be paid from my estate.

**III. THIRD:** I hereby give, devise, and bequeath all my personal belongings and household effects owned by me at the time of my death to \_\_\_\_\_, except that if I wish to make an additional separate and specific bequest of some of my personal belongings or household effects to another person or persons, I shall do so in accordance with a written list signed by me and attached to this will. Any of my personal belongings or household effects not specifically mentioned in such list shall be disposed of as set forth herein, and if no list is attached to this will at the time of my death, all of my personal belongings and household effects shall be distributed to the person or persons named in this this paragraph. **I understand that my personal belongings or household effects my include any interest in houses or buildings owned by me at the time of my death as sole owner, or with other people without the right of survivorship, which are located on trust property or assigned lands owned by the Southern Ute Indian Tribe. My personal belongings may include vehicles. Real property and cash funds are dealt with separately in paragraphs FOURTH and FIFTH below.**

**IV. FOURTH:** I hereby give, devise, and bequeath all real property owned by me at the time of my death, together with all improvements thereon to \_\_\_\_\_ and if he/she should fail to survive me to I hereby give, devise, and bequeath all real property owned by me at the time of my death, together with all improvements there on to \_\_\_\_\_ . **I understand that my real property will include only such**

interests in land, or other real property interests such as water or mineral rights, which are not jointly owned with another person who is entitled to sole ownership at the time of my death by right of survivorship. I also understand that this Last Will and Testament cannot cause the transfer in any Tribal Court probate proceeding of real property which is owned by the Southern Ute Indian Tribe and assigned to me for my use or which is federal trust property.

V. FIFTH: After all legitimate claims against my estate have been satisfied, I give, devise, and bequeath any and all funds remaining in my estate, including but not limited to life insurance proceeds, to \_\_\_\_\_ and if he/she should not survive to \_\_\_\_\_.

VI. SIXTH: I appoint \_\_\_\_\_ to be the Personal Representative of my estate, knowing that he/she will faithfully perform the required duties, and I ask that he/she serve without bond. If he/she is unable or unwilling to serve as my personal representative, then I appoint \_\_\_\_\_ to serve as my personal representative. If this appointment is approved by the Court, I understand that the personal representative of my estate shall have all the powers, duties and obligations set forth and described in Section 9-1-111 of the Southern Ute Indian Tribal Code.

VII. SEVENTH: (Cross this paragraph out if you do not wish to appoint a guardian or you do not have any minor children.) If any of my living children are minors at the time of my death, I nominate \_\_\_\_\_ to act as guardian of such children, subject to the approval of the court. I understand that the guardian of any of my children shall have such powers, duties, and obligations as are defined by the Court in accordance with the law and provisions of the Southern Ute Indian Tribal Code.

IN WITNESS WHEREOF, I freely and voluntary sign my name to this instrument and cause it to be published as my Last Will and Testament on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Testator/Testatrix

**ATTESTATION**

The foregoing Last Will and Testament was signed by \_\_\_\_\_, Acting voluntarily and being of sound mind, as his/her Last Will and Testament in our presence, and we, at his/her request and in the presence of each other, have signed our names below as witnesses on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State Zip Code



## EXPLANATION OF UNUSUAL WORDS FOUND IN WILLS

1. **Attestation clause:** The statement at the end of the will where the witnesses sign and swear or attest that the will was signed in front of them by the maker of the will.
2. **Last Will and Testament:** The document that tells the Court how you want your estate divided.
3. **Probate:** The name of the legal proceeding to distribute your estate
4. **Estate:** All the Property you have when you die.
5. **Real Property:** Land or any interest in land.
6. **Trust Property:** Land owned by the US Government but held in “trust” for and individual.
7. **Personal Property:** All things which are not real property.
8. **“Give, devise and bequeath”:** Language used in a will showing that you want to give your interest in something to another.
9. **Owned jointly:** Something owned by more than one person.
10. **Right of survivorship:** Legal words meaning when you die any c-owner of your property automatically inherits your share.
11. **Personal Representative:** the person you name in your will to handle your estate.
12. **“Sound and disposing memory”:** Legal words describing someone who uses reason to make decision about regular things like other rational people.
13. **Codicil:** An formal change of the will.
14. **Testator or Testatrix:** Legal words for a man or a woman who make a will.
15. **Testate:** When a person dies without making a will.
16. **Instate:** When a person dies without making a will.
17. **Heirs:** Any person who you name in your will too receive something.
18. **Heir-at-law:** Any person who receives some of your property by the direction of the Tribal Code, when you die intestate

## **INSTRUCTIONS FOR MAKING A WILL ON THE SOUTHERN UTE INDIAN RESERVATION**

Some people believe that making a will brings the spirit nearer to dying, some people don't. No one can test to see which belief is correct. The Southern Ute Indian Tribal Code takes care of both people. For those people without a will, the Code distributes the property according to how people are related. For those people who make a will, the Code listens to what they have said in the will.

Follow these instructions to help you use the standard LAST WILL AND TESTAMENT form:

1. Print your name on the line under "LAST WILL AND TESTAMENT" and after "I" in the introductory paragraph. **DO NOT USE PENCIL.**
2. In the "FIRST" paragraph if you are married, list the name of your spouse. If not, write "no spouse". If you have had children (either naturally or adopted) list their names and dates of birth (even if they are deceased). You *must* list these people even if you don't leave anything to them.
3. In the "THIRD" paragraph the person(s) who you name in the "blanks" will receive the bulk of your personal belongings and household goods. If you wish to make a few specific gifts to other people you can do that by completing the list of specific gifts and attach it to the will form. Be sure and read the information in the bold print of paragraph three.
4. The "FOURTH" paragraph addresses your ownership of land, water, and minerals etc. (which are not in trust). List the person(s) you wish to give these. Again, read the **bold** print in paragraph four. You may want to get legal advice to determine what "real property" you own.
5. In the "FIFTH" paragraph name the person(s) that you wish to have your money (cash, checks, bank accounts, proceeds of Tribal insurance policy).
6. In the "SIXTH" paragraph name a strong capable person that can administer your estate.
7. In the "SEVENTH" paragraph you may nominate someone to take care of your minor child(ren). If you have no minor child(ren) or don't want to use this paragraph you should cross it out.
8. With the will filled out, read it carefully to be sure you understand it and there are no mistakes. **Then, you can sign and date (where it says "Testator/testatrix") in the presence of two adult witnesses *who are not* your beneficiaries.**

9. The “ATTESTATION” clause MUST be filled in. The witnesses must immediately sign their names and give their addresses after they have seen you sign the will.