

ADMINISTRATOR OF ESTATE PACKET

COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION

Mailing Address:
P.O. Box 607
Anadarko, Oklahoma 73005

Phone: 405/247-8527 or 405/933.1929
Fax: 405/247-7240
Email: edwina.gutierrez@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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**IN THE COURT OF INDIAN OFFENSES FOR THE SOUTHERN PLAINS REGION
ANADARKO, OKLAHOMA**

GENERAL COURT INFORMATION

IMPORTANT – PLEASE READ!

WHAT CIVIL CASES CAN BE HEARD IN THE COURT OF INDIAN OFFENSES (“CFR COURT”)?

The CFR Court can hear many different types of civil cases involving Indian or non-Indian arising in “Indian Country”, where tribal members are defendants. Cases involving Indian and/or non-Indian or non-tribal member are also permitted by consent of the defendant to the personal jurisdiction of the court. The civil matters heard in the court include Indian child welfare, adoption, guardianship, divorce, child support, custody, name change, protective order, small claims, probate of non-trust property, and marriage, in addition to other civil disputes. To begin a civil suit, a party, or the party’s attorney must pay the required filing fee and file the required petition. After that time the court may set the matter for hearing and trial, if required.

DO YOU NEED A LAWYER TO APPEAR IN THE CFR COURT?

No. It is advisable to get assistance of an attorney. Parties are encouraged to hire an attorney who is familiar with the laws and procedures with the CFR Court. The judges and court clerks cannot help parties present cases or act as advocates. Ethical codes do not permit court clerks, judges or other court personnel to assist parties in preparing filings. The Office of the Court Clerk does provide forms and instruction.

CAN ONE APPEAL A CFR COURT DECISION?

Yes. Parties have a right to appeal their cases to the Court of Indian Appeals, if they believe that the judge of the CFR Court has committed an error or for the relief, such as a writ of habeas corpus, as provided for in the court rules. A notice of appeal must be filed within 15 days after entry of judgment or an order issued by the CFR Court. Parties must submit a filing fee, insure that the records are transferred to the appeals court within the required time period after the record has been certified and file the necessary petition in error and briefs by the deadlines set forth in the court rules. Failure to abide by the deadlines may result in dismissal of the appeal. The decisions are made primarily by reviewing the written briefs and court record of the trial court. The Court of Indian Appeals consists of three appeal officers who review the action of the trial court to determine if the decision made should be upheld or overturned. Generally, a party is limited to discuss issues and evidence presented to the trial court, and cannot submit additional evidence or legal arguments on appeal. If a party wishes to expedite a decision, the party should demonstrate why the court should hear the matter in an expedited manner.

ASSISTANCE OF COURT CLERKS

Court Clerks can provide information or resources that can be helpful in the handling of your case. However, Court Clerks CANNOT provide legal advice, which limits the type of information that can be given. The following are guidelines established that the Court Clerks must follow. Your understanding of what information can be provided will assist you in effectively talking with the Court Clerks.

Court Clerks will check your court documents for completeness. They will check for signatures, addresses, phone numbers, etc. Court Clerks will insure that you submit the required documents (petition, summons, tribal verification, birth certificates, filing fees, etc.) for filing.

Court Clerks May:

- Encourage self-represented parties to consult with an attorney for legal advice.
- Explain general information on the court process and procedure.

- Provide court forms and written instructions.
- Provide docketed case information.
- Provide resource material.
- Provide a list of attorneys
- Give you information on a court case, unless it is restricted by law.
- Allow you to review your case file, under the supervision of the Court Clerk, and provide you with a copy (copying fees apply) anything from it, unless it is restricted by law, but you cannot remove the file from the Court Clerk's Office.

Court Clerks CANNOT do any of the following:

- Advise you whether you should file a case or whether you should take any particular action in a case.
- Advise you what forms may be necessary in specific situations.
- Recommend what you should do in a case.
- Conduct legal research for you.
- Provide legal advice.
- Help you prepare or type court documents.
- Tell you what a judge might do.
- Tell you what to say in court.
- Tell you what words to use in preparing your court documents.
- Talk to the judge for you.
- Let you talk to the judge in private.
- Explain judicial decisions.
- Advise you as how the court rules and procedures will be applied to your case.
- Correct errors in your court documents or court orders.
- Change an order issued by a judge.
- Provide you contact information for another party.

If a party or attorney contacts a court clerk by telephone with a verbal request for any judicial action, the Court Clerk must tell the party/attorney to put the request in writing. The Court Clerk DOES NOT have authority to act on any judicial action. Furthermore, Court Clerks cannot verbally re-schedule a court hearing or verbally provide notice of hearing. The party/attorney must put the request in writing, however, the Court Clerk should tell the caller that the Court Clerk cannot guarantee that the judge will grant the request.

GENERAL DEFINITIONS

The following are some definitions and information which will be useful for you to know:

Judge: A magistrate judge with experience in many different areas of law who will be the neutral listener in your case; he/she will direct your case as it proceeds through the legal system and make decisions based on the information you provide and on the law.

Court Clerk: The Court Clerk of the court maintains records of all documents filed with the court and of court proceedings. They also collect filing fees, court costs and fines. They can provide court forms and written instructions.

Attorney: A person who has specialized training and has a license to practice law; he/she acts as an advocate and can give advice to the individual he/she represents.

Petitioner or Plaintiff: The person(s) starting the case with the court; this person is the one who files the paperwork which begins the case.

Respondent or Defendant: The person(s) responding to the case that was started by the petitioner.

COURT DECORUM

The court is a very traditional and place where a certain demeanor (way of acting) is expected. The dignity of the court is to be respected and maintained at all times. You must act and speak in a way that helps you with your case.

- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well groomed.
- Do not bring your children into court.
- Do not chew gum.
- Be respectful to everyone in court. This includes the judge, court staff, the other party involved in your case, witnesses, court bailiff, and any other people in the area.
- Address the judge as "Your Honor."
- Do not use profanity, argue, or verbally react to answers given in court by the judge, opposing party, or attorney. You will have your turn to speak.
- Turn off cell phones and other electronic devices.
- Remove headwear.
- Recording devices, cameras, food and drinks are prohibited in this courtroom.
- Inappropriate gestures or remarks will not be tolerated.
- Doorways should be kept clear at all times.
- Turn off cell phones.
- No making noises or talking which interferes with any court proceedings.

GENERAL TIPS

When you are representing yourself, you are trying to persuade a judge that you are right. You must act and speak in a way that helps you with your case.

Before You Begin:

- Designate a notebook or folder to hold all of your court documents and forms and to record all of the activities related to the case.
- Keep all of your legal papers and case related documents in one place and organized.
- Keep track of all conversations you have with others regarding your case.

Preparing Your Forms :

- Make sure you have chosen the correct forms for your case. Read the instructions carefully before you complete the forms.
- Make sure that all of the required information is attached to the forms and documents.
- Be prepared to pay the filing fees required for your specific court matter at the time you file the papers.
- Make photocopies for your own records.
- Look over the forms and materials you are going to present in court. Make sure they are filled in accurately and completely and that you have made the proper number of copies for the court.

Preparing for Court:

- Representing yourself in court is a big decision. In many matters, such as a disputed divorce or a complicated child custody case, it may be best to get legal advice. You may need to consult an attorney to determine that you are doing the right thing and that you are fully prepared for the court hearing. If you are unsure, it may be best to seek the help of an attorney.
- Make notes before you go to court so you are prepared and know exactly what you want to say.
- Be prepared to provide any information requested by judges and court staff. Remember: The judge cannot speak to you about your case except when your case is in court and when the other party is there. Court staff can help you with questions such as when your hearing is scheduled but they cannot give you legal advice or recommendations about what you should do.
- Dress professionally, as you would for an important event. This means that your clothing should be neat and clean and that you are well-groomed.

Going to Court:

- Be sure to take your notebook or folder in which you have recorded all related events, along with all case-related documents. Take paper and a pen for notes. You may need to prepare other necessary documents after the hearing.
- *Be on time!* The court has a very busy schedule. If you are late, your case might be postponed to another date or dismissed entirely. You also could have a judgment or unfavorable ruling made against you if you are not there to defend your case.

Other Tips:

- Always remember the four "P's": Professionalism - Punctuality - Politeness – Preparation.
- Be sure to provide the court with changes to your address and/or phone number.
- Respond to court notices and correspondence as soon as possible.

POINT OF CONTACTS

<p>EMPLOYEE CONTACT INFORMATION: Edwina Gutierrez, Court Clerk Email: edwina.gutierrez@bia.gov Office Phone: 405/247-8508 Fax: 405/247-7240 Cell: 405/933-1929 Work Schedule: 8:00 am - 4:00 pm, Monday - Thursday Duty: Civil Cases (divorce, custody, guardianship name change, probate, and civil complaints) Criminal Cases</p>	
<p>EMPLOYEE CONTACT INFORMATION: Andrea Phillips, Tribal Gov't Specialist/Court Admin. Email: Andrea.Phillips@bia.gov Office Phone: 405/247-1542 Fax: 405/247-9240 Work Schedule: 8:00 am - 5:00 pm, Monday - Friday Duty: Oversee functions of the court</p>	<p>EMPLOYEE CONTACT INFORMATION: Sherry Lovin, Tribal Government Officer Email: Sherry.Lovin@bia.gov Office Phone: 405/247-1534 Fax: 405/247-9240 Cell: 580/560-4463 Work Schedule: 8:30 am - 5:30 pm, Monday - Friday Duty: Supervises court staff</p>

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: Pay filing fee of \$60.00 plus \$25.00 per party to be summoned

- ☐ **Pay Here** → <https://www.pay.gov/public/form/start/813563669>

- Bank account (ACH)
- PayPal account
- Debit card

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
- ☐ Filing Fee

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.

**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

**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

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

ADMINISTRATOR OF
ESTATE OF:

_____, Deceased;)
_____ Tribal Member.)

Case No. P-_____-_____

PETITION FOR ADMINISTRATOR OF ESTATE

COMES NOW, _____, 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, _____ was an enrolled member of the _____ Tribe of Oklahoma. A copy of the decedent Tribal Enrollment Card is submitted along with the petition to the Court.
3. That the decedent died on or about _____, _____, 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 _____, and had lived at this address up until the his/her death for ____ (STATE LENGTH OF TIME IN MONTHS OR YEARS AT THIS ADDRESS);
4. That the Petitioner, is the son/daughter/mother/etc. 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: _____;
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: (LIST EACH RELATIVE'S NAME, FULL ADDRESS (INCLUDE CITY, STATE & ZIP) AND THE RELATIONSHIP THEY ARE TO THE DECEDENT);
7. That after careful review of the decedent's will, no provisions were made concerning decedent's personal property. The will names the Petitioner as an heir receiving interest of decedent's real property consisting of lands held in trust by the Bureau of Indian Affairs; **OR**
That after careful review of the decedent's will, provisions were made concerning decedent's personal property. The will names the Petitioner as an heir receiving interest of decedent's real property consisting of lands held in trust by the Bureau of Indian Affairs; **OR**
That to the best of the Petitioner's knowledge, no will exists;
8. That the Petitioner is the father/mother/son/etc. of said decedent and an heir and therefore is entitled to request an 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 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.)

ENTRY OF APPEARANCE AND WAIVER

I, the undersigned relative of _____, being one of the persons having a right to the appointment of administrator of the estate of _____, do hereby waive my rights to said appointment in favor of _____, 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: _____

SHOULD YOU AGREE TO SIGN THIS WAIVER, PLEASE INSURE THAT YOU RECEIVE A "FILE STAMP" COPY OF THE PETITION FILED. IF YOU AGREE TO THE PETITION, THIS WAIVER MUST BE SIGNED IN FRONT OF A NOTARY PUBLIC OR COURT CLERK AND RETURN TO THIS OFFICE EITHER BY MAIL OR IN PERSON.

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

**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 607
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