

## Steps for Administering an Estate with the Seneca Nation of Indians

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### Step 1

- **Petition/Intake Form**
- **To be completed by Petitioner (You)** including **ALL** information such as an **original** Death Certificate/List of Heirs and a completed Family Tree (**Probate Code, Section 5.1.a.**)
- Wills: the **original** Will must be filed with the Court. (**Probate Code, Section 6.2a.(i).**)
- There is a separate intake form for Custom and Tradition.
- **A Filing Fee of \$25.00 is due upon completion of the above mentioned.**

### Step 2

- **Schedule Hearing Date (Probate Code, Section 5.3a.)**
- **To be scheduled by Court Clerk** - Due to scheduling of Court Room use /Individual scheduling etc. Please allow a **minumum** of 14 days before expecting to receive Hearing Notice by either Writ or Certified Mail. **Example: 01/01/2012 Petition/Intake Form completed and handed in by you - on or about 01/14/2012 you will receive your Notice of Hearing .** The date of the actual hearing will be approximately 3-4 weeks from when the initial Petition/Intake Form was completed and submitted.
- **Example: 01/01/2012 Petition/Intake Form completed and handed in by you - Approximate Hearing Date will be 01/21/2012- 01/28/2012.**

### Step 3

- **Post Hearing Notices in 3 Public Places 10 days before Hearing Date, to be completed by Petitioner (Probate Code, Section 5.1.a)**
- **Example: Hearing Date is 01/28/2012 - You will need to post the Hearing Notices NO LATER than 01/18/2012 .** You can post the notices at the SNI Library/ SNI Community Center/SNI Health Clinic and on the Bulletin Board located by the TV in the Court waiting room.

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### Step 4

- **File an Affidavit (sworn statement)** with the Court Clerk that you are in compliance with the 10 day notice requirement, as noted in Step 3. You need to File this Affidavit (provided by the Court Clerk) on or before the Hearing, to be completed by Petitioner. **(Probate Code, Section 5.3.b.)**
- **Example: Hearing Date is 01/28/2012 , you will need to File the Affidavit on 01/28/2012 or earlier.**

### Step 5

- **Hearing is held. Appointment of Administrator/Executor.**
- The person appointed shall take an Oath (provided by the Court Clerk), that he or she will faithfully and honestly administer the estate. **(Probate Code, Section 5.4.a.)**
- **Example: If the Hearing was held on 01/28/2012, generally the Oath will be taken by the appointed Administrator/Executor the same day.**

### Step 6

- **Order issued from the Court will state who has been appointed Administrator/Executor**
- **(Probate Code, Section 5.4.b.)**
- **Letters of either Administration or Testamentary issued to the Administrator or Executor. (A fee of \$45.00 for either letter)**
- **Take your Order and Letters to the Clerk's Office to be recorded (\$1.00 per page to record).**
- **Example: If the Hearing was held on 01/28/2012 generally the Order and the Letters will be issued to you the same day.**

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### Step 7

- Filing a Bond if Required (**Probate Code, Section 5.4.c.**)
- To be determined by the Judge

### Step 8

- Notice to Creditors (provided by the Court Clerk) to be posted in 3 public places (can be the same public places as stated in Step 3) - these notices are to remain posted for *90 days* (**Probate Code, Section 5.5**)
- **Example: If you posted your notices on 01/28/2012 you would leave them posted until 04/26/2012**
- Take one to the Newsletter Office to be published in 3 consecutive issues (this consists of approximately 35-40 days and the "Final Notice" does *not* indicate that the 90 days have been completed, it indicates that it has been published in 3 consecutive issues).

### Step 9

- Submit Debts & Assets Forms (provided by the Court Clerk) *to Court within 30 days* after being appointed Administrator/Executor.
- **Example: If you were appointed Administrator or Executor on 1/28/2012 you will need to complete and submit the Debts & Assets Forms by 02/26/2012.**

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### Step 10

- **After 90 days**, submit petition to pay debts. (Get petition from the Court Clerk.)
- **Example: On or after 04/26/2012 Petitioner is responsible for contacting the Court Clerk to request a Petition to Pay Debts.**
- You will be notified of a Scheduled Hearing, *generally* scheduled within 2-3 weeks after receiving the Petition.
- **Example: On 04/26/2012 you requested a Petition to Pay Debts, the Hearing would be scheduled *on or about* 05/17/2012 .**

### Step 11

- Hearing Held and an **Order to Pay Debts**, (will be sent to you by the Court Clerk) was issued.
- **Example: Hearing was held on 05/17/2012 and you have received the Order to pay Debts, it is up to you, the Petitioner to pay any and all debts in a timely manner. If no real property (land) is involved, skip to Step 14.**

### Step 12

- Submit a request to Maps & Boundaries for a survey.
- The time frame for a survey(s) and deed description (s) is at the discretion of Maps & Boundaries.
- Request that they send the map(s) and deed description(s) to the Court

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### Step 13

- Meet with the Surrogate and Maps & Boundaries on the plan of distribution. (For wills, distribution is according to the provisions of the Decedent's will.)

### Step 14

- **Submit Petition for Accounting and Distribution.** (Get petition from the Court Clerk.) You will be notified of a scheduled hearing.
- **Example: On 06/01/2012 you have paid any and all debts as noted in Step 11 , You will then submit a Petition for Accounting and Distribution . The hearing would be scheduled on or about 06/22/2012.**

### Step 15

- Hearing held and an **Order for a Plan of Distribution** (will be sent to you by the Court Clerk) was issued. If no real property (land) is involved , skip to Step 17.
- **Example: Hearing was held on 06/22/2012, on or about 07/13/2012 you will receive your Order.**
- Court sends the Order with maps and deed description to the Clerk's office, Cattaraugus Territory, for Quit Claim deed (s) to be issued.

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### Step 16

- The Clerk's Office sends the Quit Claim deed(s) to the Court for the Surrogate's signature and your notarized signature. The Court then sends the signed Quit Claim deed (s) back to the Clerk's office to be recorded. (The Clerk's Office will contact you to pick up your deed (s) and pay the recording fee of \$35.00 per deed.)

### Step 17

- After completing the distributing of the Estate as directed in the Plan of Distribution Order, submit a **Petition to Close the Estate (Get petition from the Court Clerk.)**
- **Example: On 07/13/2012 you received your Plan of Distribution Order, by 07/20/2012 you have distributed the Estate as ordered, the hearing would be scheduled on or about 08/10/2012.**

### Step 18

- Hearing held and an Order to Close the Estate (and releasing you as the Administrator/Executor) was issued. Order will be sent to you.
- **Example: Hearing was held on 08/10/2012, on or about 08/31/2012 you will receive your Order.**

**IMPORTANT:** It is your responsibility to keep the heirs informed of your activities. You must adhere to the rules of the **SENECA NATION PROBATE CODE** when administering the estate or you could be removed as the Administrator/Executor per Section 5.3.d. of the Probate Code.

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