Without a valid will, your Trust Land Interests less than 5% will be divided as follows:

**A SINGLE HEIR RULE**

Chart by Cecelia Burke, Institute for Indian Estate Planning © 2006

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**If you have a Surviving Spouse and Children**

- Indian or Non-Indian Spouse will receive a “life estate,” but only in the parcel the Spouse is living on at the time of your death

  - When your spouse passes on...
    - Your oldest “Eligible” child will receive all your trust or restricted land interests less than 5%

**No Spouse and Surviving Children**

- Your oldest “Eligible” child will receive all interests less than 5% in your trust or restricted land interests

**Only Surviving Grandchildren**

- The oldest “Eligible” grandchild will receive all interests less than 5% in your trust or restricted land interests

**Only Surviving Great Grandchildren**

- The oldest “Eligible” great grandchild will receive all interests less than 5% in your trust or restricted land interests

**If No Spouse and No Surviving Children, Grandchildren or Great Grandchildren**

- Then to the Tribe with jurisdiction over the land
  - If there is no tribe, there are additional rules that allow co-owners to take or purchase interests or permit sale of your interest by U.S.

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**Who is “eligible” to inherit under these rules?**

Any one of the following:
- Member of an Indian Tribe, or
- Eligible to become a member of a Tribe, or
- Person who owns an interest in trust land on or before October 27, 2004, or
- Person who meets the definition of Indian under the Indian Reorganization Act, or
- In California, any person who owns an interest in trust or restricted land in California, or
- Decedent's lineal descendants within 2 degrees of relationship to any Indian, or
- A trust co-owner in same parcel