

WILL INFORMATION FORM

1. Full name: \_\_\_\_\_

2. Nickname, maiden name, or other names used: \_\_\_\_\_

3. Marital Status: Single \_\_\_\_ Married \_\_\_\_ Divorced \_\_\_\_ Separated \_\_\_\_ Widowed \_\_\_\_

4. Date of Birth: \_\_\_\_\_

5. Enrollment Number/Tribe: \_\_\_\_\_

6. BIA Identification Number: \_\_\_\_\_

7. Current Address: \_\_\_\_\_  
\_\_\_\_\_

8. Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

9. Home Phone: \_\_\_\_\_ Can we leave messages at home? \_\_\_\_\_

10. Work Phone: \_\_\_\_\_ Can we leave messages at work? \_\_\_\_\_

11. Employer: \_\_\_\_\_

12. Prior Wills: If you have ever had a will prepared before, please give the date you signed the will and its present location. If you have access to a copy of your prior will, please bring it with you to the appointment.  
\_\_\_\_\_

13. Spouse's Full Name: \_\_\_\_\_

14. Spouse's enrollment Number/Tribe: \_\_\_\_\_

15. If your spouse is not an enrolled member of an Indian tribe, is your spouse eligible to be a member of a tribe? If so, which tribe? \_\_\_\_\_

16. If your spouse is not an enrolled member of an Indian tribe, is your spouse a descendant of a person that was enrolled with as a member of any Indian tribe? If yes, how was your spouse related to an enrolled member? For example, was the enrolled member your spouse's grandparent or parent? \_\_\_\_\_

17. Previous Marriages:

Name(s) of former spouse(s) and how and when the marriage(s) ended: \_\_\_\_\_

\_\_\_\_\_

18. Living Children: (List all natural children, legally adopted children, children you have guardianship of, or children you consider "your own" that are not your natural or legally adopted children.)

(1) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

(2) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

(3) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

(4) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

(5) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

(6) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

Is this your natural child? \_\_\_\_\_ Legally adopted child? \_\_\_\_\_ Guardianship? \_\_\_\_\_

Is this child not one of the above, yet you consider them to be your child? \_\_\_\_\_

20. List any of your children who have died. Please include the deceased child's birthdate.

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21. Give the names of your *deceased* children's children (your grandchildren) who are alive. Please include natural and adopted children of your deceased children.

(1) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(2) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(3) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

22. Give the names of any other grandchildren you would like to mention in your will. Please include natural grandchildren, legally adopted grandchildren, or anyone else you consider your grandchild.

(1) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(2) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(3) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(4) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(5) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(6) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(7) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(8) Full Name: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

(9) Full Name: \_\_\_\_\_ Parent: \_\_\_\_\_

Birth date: \_\_\_\_\_

Member of any Indian Tribe or eligible to become a member of any Indian Tribe? \_\_\_\_\_

If yes, which Tribe? \_\_\_\_\_ Enrollment number: \_\_\_\_\_

22. Who would you nominate as your executor (personal representative)? This person would take care of your affairs and carry out your wishes under for your non-Trust Property.

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

\_\_\_\_\_

23. If the person you named in item 22 is unable or unwilling to act as your executor, please give an alternate executor.

Full Name: \_\_\_\_\_

Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

\_\_\_\_\_

24. If you would like to, please complete the property worksheet attached at the end of this packet. If you would like to do that at your next appointment, that is fine. Include only land on this worksheet. If you have your trust land inventory, please use the key attached to the back of this packet to get the necessary information for the worksheet. If you do not have your inventory, please put the location of your property and the people you would like the property to go to. During your next appointment, we can fill in the rest of the information.

25. Are you likely to inherit additional land? \_\_\_\_\_ If so, please explain: \_\_\_\_\_

\_\_\_\_\_

If you do inherit the land, who would you like to leave that land to in your will? \_\_\_\_\_

\_\_\_\_\_

26. If you would like to, please complete the tangible property worksheet attached at the end of this packet. Include only tangible property (cars, boats, horse tack, fishing gear, regalia, etc.). If you would like all your personal, tangible property to go to one person, then simply write "all remaining personal property to \_\_\_\_\_." Please also fill in an alternate person to take your tangible property as well. If you would like to do this during your next appointment, that is fine. These forms are to get you to think about what you have and who you would like to have your property.

a. Please note that under Washington law, you may leave a letter which names specific people to receive tangible property from your estate. You may revise the letter from time to time, provided you sign and date it each time you revise it. If there is no letter at the time of your death, the part of your will explaining that the letter shall have no force.

b. Would you like to make a letter that you keep at your home naming people that you would like to receive certain items? This letter may not include any land, money, or mobile homes. YES \_\_\_\_\_ NO \_\_\_\_\_

c. If you would like to distribute your personal property through a traditional giveaway ceremony, please give instructions: \_\_\_\_\_  
\_\_\_\_\_

Who would you like to oversee your giveaway? \_\_\_\_\_

Who would you like to be an alternate overseer of your giveaway? \_\_\_\_\_

27. Do you live in a HUD home? \_\_\_\_\_

a. If so, do you:

\_\_\_\_\_ Own the home and owe nothing more on it

\_\_\_\_\_ Make payments toward ownership of the home

\_\_\_\_\_ Rent the home

b. If you have an ownership interest in the home, have you arranged with the Indian Housing Authority to have your interest in the home transferred to your beneficiaries?

YES \_\_\_\_\_ NO \_\_\_\_\_

28. Bank Accounts:

a. Name of Bank: \_\_\_\_\_

Account Number: \_\_\_\_\_

Other names on the account? If so, who? \_\_\_\_\_

b. Name of Bank: \_\_\_\_\_

Account Number: \_\_\_\_\_

Other names on the account? If so, who? \_\_\_\_\_

29. Safe Deposit Box:

a. Number: \_\_\_\_\_

b. Location: \_\_\_\_\_

30. Life Insurance:

a. Name of Insurance Company: \_\_\_\_\_

Policy Number: \_\_\_\_\_

Present Beneficiaries: \_\_\_\_\_

\_\_\_\_\_

31. Individual Indian Money Account (IIM). What person or people do you wish to name as the beneficiary of your IIM? \_\_\_\_\_

Alternate(s)? \_\_\_\_\_

32. Who do you wish to name as the beneficiary or beneficiaries of the rest of your estate and in what proportions? (Please include name(s) and relationship(s) to you). This section includes everything not mentioned in your will. It is very important to name someone for this section.

\_\_\_\_\_

\_\_\_\_\_



33. Alternate Beneficiaries: If the person(s) to whom you are leaving the rest of your estate do(es) not survive you, name the person(s) you would like to have their share. (Please include name(s) and relationship(s) to you)

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34. If you die before your children reach the age of 18, who would you nominate as guardian of your children?

Full Name: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

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35. If that person is unable or unwilling to serve as guardian of your children, who would you nominate as guardian?

Full Name: \_\_\_\_\_

Relationship to you: \_\_\_\_\_

Address: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

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36. Funeral and Burial Instructions: \_\_\_\_\_

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## **GUIDELINES FOR COMPLETING THE WILL INFORMATION FORM**

**GENERAL:** A will is a legal document that determines what happens to your property after your death. A will states who receives property and in what amounts.

When there is no valid will, the person is said to have died “intestate.” A court appoints an administrator to handle the decedent’s affairs, and his or her property is then distributed according to a formula fixed by law. The laws for distribution of an intestate estate are rigid and generally do not make accommodations for those in unusual need. After payment of taxes, debts, funeral expenses and administrative costs, the property goes to the surviving spouse, children and/or relatives. The laws are specific as to how the property is to be distributed, including which relatives have priority and how the property is divided.

In addition to distributing and transferring property, a will may have other functions. It may be used to name a guardian for any minor children or to create a trust and designate a trustee to handle the estate (property left after death) on behalf of children or others. A will may also be used to name a personal representative or “executor” to handle a decedent’s (the person who died) property and affairs from the time of death until the estate is settled.

**Item 6. BIA Identification Numbers.** This is different from your enrollment number. This is the number the BIA uses to track your trust property and IIM funds. You can obtain this number from BIA probate, the Enrollment Office, or Tribal Administration.

**Item 14. Spouse’s Enrollment Number.** Federal statutes limit the interests in trust property that a person can convey to non-Indians. The statutes do not clearly define the term “Indian,” so it is important to give as much information as possible about your spouse’s status.

**Item 15. Indian Status.** Federal statutes limit the interests in trust property that a person can convey to non-Indians. The statutes do not clearly define the term “Indian,” so it is important to give as much information as possible about your beneficiaries (the people you would like to have your property).

**Item 18. Living Children.** Be sure to list all of your children, even if you do not want one or more of your children to receive anything under your will. If you do not mention a child at all in your will, the court may presume that you mistakenly left the child out and give that child a portion of your property. If you do not want a child to inherit any property, you should identify that in your will.

**Other Children.** “Children” in a will includes only natural born and formally adopted children. So, if a child lived in your home throughout his or her life, but was never adopted, he or she would not receive any property through your will that you left “to my children.” The same is true for children that are not your natural or adopted children, but children you consider to be your own. A provision in your will can give your property to these children if you so desire.

**Item 20. Deceased Children.** Under most circumstances, if a child dies before a parent, that child's children receive their parent's share of the ancestor's property. Essentially, the children (your grandchildren) stand in place of their deceased parent to receive the property if there is no will. In your will, you can designate who would receive the property in place of your deceased children.

**Item 21. Deceased Children's Children (Your Grandchildren).** When a child does not survive you, if that child had children (your grandchildren), those children may be eligible to take property in the place of your deceased child. Even if you are not interested in giving any part of your estate to these grandchildren, please fill in the information requested. A separate provision of the will recognizes that you thought of them when making your estate plan.

**Item 22. Other Grandchildren.** Please complete this section to the best of your ability even if your children are currently living. Grandchildren are often the alternate person(s) to receive your estate should your children not survive you. Most importantly, please include the name and birth date (birth year is fine if that is all you have). Also, in the event that one of your children does not survive you, but passes away after you execute your will, you do need to include information about your grandchildren.

**Item 23. Executor/Personal Representative/Administrator of the Estate.** The person named to administer your estate is the executor of your will. He or she will be responsible for filing documents with the court, inventorying your property, paying debts you owe, and distributing your property to the beneficiaries you have named in your will.

**Item 24. Trust Property Worksheet.** To verify what trust property you own, you can ask the BIA Realty Office for an "Individual Trust Inventory," or sign a waiver granting \_\_\_\_\_ permission to collect your "Individual Trust Inventory" from the BIA.

Property not specifically addressed in the will is devised among all of your heirs or is controlled by the residue clause (see # 32). This has been problematic for trust and allotment property. Property has been divided among so many heirs that in many cases no one owns enough of an interest to enjoy any benefit from the property. Current statutes were designed to consolidate fractional interests in property into useable, beneficial shares.

Please complete the property worksheet attached to the end of this packet. Place the allotment number, if you know it, or the location and description of the property in the left column. In the "Beneficiary #1" column, place the name or names of those you wish to receive the property. In the "Beneficiary #2" column, place the name or names of those you wish to receive the property should your first choice(s) pass away before you. It is very important to fill in the "Beneficiary #2" column. If you would like to give the piece of property to more than one person, please read the description of types of interests, below. Of course, if you do not feel comfortable filling in this worksheet, we can do it together during your next appointment. The idea of this sheet is to get you thinking of who you would like to receive your property.

There are several different ways you can give property to your beneficiary or beneficiaries.

A **life estate** entitles the beneficiary to live on and use the land during his or her lifetime. You should identify in your will the person who is to inherit the land after the holder of the life estate dies.

If you want one beneficiary to be the **sole owner** of the property and to have complete freedom to use, lease, or sell the land, then that beneficiary takes a **fee simple** interest. Under current statutes, a non-Indian can inherit a fee simple interest in trust property, but the property falls out of trust into fee land.

If you give your trust property to more than one beneficiary, you should specify the type of interest that the beneficiaries are to receive.

If they take the property as **joint tenants with the right of survivorship**, then when one beneficiary dies, his or her share will pass to the surviving beneficiaries until eventually only one person owns all of the interest in the property. Only the last surviving joint tenant can will the property to others. To avoid fractionalization of property interest, the BIA will presume that multiple beneficiaries are joint tenants with the right of survivorship unless the will says otherwise.

**Tenants in common** are two or more persons who own equal or unequal undivided shares. Each person has an equal right to possess the whole property. They can sell their interest in the property and they can will it to others. A tenancy in common splits the property, yet draws no boundaries. Two people share whole land, then can pass it on to whomever they choose. The next co-owners share the whole property, as an undivided interest.

**Alternate Beneficiaries.** If the beneficiaries you name for specific bequests die before you do, the property you directed to go to them will be given to the named alternative beneficiaries.

**Item 25. Future Inheritance.** If your parents, or another relative, have land you may inherit after you execute your will, you should consider that property when you draft your will.

**Item 26. Personal Property.** Please complete the Personal Property Worksheet attached to the end of this packet. This worksheet is like the Property Worksheet in Item 24. Please indicate any items of tangible personal property (cars, boats, fishing gear, regalia, etc.) that you would like to give to specific people. As with the Property Worksheet, please include an alternative devisee(s) in case something should happen to your first devisee(s). If you would like one person or group of people to take your personal property, please write “all personal property to \_\_\_\_\_.” Again, this is only a tool to help you think about your estate. If you would rather fill this in during your next appointment, that is fine, simply leave the form blank.

**Separate Writing.** Under Washington law, you can identify persons to receive specific items of tangible personal property in a letter or other writing separate from the will. The only requirement is that the document be signed by you and dated. The letter can be prepared before or after the will is executed and it can be changed at any time. “Tangible personal property” means articles of personal or household use or ornament, such as furniture, furnishings, automobiles, boats, and jewelry. The term does not include land, mobile homes or money.

If you would like to have your personal property distributed through a traditional giveaway ceremony, you may note that in item 26. You may give instructions and name someone to oversee the giveaway.

**Item 29. Safe Deposit Box.** It may take some time for your relatives or your executor to gain access to your safe deposit box. Burial instructions and other information that your family will need right away should not be stored only in your safe deposit box.

**Item 30. Insurance Policies.** If you have named a beneficiary in your life insurance policies, that beneficiary will receive the proceeds of the policy upon your death, regardless of the provisions of your will. If you want your will to control the distribution of an insurance policy, you must name your estate as the beneficiary of the insurance policy. To do this, contact your insurance company.

**Item 32. Remainder of Property.** All property not specifically addressed in the will is distributed under this provision. This provision covers everything else in your estate that you have not mentioned in other parts of your will. For example, if you inherit land from your parents after you execute your will, but do not have a provision in your will for that inherited property, the land falls into this remainder clause. The beneficiaries can be those to whom you gave specific bequests, or others. The remainder property can be shared equally among the beneficiaries, or you can specify shares, such as 50% to my wife and 25% to each of my two children.

**Item 33. Alternate Beneficiaries.** The beneficiaries you name in this portion of the will receive your property if other beneficiaries die before you do. If you do not name alternate beneficiaries and your named beneficiaries die before you do, the court will distribute your property as directed by the law, not as you direct in your will.

**Item 34. Guardian for Children.** If you have children under the age of 18 and your spouse dies before you do, your children will need a guardian to care for them and manage money and property that they own or inherit. When designating a guardian, the court will do what it deems to be in the best interests of the children. The court will inspect the home of the people you name as guardian before granting the guardianship. This inspection is to ensure the new home will be in the best interests of your children. Normally, however, the court will name the person nominated in the will as guardian for the children. You can name a guardian of the “person” and a guardian of the “estate” of you children. This means the guardian of the “person” will care for your child, and the guardian of the “estate” will take care of your child’s financial affairs.

**Item 36. Funeral and Burial Instructions.** You can give directions to family members about your funeral and burial. Typically, persons making a will state the type of service they want, whether they want to be buried or cremated, and where they wish their remains to be placed. Because there may be some delay in locating your will, you should communicate your desires concerning final arrangements to your executor and to family members in something other than your will.