



SAN XAVIER  
ALLOTTEES  
ASSOCIATION INC.

EST. 1991

# Life Plans & Last Wills

Community Liaisons

Tina Rodriguez | Michaela Lopez



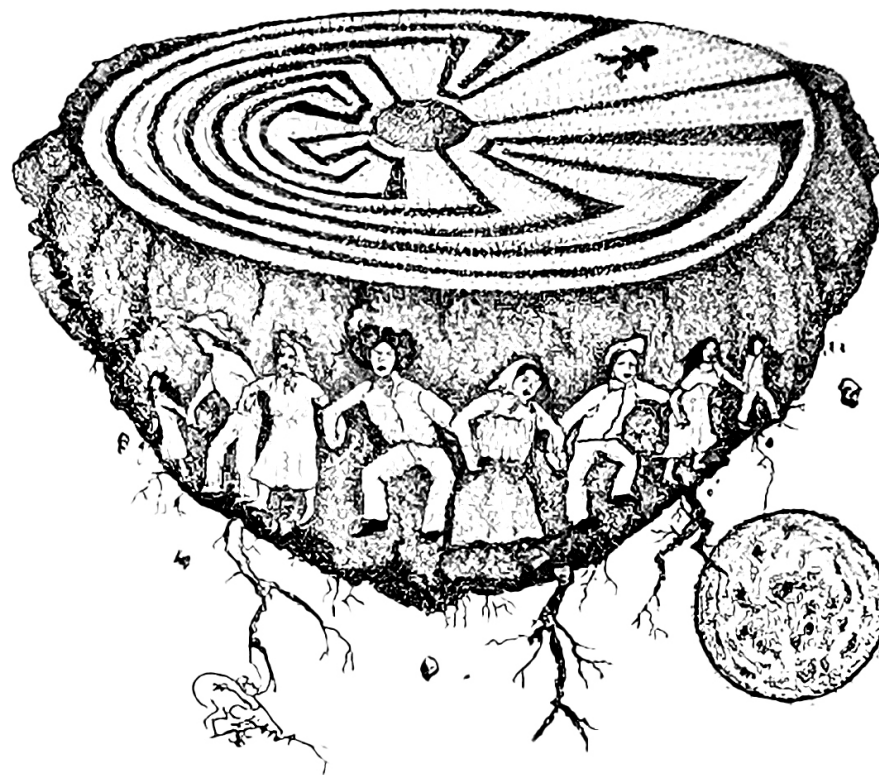
# Mission Statement

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“To assist San Xavier allottees to preserve, improve their land and to educate them on water rights, environmental protection, and economic development.”

## DISCLAIMER:

We are not attorneys, our mission to educate allottees with providing necessary information and resources.



# Community Liaison Duties



- Educate and effectively communicate information to Allottees.
- Assist Allottees in providing information on preparing a Life Plan (Will).
- Serves as liaison between the SXAA Board, Office, Attorneys, and Allotment owners.
- Participate in Outreach efforts such as meetings, events, and other programs.
- Promote Allottees in sustaining economic development.



# Why should I have a Last Will in place?

- You decide who will receive your property.
- With a will, the Probate process generally is less time involved
- If you own the following:
  - A house on or off the reservation
  - Interest in allotment(s)/ IIM Account(s)
  - Livestock Brand
  - Other valuable property- RV, boat, and trailer
  - Bank Accounts
- If children are involved
- 401K and Life Insurance beneficiaries will not be affected by a Last Will.



# What happens if I don't have a Last Will in place?

- Property will be probated and distributed to heirs
- A Judge will decide who will get your property
- BIA will probate IIM Accounts and Allotted lands
- If less than 5%, Tribe may inherit your interest
- If more than 5%, Judge may give to the oldest heir, or if none, then to the parent or your sibling(s)
- Off reservation property, probate will become a part of your estate.

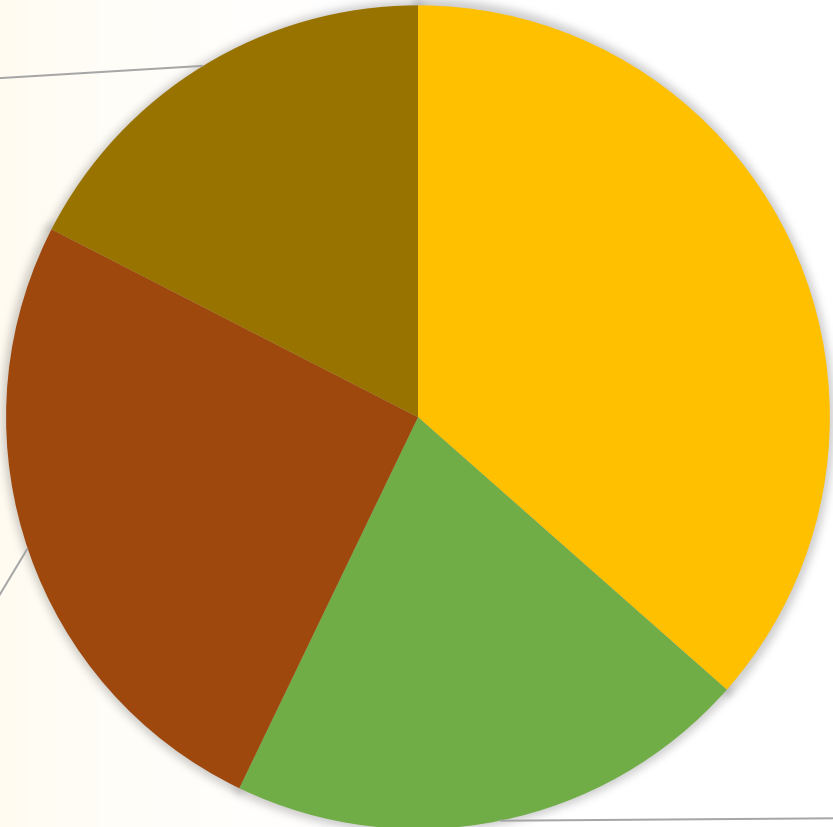
# The most common reasons people give for not having a will:

**Thought their estate would automatically go to the right person**  
17%

**Putting it off until older**  
37%

**Won't have enough to be worth passing on**  
25%

**Never occurred to write a will**  
21%





# Steps attaining a Last Will

**Fill out Request for Indian Trust Land Information-TAAMS (Trust Asset and Accounting Management System)**

**Schedule Intake with Community Liaison**

**Provide Information for property or assets**

**Schedule appointment with Attorney if needed.**

**Review life plan to ensure accuracy**

**Schedule Life Plan ceremony**

# **Will Signing Ceremony**

- **Will**
- **Release Form for Will Depository**
- **Durable Medical Power of Attorney**
- **Living Will**
- **AZ Health Care Directive Registry  
(Optional)**



# Release Form for Wills Depository

- A request to store one original Last Will and Testament in a safe at San Xavier Allottee Association office
- May authorize 2 individuals to have access if one or the other is not available.
- One Will/One Codicil done per year (SXAA Policy).

CERTIFIED TO BE A TRUE &  
EXACT COPY OF ORIGINAL

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# Medical Durable Power of Attorney

- A Legal document that names one or two individuals to be health care agents of another in case one is unable.
- The ability to make health care decisions and responsibility to make sure Doctors and other medical personnel provide necessary and appropriate care according to an individual's wishes.
  - For example, a person in a vegetative state or coma
  - May appoint two individuals as representatives



# Living Will

- Written statement of your desire about medical treatment, when you are no longer able to express informed consent
  - For example, an advance directive which is a written, legally binding document that informs your Doctor(s) about your preferences for medical care at the end of life.
  - Signed by a witness

# Life Plan may include:

- A Last Will
- Medical Directives
- Medical, Financial, and Durable Power of Attorneys
- Burial wishes
- Register with AZ Attorney General's office (optional)
  - Allows medical facilities and emergency response to access medical directives, if necessary.





# **2004 American Indian Probate Reform Act (AIPRA)**

## **Without a Will-If your Interest is Greater than 5%**

- Land Interests transfer to spouse as a Life Estate then interest will pass to children with equal percentage.
- If a child is deceased, their interest will be inherited by their children, your grand child(ren) or great-grand child(ren).
- If no child or grandchild, then your interest goes to surviving parents.
- If no surviving parents, then it goes to your siblings.
- If you have no siblings, then it goes to the Tribe.

# **2004 American Indian Probate Reform Act (AIPRA)**

## **Without a Will- If your interest is less than 5%**

### **“Single Heir Rule ”**

- Surviving spouse will receive a life estate only in the trust or restricted parcel if they reside on it at the time of the decedent’s death.
- All other interests and the spouse’s remainders will transfer only to ONE ELIGIBLE HEIR- the oldest surviving eligible child, grandchild, or great-grandchild.
- If no eligible heirs exist, the interest will transfer to the tribe with jurisdiction.



# What can be Probated?



- Single
  - Everything in the decedent's name
- Married
  - Community property-everything acquired during the marriage except:
    - Gifts- give willingly to another
    - Devise-leaving real estate to someone by a Will
    - or Descent-inherited; by a descendent who had no Will
  - Separate property- anything owned before marriage
    - Rents, profits, and earnings on separate property.



# T'o'm-nei

## Michaela Lopez

*Community Liaison  
O'odham N:ok  
Notary Public*

325 E. Vamori Street  
Tucson, Arizona 85756  
520-807-2121 – Office  
520-807-2626 – Fax  
520-592-0909 – Direct Line  
520-993-3643 - Mobile



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