

## **INSTRUCTIONS FOR FILLING OUT FORM**

**PURPOSE.** Once a hearing for summary probate of the estate is ordered by the Court, the Tribal probate code requires the Administrator to post the order setting a date and hour to hear to objections to summary probate of exempt estate in three conspicuous places on the reservation (three suggested posting sites would be the Tribal Court House in Rosebud, the RST Tribal building in Rosebud and the Post Office where the decedent resided before his or her death) for at least 10 days before the hearing and to send a copy of the order by certified mail to each heir, devisee and legatee of the decedent as known to the Administrator at least 10 days before the hearing. The Administrator is further required to file an affidavit with the Court on or before the hearing date indicating compliance with the notice requirements.

**FORM INVOLVED.** The form is an **Affidavit of Posting and Mailing of Order Setting Hearing Date for Objections to the Petition for Summary Probate of an Exempt Estate.** You will need to fill in the necessary information with help from the instructions below and then file the forms with the court.

**THE ADMINISTRATOR MUST SEND A COPY OF THE ORDER SETTING HEARING DATE FOR OBJECTIONS BY CERTIFIED MAIL TO EACH HEIR, DEVISEE AND LEGATEE TO EACH HEIR, DEVISEE AND LEGATEE AT THEIR LAST KNOWN ADDRESS THAT IS KNOWN TO THE ADMINISTRATOR AND BY POSTING THE ORDER IN THREE CONSPICUOUS PLACES ON THE RESERVATION AND FILE AN AFFIDAVIT WITH THE COURT THAT YOU COMPLIED WITH THE NOTICE REQUIREMENT AT LEAST 10 DAYS BEFORE THE HEARING.**

The Administrator will want to keep receipts from the Postal Service for proof the Administrator did in fact mail the Order to each heirs, devisee and legatee of the decedent at their last known address that is known to the Administrator.

**INSTRUCTIONS FOR FILLING OUT THE FORM.** To fill out this form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form. You can print this page in its entirety or you can scroll down to the forms. There will be a blank screen between these instructions and the forms and between the forms so keep scrolling or just copy this page in its entirety.

Instructions for filling out the affidavit:

- (1) on this line insert the name of the decedent.
- (2) on this line insert your name.
- (3) on this line insert the location of the three conspicuous places on the reservation where you posted the Order Setting Hearing Date for Objections to Petition for Summary Probate of Exempt Estate.
- (4) on this line insert the day.
- (5) on this line insert the month.
- (6) on this line insert the year.

(7) on this line insert your name by signing.

Have a notary public notarize your signature and file with the Court.

ROSEBUD SIOUX TRIBAL COURT )  
ROSEBUD INDIAN RESERVATION )SS  
ROSEBUD, SOUTH DAKOTA )

IN CIVIL COURT

IN RE THE ESTATE OF:  (1) _____ _____,  Decedent.	DOCKET _____  AFFIDAVIT OF POSTING AND MAILING ORDER SETTING HEARING DATE FOR OBJECTIONS TO PETITION FOR SUMMARY PROBATE OF EXEMPT ESTATE
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Comes now (2) \_\_\_\_\_, Administrator of the above-named decedent's estate, being first duly sworn and upon oath, deposes that the content of this affidavit to be true as follows:

1. That I did comply with the notice requirements by posting the Order Setting Hearing Date for Objections to Petition for Summary Probate of Exempt Estate of the decedent in three conspicuous places on the reservation at least 10 days before said hearing by posting the at the following locations on the reservation: (3) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

2. That I did comply with the notice requirements by sending by certified mail copies of the Order Setting Hearing Date for Objections to Petition for Summary Probate of Exempt Estate to to each heirs, devisee and legatee of the decedent at their last known address that is known to the Administrator at least 10 days before said hearing.

Dated this (4) \_\_\_\_\_ day of (5) \_\_\_\_\_, (6) \_\_\_\_\_.

(7) \_\_\_\_\_  
Administrator of the Decedent's Estate

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My commission expires:  
(SEAL)