

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used if a creditor receives a notice of rejected claim from the Administrator and the creditor wishes to contest in court the claim being rejected.

FORMS INVOLVED. The form is a **Petition for Hearing on Rejected Claim**. You will need to fill in the necessary information with help from the instructions below and then file the form with the court.

Hearing on Rejected Claim. A claimant whose claim has been rejected can request a hearing on the rejected claim by filing a petition with the Court. The claimant is required to file their petition on the rejected claim within 30 days after the has been rejected or is deemed rejected if the Administrator fails to allow or reject the claim within 60 days after the claim was received by the Administrator. If the petition is not filed within 30 days after the claim has been rejected or is deemed rejected will be barred (meaning the Court will not entertain or hear the petition not timely filed).

A hearing on a rejected claim will be a in the nature of a civil court proceeding where the rules of evidence will apply and the parties can bring or subpoena witnesses to testify and produce documents for the Court to consider on the rejected claim(s). The claimant that petitions for a hearing has the initial burden of convincing the Court that their claim is just at which point the Administrator will have the burden of convincing the Court the claim is not just.

BURDEN OF PROOF. In a typical civil case you have the burden of proving your claim by a **Preponderance of the Evidence**. This means that by representing your self in a legal matter it is your responsibility to prove your case. Don't expect the judge to prove your case for you. Proving something by a preponderance of the evidence means evidence with greater weight or that is more convincing than the evidence of the opposing party(s). The claimant as the petitioner has the burden of proving by a preponderance of the evidence the following to the court:

1. That the claim was proper; and
2. The claim was submitted within 2 years the debt was incurred by the decedent (unless the decedent was making payments in which case the 2 year statute of limitations may not apply).

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 form. There will be a blank screen between these instructions and the form and between the form so keep scrolling or just copy this page in its entirety.

ONCE COMPLETED, FILE THE PETITION WITH THE CLERK OF COURTS OF THE TRIBAL COURT.

Instructions for filling out the petition:

- (1) on this line insert the name of the decedent.
- (2) on this line insert your name.
- (3) on this line insert the date you submitted your claim to the Administrator
- (4) on this line insert the date you received the Notice of Rejected Claim from the Administrator.
- (5) on this line insert the date the claim is endorsed as rejected and dated by the Administrator.
- (6) on this line insert the day you sign the petition.
- (7) on this line insert the month you sign the petition.
- (8) on this line insert the year you sign the petition.
- (9) on this line insert your name by signing the petition.

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

IN CIVIL COURT

<p>IN RE THE ESTATE OF:</p> <p>(1) _____ _____,</p> <p>Decedent.</p>	<p>DOCKET _____</p> <p>PETITION FOR HEARING ON REJECTED CLAIM</p>
--	---

Comes now (2) _____, claimant and creditor of the above-named decedent and request on hearing on the claimant's rejected claim as follows:

1. That claimant submitted a claim on the decedent's estate with the Administrator on (3) _____.
2. That the Administrator rejected claimant's claim against the decedent's estate and claimant received a copy of a Notice of Rejected Claim from the Administrator on (4) _____.
3. That the claim is endorsed as rejected and dated (5) _____.
4. That the claimant/creditor's claim is just and should be granted by this Court.

WHEREFORE, Petitioner(s) prays that this Court order that

- A. Set a hearing on the legitimacy of the rejected claim.
- B. The Court find the claim to be just after hearing on this matter.
- C. For such other and further relief the Court finds just and equitable.

Dated this (6) _____ day of (7) _____, (8) _____.

(9) _____
Petitioner(s)