

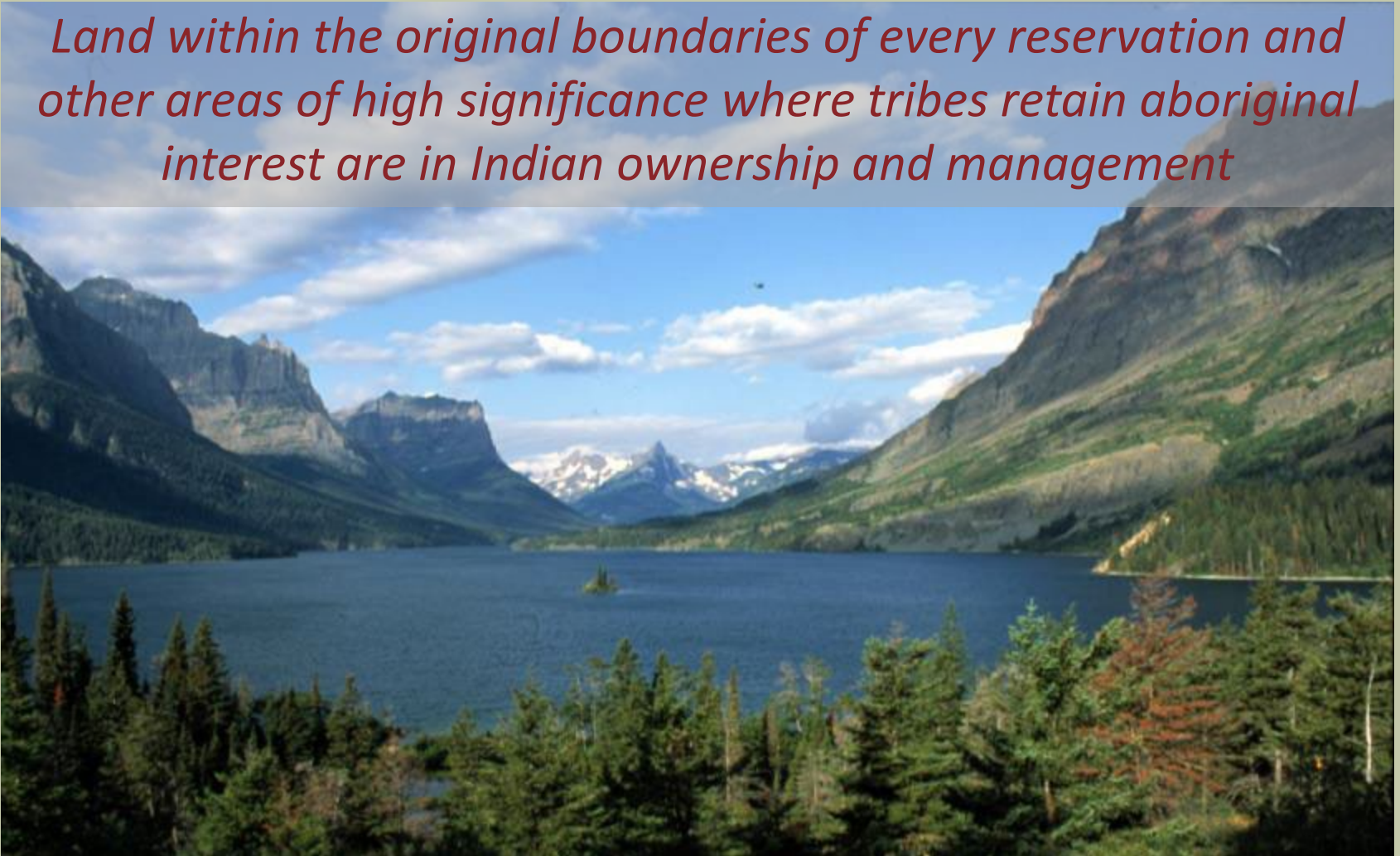


Online Wills and the Indian Landowner:

**The search for options to address
fractionation of title on allotments**

ILTF Mission

Land within the original boundaries of every reservation and other areas of high significance where tribes retain aboriginal interest are in Indian ownership and management



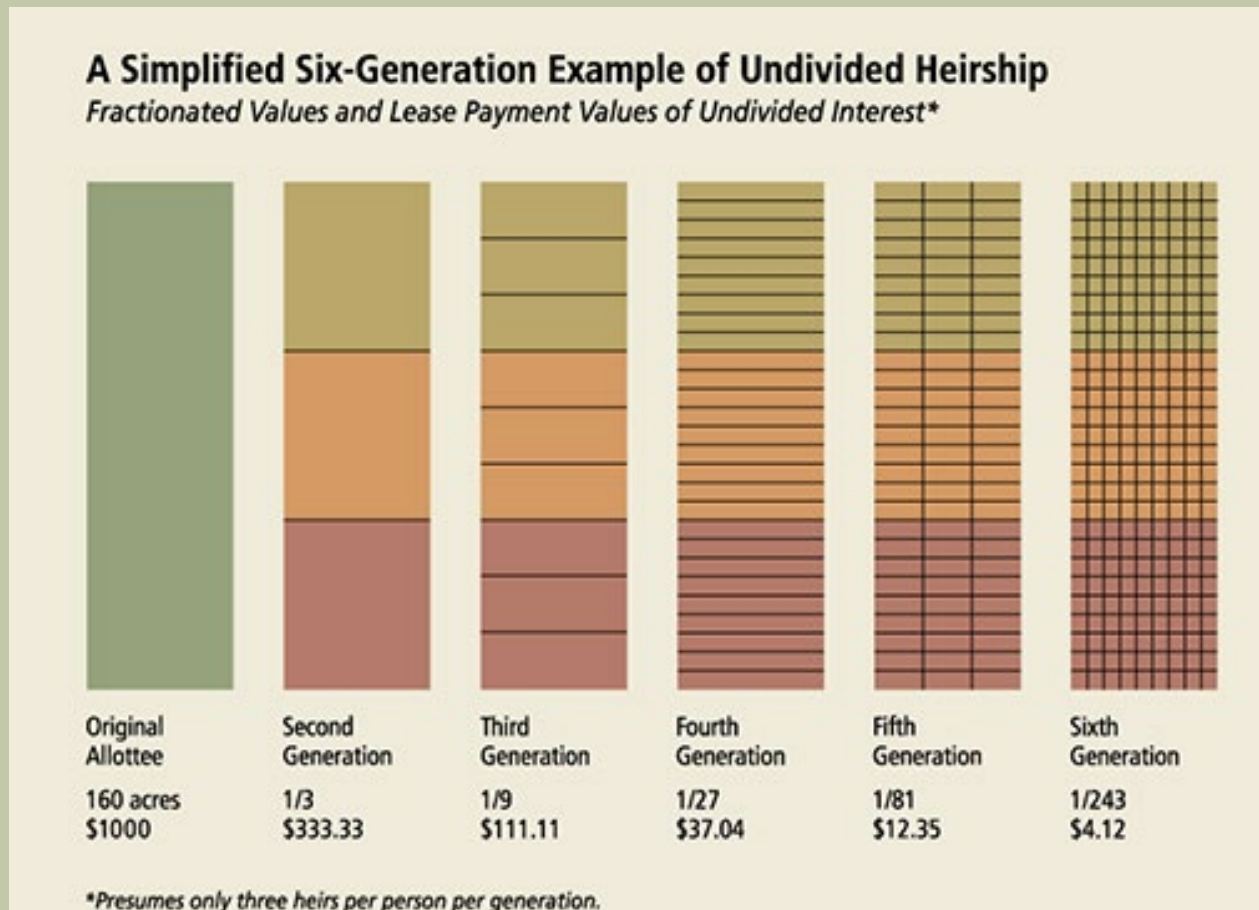
MLSA Mission

Protect and enhance the civil legal rights of, and promote systemic change for, Montanans living in poverty.



The Need for Estate Planning

- Fractionation of Title



The Need for Estate Planning

- Dealing with an Intestate Probate
 - AIPRA
 - Extended Timeline
- Hardships and misunderstandings of AIPRA
 - Judge's Discretion
 - Mandatory Processes and Rules
 - Single Heir
 - Joint Tenancy with Right of Survivorship

Will in a Box: Another tool for landowners

- Not everyone is comfortable working with attorneys
- Many tribal citizens don't have money for an attorney
- Landowners may not be familiar with the will-writing process
- Pro Se = Do It Yourself
 - Answer the questions privately
 - Print a document that can be signed, witnessed and notarized

Will in a Box:

A resource for land professionals

- Provides an introduction to the will writing process and certain requirements
- Can be shared with landowners
- May also serve as an intake tool
 - Landowner prepares necessary information and answers questions to the best of their abilities
 - Document can be edited directly with the client/landowner



How It Works

- 1** Gather information about you, your family, and property
- 2** Answer questions about who you want to give your property to.
- 3** Download and print your Will.
- 4** Read your Will. Get legal help. Sign your Will. Store your Will somewhere safe.



The Development Process

Questions, Issues and Topics

- Logic Tree
- Governing law
 - State-barred attorney development/review
- How complex is Will in a Box
 - Gift options (i.e. Per capita, Per Stirpes, etc.)
 - Life Estate gifts
- Burial Instructions

The Development Process (continued)

- User Testing
 - Internal and quality assurance
 - Interview/Form flow
 - Facts/Statutes
 - Ensure that the questions connected and
 - End user feedback (20 +)
 - User observations
- Attorney review

How to use the Will in a Box

The screenshot shows a web browser window with the URL `lawhelpinteractive.org/Interview/GenerateInterview/6538/engine`. The browser's address bar and tabs are visible at the top. Below the browser window, the LawHelp Interactive website interface is shown. The header includes the text "powered by **probono.net**" and a "Log In" link. The main navigation bar features the LawHelp Interactive logo and the tagline "Legal documents made simpler", along with links for "Self-helpers", "Professionals", "Nonprofits", "Developers", and "Donate Now".

The main content area has a dark blue background with white text. It states: "LawHelp Interactive is a website that helps you fill out legal documents for free." followed by "You are about to begin: Indian Will in a Box". Below this, it provides a "Description: Indian Will in a Box (For Use in: Minnesota, Montana, and Oklahoma)", the "Last Updated: 12/30/2021" date, and "Created By: LawHelp Interactive".

The bottom section of the interface is white and divided into two columns by a vertical line. The left column is titled "Start as a Guest" and contains the text "Complete the forms without sign in or registration." and a green button labeled "Review Guest Terms of Use". The right column is titled "Create Account or Log in" and contains the text "Edit, save and document your forms by creating an account." and a blue button labeled "Log In".

Create an Account: Self-Helper

Sign Up

Self-helper - I am filling out a form for r ▼ <small>Which type should I pick?</small>	Minnesota ▼	Jim	Wabindato
jwabindato@iltf.org	* Username	* Password	* Re-Type Password <small>Password rules</small>
* Select a Security Question ▼	* Answer		

☐ If you click Sign Up, it means that you agree to LHI's [Privacy Notice](#) and [Terms of Use](#).

Create Account

Welcome!

The Indian Land Tenure Foundation (ILTF) and Montana Legal Services Association (MLSA) created this program to help Native Americans living in Minnesota, Montana, and Oklahoma write their own Wills. This program can help you create a valid Indian Will so you can decide what happens to your land after you pass. What happens to your land should be your decision.

Before you get started, here are some tips on using this program.

- This program will create an Indian Will based on the answers you provide in this interview. You can download your Indian Will after you finish the interview.
- After you download your Indian Will, you'll need to sign and store it. The Will you download from this program will include a cover sheet with more information on how to properly sign and safely store your Will.
- Maximize this window to the full size of your screen so you can more easily see all of the questions.
- Use the scroll bar on the right scroll to up and down to see all the interview questions. When you have answered all questions on a page, click "Next" at the bottom of the page.
- If you need to erase an answer press the small "x" to the right of the question.
- When you finish the interview, you will close out of this program and go back to the LawHelpInteractive.org website where you will have the options to download your form, save your answers, or go back and edit your answers.

This program does not save your answers automatically. If you are logged in, you can save your work as you go.

Look at the top right corner of your screen.



Do you have a save button?

☒ Yes ☐ No

Great! That means you are logged in. You can save your answers at any time by clicking that save button.

This program does not save your answers automatically. If you are logged in, you can save your work as you go.

Look at the top right corner of your screen.

Outline of the Will in a Box form

- How the questions proceed
 - State where you live and locations where you own land
 - Disclaimer, Terms of Use and information needed to complete the interview
 - Definitions/Legal terms
 - Personal Information
 - You
 - Your family and friends
 - Your tribe
 - Who do you want to have your personal property

Outline of the Will in a Box form

- How the questions proceed (continued)
 - Who do you want to have your non-trust real property
 - Who do you want to have your Indian trust property
 - Who should get your stuff in anything happens to your heirs
- End of interview and Download your Will

Completing Personal Info

Your Tribe Information



Are you an enrolled member of a federally-recognized Indian Tribe?

- ☐ Yes
☒ No

Which generation non-enrolled are you? *(Click the button below for help.)*

- ☒ First generation
☐ Second generation
☐ Third generation or later

Show help for the question above

From what tribe are you a descendent of?

- | | | |
|--|---|---|
| <input type="radio"/> Assiniboine Tribe of the Fort Belknap Reservation of Montana | <input type="radio"/> Confederated Salish & Kootenai Tribes of the Flathead Reservation | <input type="radio"/> Northern Cheyenne Tribe |
| <input checked="" type="radio"/> Assiniboine Tribe of the Fort Peck Indian Reservation | <input type="radio"/> Cree Tribe of the Rocky Boy's Reservation | <input type="radio"/> Sioux Tribe of the Fort Peck Indian Reservation |
| <input type="radio"/> Blackfeet Nation | <input type="radio"/> Crow Tribe of Indians | |
| <input type="radio"/> Chippewa Tribe of the Rocky Boy's Reservation | <input type="radio"/> Gros Ventre Tribe of the Fort Belknap Indian Reservation | |
| <input type="radio"/> Other <input type="text"/> | | |



Click **Next** to continue.

Completing Personal Info

Your Information



What is your full legal name?

First

My

Middle

Full

Last

Name

Suffix, if any



Your initials (letters only)

MFN

What is your gender?



Male



Female

Enter your date of birth

(MM/DD/YYYY)

1/1/1971



In what county do you live?

Roosevelt



Will you sign the Will with your name above or another name? (For example: John A. Smith or John Smith.)



Name above



Another name

Click **Next** to continue.

Completing Personal Info

Your Spouse



Enter your spouse's full legal name.

First

Middle

Last

My Spouse

"Arthur"

Full Name

Suffix, if any

What is your spouse's gender?

- ☒ Male
☐ Female

Date of birth (MM/DD/YYYY)

2/2/1972



Is your spouse a tribal member?

- ☒ Yes ☐ No

What tribe is your spouse enrolled in or a member of?

Assiniboine & Sioux Tribes of the Fort Peck Indian Reservation

What is your spouse's enrollment number (leave blank if you don't know it)?

U-0002

Click **Next** to continue.

Leaving Gifts

Non-Trust Tangible Personal Property



Next, we will ask you questions about who should receive the rest of your personal belongings.

To whom do you want to leave your non-trust personal property (your personal things, examples: money, household items, cars, boat, guns, ATV, etc.)? *Select one.*

- ☒ My spouse
- ☐ My children
- ☐ Another person or other persons
- ☐ The tribe

**Do you want to name someone to receive your property if your spouse dies before you? If you answer 'no,' your property will go to whoever you name in the Residue section if the person(s) who you give this property to dies before you. We'll ask who you want to name in the Residue section a little later. Answering 'yes' lets you add more people in line to get this property before it would go to the Residue.*

☒ Yes ☐ No

Who do you want to receive your property if your spouse dies before you? *Select one.*

- ☐ My children
- ☒ Another person or other persons
- ☐ The tribe

How many alternate persons do you want to leave your property to?

3

Enter the information for the other persons in the next screen.

Click **Next** to continue.

Leaving Gifts

1: Enter the First Gift



Are you making this gift to a person or an organization?

- ☒ A person
☐ An organization

Provide the full legal name, relationship to you, and description of the item. (Example: to my sister Betty Lou Dakota my mother's diamond ring.)

First

Mason

Middle

Last

Full Name

Suffix, if any

▼

What is this person's relationship to you?

Nephew ▼


Describe the gift.

All my tools and artwork.

Scroll down to continue.

Continue to click "Add Another Gift" until you have entered information for all special gifts.

When done adding gifts, click **Next** to continue.

 Add Another Gift

Leaving Gifts

2: Enter the Second Gift



Are you making this gift to a person or an organization?

- ☒ A person
☐ An organization

Provide the full legal name, relationship to you, and description of the item. (Example: to my sister Betty Lou Dakota my mother's diamond ring.)

First

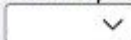
Nya

Middle

Last

Full Name

Suffix, if any



What is this person's relationship to you?

Niece

Describe the gift.

My Eastman acoustic guitar

Scroll down to continue.

Continue to click "Add Another Gift" until you have entered information for all special gifts.

When done adding gifts, click **Next** to continue.



Add Another Gift

Indian Lands

Indian Trust Land



To whom do you wish to leave your Indian land interests?

Select one.

- ☒ Another person or other persons
☐ The tribe

Generally, you cannot leave your trust assets to a non-Indian. If the person you want to leave the property to is a non-Indian, select "Life estate."

What type of gift do you want to make? (Click the button below for help.)

- ☒ Outright gift
☐ Life estate

Show help for the question above

To how many people do you want to leave your fractionated or Indian trust land?

2

Enter the information for the other persons in the next screen.

Type of ownership (Click the button below for help.)

- ☒ Joint tenants with right of survivorship
☐ Tenants in common



Show help for the question above

*Do you want to name someone to receive your property if the other persons die before you? *If you answer 'no,' your property will go to whoever you name in the Residue section if the person(s) who you give this property to dies before you. We'll ask who you want to name in the Residue section a little later. Answering 'yes' lets you add more people in line to get this property before it would go to the Residue.*

- ☐ Yes ☒ No

Enter the information for the other persons in the next screen.

What If

Disaster Provision

Important: You can add a disaster provision to your will in the event that something happens to all of your heirs. For example, if everyone named in your will was on the Titanic and nobody survived.

Since you can only give your Indian trust land to other Indians or the tribe, we'll ask you two questions. First, we'll ask who you want to give your Indian trust land to in the event of a disaster. Then, we'll ask who you want to give your non-trust property to in the event of a disaster. You may choose the same or different people in both questions. Just make sure that who you name to receive your Indian trust land in the event of a disaster is eligible to own Indian land.

Who do you want to receive your Indian trust property in the event of a disaster?

- ☐ My nearest relative
- ☒ The Tribe

Who do you want to receive your non-trust property in the event of a disaster?


- ☐ My nearest relative
- ☒ Charity or non-profit organization

Name the charity or non-profit organization

Indian Land Tenure Foundation

Click **Next** to continue.

Oops, I forgot



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Indian Will in a Box

Interview Outline

- Welcome
- How It Works
- The State Where You Live
- Disclaimer: Make Sure You Understand
- Disclaimer: Terms of Use
- What You'll Need
- Legal Terms
- How Land is Owned
- Should You Use this Program?
- Your Tribe Information
- Your Information
- Marital Status and Children
- Your Spouse
- Your Children
- Incomplete Answers

Incomplete Answers

Warning! You have not provided answers for all your children. If you click **Next** now, the interview will end and you won't be able to get your forms.

Click **Previous** to return to the interview and finish your answers.

And then you're done

End of Interview

You have completed the interview.

After you click the **Next** or **Finish** buttons on the bottom right you will leave the interview and go to a new page.

It is a good idea to **Save Your Answers** in case you made a mistake. After you have saved your answers, press the Download Your Form button to download your Will in Microsoft Word document.

If you made a mistake, you can go back to the questions by pressing **Edit Your Answers**.

Your form will have instructions on how to execute and store your Will and Testament to make it valid and keep it safe.

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ILTFTester

Log Out

English ▾

Forms

My Answers

Connect

Account Information

Done! You have answered all the questions for:

Indian Will in a Box

What would you like to do now? Use the buttons below to take the next step.



Download
Your Form



Edit Your
Answers



Save Your
Answers



Email Your
Form



Quick Tips

If you plan to use this form again, mark it as a favorite for easy retrieval.

Download a form without having to re-take the interview by simply clicking the 'Download' icon next to the form you want on the 'My Answers' page.

The Documents of Will in a Box:

So what exactly do landowners get?

- **SAMPLE WILLS**

- General characteristics
- Unique State-based characteristics
- Grandparent Testator – Minnesota
- Single, Never Married, No Kids – Oklahoma
- Remarried with Stepchildren – Montana

Next Steps for Will in a Box

- Increase number of covered jurisdictions
 - South Dakota
 - Arizona
 - Five Tribes
 - Complete Wisconsin
- Add section covering digital assets
 - Facebook, Twitter, Amazon Prime, etc.

Online Will Writing Resources

- Will in a Box (on LawHelp Interactive)
 - <https://lawhelpinteractive.org/Interview/GenerateInterview/6538/engine>
- Will in a Box Demonstration Video
 - <https://www.youtube.com/watch?v=qDfI8ZTo9YA>
- ILTF Estate Planning Checklist
 - <https://iltf.org/wp-content/uploads/2020/09/Estate-Plan-Preparation-Checklist.pdf>

Questions?



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