

**RESOLUTION NO. 69-94  
OF THE GOVERNING BODY OF THE  
YAVAPAI-APACHE TRIBE**

(Yavapai-Apache Code)

**WHEREAS**, the Yavapai-Apache Law & Order Code originally adopted in 1978 has been amended on several occasions to reflect the current needs of the Tribe; and,

**WHEREAS**, the current 1978 Law & Order Code contains numerous provisions which are not necessarily "Law & Order" matters; and,

**WHEREAS**, the Yavapai-Apache Tribal Council finds it in the Tribes best interests to adopt a comprehensive Code for the efficient administration of government; and,


**WHEREAS**, the new Code contains all previous chapters contained in the original Law & Order Code, as amended, as well as new provisions recently adopted by the Tribal Council.

**NOW THEREFORE BE IT RESOLVED** that the Yavapai-Apache Tribal Council hereby adopts the attached Code including but not limited to Chapters 2, 3, 4, 6, 7, 8, 9, 12 and 17 until such time as this Code and these Chapters may be amended by subsequent enactments; and,

**BE IT FURTHER RESOLVED** that this Code shall be referred to as the "Yavapai-Apache Code" and shall be cited as the "YAC."

**CERTIFICATION**

I, the undersigned, hereby certify that a duly called meeting of the Yavapai-Apache Tribal Council on Sept. 28, 1994, the Tribal Council voted to adopt this Resolution by an affirmative vote of a quorum of Tribal Council Members.

  
Theodore Smith, Sr., Chairman

ATTEST:

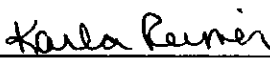
  
Secretary

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CHAPTER FOUR

HEIRSHIP - PROBATE

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## CHAPTER 4

### HEIRSHIP - PROBATE

#### Sec. 4.1 Determination of Heirs - Petition

When any member of the tribe dies leaving property other than an allotment or other trust property subject to the jurisdiction of the United States, any member claiming to be an heir to the decedent may bring suit in the Yavapai-Apache Tribal Court to have the Court determine the heirs of the decedent and to divide among the heirs such property of the decedent. No determination of the heirs shall be made unless all the heirs known to the Court, to the Superintendent, and to the claimant, have been given notice of the proceeding and have been given reasonable opportunity to appear in the proceeding. Heirs who are not residents of this reservation shall be notified and a copy of the notice mailed to them shall be retained in the record.

#### Sec. 4.2 Procedure by Court

In the determination of heirs, the Court shall apply the laws of the State of Arizona. The Court shall also be empowered to appoint a temporary custodian or administrator to supervise and protect the assets of the estate. The Court may issue permits to sell such property as may be necessary before determination and the division of the property. The Court may require bond from the custodian or administrator for the fulfillment of his duties, and may fix the fee, which shall not exceed one percent (1%) of the appraised value of the estate.

No sale of property shall be made for less than the appraised value. In the absence of specific direction, the laws of the State of Arizona shall apply.

Sec. 4.3 Approval of Wills

When any member of the Yavapai-Apache Tribe dies, leaving a will disposing only of property other than an allotment or other trust property subject to the jurisdiction of the United States, the Yavapai-Apache Tribal Court shall at the request of any member of the Yavapai-Apache Tribe named in the will or any other interested party, determine the validity of the will after giving notice and reasonable opportunity to appear in the proceedings to all interested persons, as set forth in Sec. 4.1 of this chapter. A will shall be deemed valid if the decedent was of sound mind, understood the nature of his act when he made the will, was not subject to duress or undue influence, the will was in writing and signed by the decedent in the presence of two witnesses who signed the will. If the Court finds that the will was validly executed, it shall order the property distributed to the persons named in the will or to their heirs.