

## PROBATE CODE OF THE YUOK TRIBE

**Whereas** the Yurok Tribal Council is the governing body of the Yurok Tribe pursuant to The Constitution of the Yurok Tribe as approved on November 19, 1993, and

**Whereas** the Yurok Tribe has an interest in the qualified plaintiffs to the Jessie Short v. United States in the United States Court of Federal Claims (no.102-63) receiving payment of the money still owed to them or to their estates, and

**Whereas** the Yurok Tribe has the inherent sovereign authority, through the Tribal Court of the Yurok Tribe, to decide the resolution of estates of deceased qualified plaintiffs and their heirs, and

**Whereas** certain qualified plaintiffs or their heirs have passed away prior to receiving payment, and

**Whereas** the some of the estates of these deceased qualified plaintiffs remain unprobated, and

**Whereas** the lack of a probate order in these unprobated estates of qualified plaintiffs or their heirs prevents a final disbursement of money owed to the estates

**Now, therefore**, be it resolved that the following ordinance governing commencement and adjudication of probate proceedings in the Yurok Tribal Court is hereby enacted and shall be effective upon the date of approval by the Tribal Council.

### 1. Definitions

**“Qualified Judgment Plaintiff”** means a named plaintiff in the United States Court of Federal Claims suit Jessie Short v. United States of America (No. 102-63) that was awarded a judgment by the Judgment in that matter dated July 29, 1993 or the Equal Access to Justice Act judgment entered in that matter in November of 1996.

**“Plaintiff’s Heir”** means an individual that is identified as the heir to an interest in a Qualified Judgment Plaintiff’s judgment, either in a probate order for the estate of a Qualified Judgment Plaintiff or another heir.

### 2. Jurisdiction

The Yurok Tribal Court shall have the jurisdiction to probate the estates of Qualified Judgment Plaintiffs or Plaintiff’s Heirs in the occasion that another court of competent jurisdiction does not exist or has declined to probate the estate; or the probate and other fees are expected to exceed the value of the estate; or by agreement of all known potential beneficiaries to the estate or their representative. For this jurisdiction to attach the estate in question must possess some interest in the judgment awards in the Jessie Short matter.

## 3. Notice

All prospective heirs must receive 60 days written notice by First Class United States Mails and there must be a hearing held. Heirs that cannot be located may be noticed publication in a local newspaper of general distribution.

## 4. Effect of Order

Probate orders entered by the Yurok Tribal Court under this ordinance shall have the same force and effect as a probate order of another court of competent jurisdiction.

**C\*E\*R\*T\*I\*F\*I\*C\*A\*T\*I\*O\*N**

**THE FOREGOING YUROK TRIBAL ORDINANCE, ENTITLED THE PROBATE CODE OF THE YUROK TRIBE, WAS PASSED AT A REGULARLY SCHEDULED MEETING OF THE YUROK TRIBAL COUNCIL ON MARCH 19, 2010, AT WHICH A QUORUM WAS PRESENT AND THAT THIS ORDINANCE WAS APPROVED BY A VOTE OF 7 FOR, AND 0 OPPOSED, WITH 0 ABSTENTIONS IN ACCORDANCE WITH ARTICLE 4, SECTION 5 OF TUE CONSTITUTION OF THE YUROK TRIBE.**

**DATED THIS 19<sup>th</sup> DAY OF MARCH, 2010.**



**Thomas P. O'Rourke Sr., Chairman**

**Attest:**



**Dale Ann Sherman, Secretary**