

INSTRUCTIONS FOR FILLING OUT FORM

PURPOSE. This form is to be used and is required when an heir, devisee or legatee or the Business Manager of the Tribe objects to the Final Account filed by the Administrator.

FORMS INVOLVED. The form is a **Objection to Final Account** form. You will need to fill in the necessary information with help from the instructions below and then file the form with the court.

Any heir, devisee or legatee or the Business Manager of the Tribe is required to file an objection to Final Accounting at any time before the hearing and appear at the hearing in order to object to the final account and/or the proposed determination of heirs, devisees and legatees or to the proposed distributive share to each heir, devisee or legatee is to receive specifying the reasons for the objection.

The Court will hold a hearing on the final accounting and determination of heirs and any objections. The Administrator will have to prove each allegation in the Final Account. Any heir, devisee or legatee or the Business Manager of the Tribe will have to prove their objection with reasonable certainty and can do this witnesses and documentary evidence. After the hearing the Court can then enter an order approving the final account in whole or part, directing the Administrator to pay any unpaid allowed claims not yet paid claims, charges or allowances against the estate and determining the heirs, devisees and legatees of the decedent and the share each is to receive from the remaining estate and order that the Administrator distribute the estate according to the Order.

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 objection:

(1) on this line insert the name of the decedent.

(2) on this line insert your name.

(3) on this line insert how you are interested in the estate (an heir, devisee, legatee, or the Tribe)

(4) on this line explain to the Court why the Verified Final Account should not be approved and why it should be rejected. This could be for a variety of reasons too numerous to list but some

common examples would be faulty accounting, failure to list all heirs, devisees or legatees, or

that the Administrator's proposed determination of heirs omits an heir or the proposed

distribution of the estate is not done in accordance with the decedent's will or under Tribal law if there is no will.

(5) on this line insert the day you sign the petition.

(6) on this line insert the month you sign the petition.

(7) on this line insert the year you sign the petition.

(8) 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>OBJECTION TO VERIFIED FINAL ACCOUNT</p>
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Comes now (2) _____, (3) _____ of the above-named decedent and objects to the Verified Final Account filed by the Administrator as follows:

1. That the Verified Final Account of the Administrator is defective in that it (4) _____

_____.

3. That the court should not approve the Verified Final Account.

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

A. The Verified Final Account is defective and should not be approved and be rejected.

B. For such other and further relief the Court finds just and equitable.

Dated this (5) _____ day of (6) _____, (7) _____.

(8) _____
Petitioner(s)