

## How do I have a Will Prepared?

The Prairie Band Potawatomi Nation Legal Clinic and attorney Noah Dumpert can assist all members of the tribe residing on the reservation or in Kansas with preparing wills. This legal document should be prepared by an attorney to ensure it can be relied upon when needed.

If you are a member of the Prairie Band Potawatomi Tribe, you can apply for legal assistance by filling out a Prairie Band Potawatomi Nation Application for Legal Services form. The form can be picked up at the Tribal Council Treasurer's Office at the PBPB Government Center. They are also available online at:  
<https://www.pbpindiantribe.com/will-estate-planning/>

Once completed, please return the application to the Tribal Council's Treasurer's Office, or email, or send by mail to the addresses below. Once processed, attorney Noah Dumpert will reach out to you directly to set up an in-person appointment.

For any questions about this service please contact the PBPB Treasurer's Office.

## Contact Us/Submit Applications

Phone: 785-966-4005

Email: [wadepahmahmie@pbpnation.org](mailto:wadepahmahmie@pbpnation.org)

Web: <https://www.pbpindiantribe.com/will-estate-planning/>

Mail: ATN: Treasurer's Office, 16281 Q Road, Mayetta, KS 66509

## Who We Are

### About Us

The Prairie Band Potawatomi Nation has teamed up with attorney Noah Dumpert of Bryan, Lykins, Hejtmanek & Dumpert, P.A. with a goal of providing estate planning and legal documents to members of the tribe.

All approved clients will receive legal services at no cost to the tribal member. Contact attorney Noah Dumpert through the PBPB Legal Clinic today for a free consultation.

Attorney Noah Dumpert has spent his entire career representing the interests of persons in NE Kansas. His practice at Bryan, Lykins, Hejtmanek & Dumpert, P.A. has focused on estate planning and probate, as well as the representation of disabled US Veterans. If you have a legal question or issue of any kind, fill out a Prairie Band Potawatomi Nation Application for Legal Services form for potential assistance.

*\*These services are only available for members of the Prairie Band Potawatomi Nation who reside on the reservation or in Kansas.*

*This pamphlet is for informational purposes only. This pamphlet should not be relied upon as a substitute for a consultation with an attorney.*



# Last Will and Testament

*A guide to understanding and  
benefits*

## What is Will?

A Last Will and Testament is a legal document that declares your intent and wishes regarding the distribution of your assets after your death. Simply put, it allows you to decide how your property, finances and personal belongings are divided among your family, friends or charitable organizations.

A will can also provide guidance as to your wishes regarding who you prefer to be responsible for handling your estate, who you wish to be appointed as guardian for your minor children.

## Who Should I appoint?

The person you choose to serve as your personal representative after your death is known as your executor. Who you appoint into this role should be carefully considered. The person you appoint should be:

- ✓ **Someone who is reliable.** If the worst happens, your executor needs to be able to quickly make decisions and act prudently.
- ✓ **Someone you trust.** The person you choose should be an individual that can be trusted take care of your assets and follow you will.
- ✓ **Someone who is willing.** An executor can decline to serve, so choosing a willing executor is critical.

## Why Do You Need a Will?

1. **Control Over your Assets.** By creating a will, you decide who inherits your property after you are gone.
2. **Avoid Intestate Succession Laws.** If you die with out a will, the law uses a process known as intestate succession to determine who gets to inherit your property – whether it is what you would have wished or not.
3. **Provides Peace of Mind:** By creating will, you can have peace of mind knowing your loved ones are taken care of after you are gone by leaving assets to those you wish, as well as designating a guardian for your minor children.
4. **Helps Your Family and Friends:** A clearly written will can help avoid conflict and confusion among those you love.
5. **Simplifies the Estate Process.** By having a will in place, the estate process (known as probate) has a clear and concise roadmap. This can eliminate costly disputes and delays which can drain you're the inheritance of your loved ones.
6. **Secure Your Personal Legacy.** You can ensure your personal and cultural legacy is preserved by passing heirlooms or items of value to you – particularly to your children or grandchildren.
7. **Place Your Assets in the Hands of Someone you Trust.** A will allows you to decide who will carry out your wishes after you are gone, known as an executor. If you die without a will, this decision could be made by a court.
8. **It's free!** All PBPN members who reside on the reservation or in Kansas can have this document prepared at no cost to them by attorney Noah Dumpert.

## Requirements of a Will

A will has several requirements that must be met in order to be considered valid.

- ❖ **You must have competency.**
- ❖ **You must be 18 years of age.**
- ❖ **The will must be signed by you, and notarized.**
- ❖ **The will must be signed in front of two disinterested witnesses – who are not beneficiaries or heirs.**

## Special Considerations for PBPN Members

When a member of a federally recognized tribe makes a will, there are additional issues that must be considered that may not be present in a will for a non-tribal resident of the State of Kansas.

Most importantly, if you have interest in land held in trust by the Bureau of Indian Affairs (BIA), it is critical that your will is written in a way that addresses this, and is compliant with the American Indian Probate Reform Act (AIPRA).

**Fractionization** is the result of allotments having been inherited by multiple generations over many years, so that the parcel currently has numerous owners, each owning a small fraction of the parcel. There are specific considerations that must be made to prevent further fractionization.