

## New law changes how trust land in Indian Country is inherited

By Dave McMechan  
Spilyay Tymoo

A new law taking effect in June 2006 will make significant change in the probate laws of Indian Country.

The new law is called the American Indian Probate Reform Act, and changes the way a trust estate is distributed to heirs after a person's passing away.

The change in the law increases the importance and benefits to tribal members of writing a will or doing an estate plan.

"We would like everyone 18 and over to have a will, especially if they have land," said Richard Tohet, Tribal Probate Court administrator.

Only a small percentage of tribal members have wills on file at the Probate Department, he

said. Tohet and probate clerk Josephine Wyman are available to give advice on wills and estate planning.

The Probate Department, located upstairs at the courthouse, has packets containing the information and forms needed to produce a will or estate plan. Vital Statistics and the tribal attorneys are also good sources of information, said Wyman.

One intention of the American Indian Probate Reform Act is to aid in bringing some allotted reservation land back into reservation ownership. Unlike Warm Springs, some reservations have many allotments within the reservation, creating the checkerboard pattern of ownership.

A Warm Springs tribal mem-

ber married to person from another tribe, who has property at the other reservation, should take a particular interest in the new law, said Tohet. A summary of the law says the following:

If you do not write a will, under the new law your trust land will continue to be inherited by your immediate family - children or grandchildren, and possibly great grandchildren, and if you have none, then to your parents or brothers and sisters. If there is no will, and there is no immediate family, then the land passes the tribe where the land is located. On the other hand, by writing a will, your land can be transferred to any Indian person, to the tribe or any Indian co-owners. Contact the Probate Department, 553-3386, for information.



Local drummers were on hand for the ECE powwow Friday, Nov. 18 at Agency Longhouse.

## Loans available to youth, adults

Loans are available to youth and adults through the USDA Farm Service Agency.

Loan manager Sharilyn Hice, and Carmela Scott, chairwoman of the Irrigation and Range Committee, are encouraging tribal members to look into the possibility of obtaining a loan.

Loans can be used for purchase and improvement of property, such as through the building of barns or fencing, or anything related to agriculture production.

The loan limits for adults are \$200,000 for land purchase, and \$200,000 for production.

The youth loans are available to those from 10 to 21 years of age. A youth loan can be used for many purposes. A Warm Springs youth, for instance, used

a loan to raise a livestock animal for sale at the county fair. At Grand Ronde a youth loan was used for raising alpacas. A young person in Yakama used a loan to open a laundry mat.

The limit on the youth loan is \$5,000. To obtain a loan the youth must have a business plan. There is paperwork that can be complicated, but the Farm Service Agency will help with filling in the needed information, said Hice. She makes regular visits from her Salem office to Warm Springs.

Another requirement of the youth loan is 4-H or FFA sponsorship.

Interest rates on the Farm Service Agency Loans are better than rates offered by banks. Also, the agency loans are made

available to people who might not be able to get a bank loan.

There is also an emphasis on providing the loans to tribal members, said Hice. To speak with her call (503) 399-5741, ext. 115.

In January there will be a Farm Service Agency workshop in Warm Springs on the loan program.

The first day of the workshop will focus on the youth loan program, and the second day will focus on the adult operation and ownership loan program.

*Warm Springs, please support the businesses you see in the Spilyay - They give back to the community!*

## 25 years ago

From the Dec. 5, 1980 edition of the Spilyay Tymoo.

Acting on the recommendation of the Range, Irrigation and Agriculture Committee, Tribal Council voted to award the Vanora Townsite lease jointly to Victor Smith and Olney Patt Jr. The Vanora Townsite property is located two and a half miles south of the Deschutes River bridge at the Pelton dam turn-off. It was purchased by the Confederated Tribes in late 1979 from Paul Schoen and Eddie Hagen, who hold a lease on the property until Dec. 31. In other news:

The Tribal Council has set Dec. 18 as the new referendum date for the Land Purchase Budget. The new date was set following the Nov. 4 election which was four votes

short of being valid. Elsewhere:

Three days of boss-worker workshops dealing with inter-office relations concluded with an awards luncheon honoring bosses and workers who excelled in their jobs. One hundred and sixty eight people attended the luncheon at which Enterprise branch manager Ed Manion was selected as boss of the year, and Joyce White, alcohol and drug department secretary, was named employee of the year. And this:

People on the reservation and throughout the school district were shocked and saddened to learn of the death of Dr. Ernest Weber, who was district 509-J assistant superintendent. He died in a one-car accident Nov. 12.

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