

The Three Affiliated Tribes of the Fort Berthold Indian Reservation, pursuant to 25 USC section 2206 (a) (2) (D) (iv) (II) adopts the following Rule governing the intestate succession of small fractional interests in land as defined in section 2206 (a) (2) (D) (i):

**Single Heir Rule.** Where there is no life estate created under 25 USC section 2206 (a) (2) (D) (ii) or there is a remainder interest under that clause, the trust or restricted interest or remainder interest that is subject to section 2206 (a) (2) (D) (iii) shall descend, in trust or restricted status, to—

(I) the decedent's surviving child, but only if such child is an eligible heir; and if 2 or more surviving children are eligible heirs, then to the oldest of such children;

(II) if the interest does not pass under subclause (I), the decedent's surviving grandchild, but only if such grandchild is an eligible heir; and if 2 or more surviving grandchildren are eligible heirs, then to the oldest of such grandchildren;

(III) if the interest does not pass under subclause (I) or (II), the decedent's surviving great grandchild, but only if such great grandchild is an eligible heir; and if 2 or more surviving great grandchildren are eligible heirs, then to the oldest of such great grandchildren;

(IV) if the interest does not pass under subclause (I), (II), or (III), the decedent's surviving sibling, but only if such sibling is an eligible heir; and if 2 or more surviving siblings are eligible heirs, then to the oldest of such siblings, unless there is a written agreement signed by all eligible siblings designating descent to another sibling, in which case the interest shall descend to that designated sibling.

(V) if the interest does not pass under subclause (I), (II), (III) or (IV), the Indian tribe with jurisdiction over the interest; or

(VI) if the interest does not pass under subclause (I), (II), (III) or (IV), and there is no such Indian tribe to inherit the property under subclause (V), the interest shall be divided equally among co-owners of trust or restricted interests in the parcel; and if there are no such co-owners, then to the United States, to be sold, and the proceeds from sale used, in the same manner provided in subparagraph (C).

The determination of which person is the oldest eligible heir for inheritance purposes under this clause shall be made by the Secretary in the decedent's probate proceeding and shall be consistent with the provisions of this chapter.

#### C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting

thereof duly called, noticed, convened and held on the 2<sup>nd</sup> day of December, 2015, that the foregoing Rule was duly adopted at such meeting by the affirmative vote of 6 members, 0 members opposed, 1 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman  Voting.  Not Voting.

Dated this 2<sup>nd</sup> day of December, 2015.

ATTEST:



Tribal Secretary, L. Kenneth Hall  
Tribal Business Council



Tribal Chairman, Mark N. Fox  
Tribal Business Council