

the act requires that a full-blooded citizen of the five tribes to get their wills approved in court to be valid.

Osage Allotments

When a will has been executed, it must be filed with the superintendent of the Osage Indian Agency during the lifetime of the testator.⁵⁹ The will shall be reviewed and considered by the special attorney for Osage Indians, or other legal officer designated by the Commissioner of Indian Affairs who may endorse on such will as “approved as to form.”⁶⁰ A will shall be held in absolute confidence and its contents shall not be divulged prior to the death of the testator.⁶¹

Conclusion

A practitioner in Oklahoma who is preparing wills and estate plans for tribal members must inquire about whether this individual owns an interest in Indian land or an IIM Account. The practitioner must establish what tribe they belong to and also possibly the blood quantum if they are a member of the five tribes. The practitioner must check the federal regulations that apply to the tribe as well as for individual tribal probate codes.

¹ Mac Bentley, *39 Tribes Call State Home*, Oklahoman, February 16, 2003, <https://oklahoman.com/article/1914848/39-tribes-call-state-home>.

² Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*, 328 (2007).

³ Carole E. Goldberg, et. Al., *American Indian Law: Native Nations and The Federal System*, 1035 (LexisNexis, 6th ed. 2010).

⁴ 25 U.S.C. § 177 (2019)

⁵ Oklahoma Organic Act of 1890

⁶ Dianna Everett, *Enabling Act (1906)*, Encyclopedia of Oklahoma History & Culture, November 23, 2011

⁷ *The State of “Sequoyah”*, N.Y. Times, October 5, 1905

⁸ Everett, *supra*.

⁹ 25 U.S.C. § 331 (1887).

¹⁰ Goldberg, *supra* at 25.

¹¹ 25 U.S.C. § 331 (1887).

¹² Goldberg, *supra* at 25

¹³ *Id.* at 27

¹⁴ *Id.*

¹⁵ 25 U.S.C. § 331 (1887).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Curtis Act of 1898

²⁰ *Id.*

²¹ *Dawes Commission*, Cherokee Heritage Center, www.cherokeeheritage.org/cherokeeheritagegenealogy-html/dawes-commission/ (last visited October 11, 2019)

²² Kent Carter, *The Dawes Commission and the Allotment of the Five Civilized Tribes, 1893-1914*, 37-38, (2009).

²³ *Id.*

²⁴ The Burke Act, 1906.

²⁵ *Id.*

²⁶ Robert Allen Warrior, *The People and The Word: Reading Native Nonfiction*, 80-81, (2005).

²⁷ *Id.*