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**IN THE  
HO-CHUNK NATION TRIAL COURT**

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**In the Interest of Decedent:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date of Birth

\_\_\_\_\_  
Date of Death

**PETITION FOR RELEASE OF  
DECEDENT'S PER CAPITA  
DISTRIBUTION**

Case No.: CV \_\_\_\_\_ - \_\_\_\_\_  
[Assigned by the Court]

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I, \_\_\_\_\_, come before the Ho-Chunk Nation  
Trial Court as the personal representative or executor of the estate of deceased Ho-Chunk Tribal  
Member \_\_\_\_\_; Ho-Chunk Nation Tribal Enrollment  
Number 439A00\_\_\_\_\_. I am petitioning the Court for the release of per capita funds held in  
[Four Numbers] trust by the Ho-Chunk Nation on behalf of the decedent and have attached the legal  
documentation to support this statement.

My current address is:

\_\_\_\_\_  
Address (State physical address after P.O. Box if needed)

\_\_\_\_\_  
City State Zip Code

My telephone number is:

( ) ( )  
Home Work (if available)

My fax number is (if any):

( ) \_\_\_\_\_

1           The applicable law governing this *Petition for Release of Decedent's Per Capita*  
2 *Distribution* is the HO-CHUNK NATION PER CAPITA DISTRIBUTION ORDINANCE, 2 HCC § 12.  
3 Pursuant to Paragraph 8a of the HO-CHUNK NATION PER CAPITA DISTRIBUTION ORDINANCE,  
4 funds were held in the Trust Fund of the decedent and not wholly exhausted for the benefit of the  
5 decedent's health, education and welfare. 2 HCC § 12.8a. By the authority of the HO-CHUNK  
6 NATION PER CAPITA DISTRIBUTION ORDINANCE, I provide this written request to the Court for  
7 the release and disbursement of those excess funds held in trust on behalf of the decedent listed  
8 in this petition. 2 HCC §§ 12.8b(1), 12.8c. I also provide notice to the Ho-Chunk Nation Office  
9 of Tribal Enrollment of my intended actions.  
10

11           On behalf of the estate of the decedent, I hereby recognize and consent to the jurisdiction  
12 of the Trial Court. I request that the Court enter an *Order* for the release of excess trust per  
13 capita funds based on the following evidence:  
14

- 15           1.       Certified Death Certificate;
- 16           2.       Statement of Funds in the Decedent's Trust Fund Account; and,
- 17           3.       Certified copy of my appointment as Personal Representative or Executor of the  
18               Estate of the decedent.
- 19
- 20

21           For the reasons stated above and according to the attached documentation, I request that  
22 the Court enter an *Order* directing the Nation to release the excess trust funds of the decedent to  
23 the Estate of \_\_\_\_\_.

24  
25

1 **RESPECTFULLY SUBMITTED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Day Month Year

2  
3 Signature: \_\_\_\_\_

4 Signature of Counsel (if any): \_\_\_\_\_

5 Address of Counsel: \_\_\_\_\_  
Street address or P.O. Box

6 \_\_\_\_\_  
City State Zip code

7 Phone Number of Counsel: (\_\_\_\_) \_\_\_\_\_

8 Fax Number of Counsel: (\_\_\_\_) \_\_\_\_\_

9 Ho-Chunk Bar Number of Counsel: \_\_\_\_\_

10  
11 If not a member of the Ho-Chunk bar, a  *Motion to Appear Pro Hac Vice* has been  
12 attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),<sup>1</sup> and/or   
13 I have applied for membership in the Ho-Chunk bar in accordance with the *Ho-Chunk Nation*  
14 *Rules for Admission to Practice*.

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25 <sup>1</sup> Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation  
Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at [http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20\(08-17-06%20version\).pdf](http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20(08-17-06%20version).pdf).