

§4.210

(c) A renunciation filed in accordance with this section will be considered accepted when implemented in an order by a deciding official and will be irrevocable thereafter.

(d) All disclaimers or renunciations previously filed with and implemented in an order by a deciding official are hereby ratified as valid and effective.

COMMENCEMENT OF PROBATE
PROCEEDINGS

SOURCE: 70 FR 11815, Mar. 9, 2005, unless otherwise noted.

§4.210 Commencement of probate.

(a) The probate of a trust estate before a deciding official will commence when the probate specialist files with OHA all information shown in the records relative to the family of the deceased and his or her property.

43 CFR Subtitle A (10-1-06 Edition)

(1) The information must include the complete probate package described in 25 CFR 15.203 and any other relevant information.

(2) If OHA determines that the probate package is not complete, it may request the missing information from BIA or return the case to BIA for further processing.

(b) The agency must promptly transmit to the deciding official any creditor's or other claims that are received after the case is transmitted to OHA, for a determination of their timeliness, validity, priority, and allowance under §§4.250 and 4.251.

§4.211 Assignment to deciding official.

Within 30 days after OHA receives the complete probate package, OHA will assign the case to an attorney decision maker, administrative law judge, or Indian probate judge, as shown in the following table:

The case will be assigned to . . .	for . . .	if . . .	and if . . .
(a) An attorney decision maker	summary processing under §§ 4.212 and 4.214.	as of the date of the decedent's death, the estate contained only trust cash assets of less than \$5,000.	the case meets the other criteria in § 4.212(a).
(b) An attorney decision maker	an informal hearing and decision under §§ 4.213 and 4.214.	as of the date of the decedent's death, the estate contained trust cash assets of \$5,000 or more or other trust property.	the case meets the other criteria in § 4.213(a).
(c) An administrative law judge or Indian probate judge.	a formal hearing and decision under §§ 4.216 through 4.240.	the case does not meet the criteria in paragraphs (a) or (b) of this section.	
(d) An administrative law judge or Indian probate judge.	Summary or informal processing under §§ 4.212 through 4.214.	no attorney decision maker is available to handle a case under paragraphs (a) or (b) of this section.	

SUMMARY AND INFORMAL PROBATE
PROCEEDINGS

SOURCE: 70 FR 11815, Mar. 9, 2005, unless otherwise noted.

§4.212 Summary process for estates containing only trust cash estates of less than \$5,000.

(a) A decedent's estate may be processed summarily by an attorney decision maker if:

(1) The estate contained only trust cash assets of less than \$5,000 as of the date of the decedent's death;

(2) The case does not meet the criteria in § 4.202(b);

(3) Federal law or a tribal inheritance code approved by the Secretary does not provide otherwise.

(b) Any interested party may request a formal hearing before an administrative law judge or Indian probate judge to determine the proper distribution of the trust cash assets. This request for a formal hearing, if desired, must be made before the attorney decision maker renders a decision. Upon receiving a request for a formal hearing, OHA will assign or transfer the case to an administrative law judge or Indian probate judge.