

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**
10,005 East Osborn Road
Scottsdale, Arizona 85256

ORDINANCE NUMBER: SRO-483-2016

AN ORDINANCE TO AMEND CHAPTER 20, ARTICLE I OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY CODE OF ORDINANCES ENACTING A SECTION 20-1 TO AUTHORIZE A NON-PROBATE TRANSFER OF A DECEASED ADULT'S FINAL PER CAPITA CHECK.

BE IT ENACTED:

Chapter 20, Sections 20-1 is hereby enacted.

Sec. 20-1. Nonprobate Transfers of Final Per Capita Check Upon Death.

- (a) An adult person may designate a beneficiary to receive a non-probate transfer (upon that person's death) of the person's uncashed final gaming per capita distribution check.
 - (b) To be designated a valid beneficiary, the designation must be made on a "per capita beneficiary form" that meets the following requirements:
 - (1) In writing on a form provided by the Community's Finance Department;
 - (2) On file with the Community's Finance Department;
 - (3) Designate a beneficiary who is within the person's immediate family circle (the immediate family circle is defined as a spouse, adult child, parent, sibling, grandparent, aunt/uncle, adult grandchild);
 - (4) Include up-to-date and accurate contact information for the beneficiary, so that the Finance Department may locate the beneficiary upon the person's death;
 - (5) The per capita distribution check must be lawfully owned by an adult decedent before their death (meaning that the enrolled Community member was alive and certified in the enrollment count in the official SRPMIC Enrollment Certification approved by the Community Council);
 - (6) The beneficiary must pick up the per capita check within 60 days of designated per capita distribution date (after 60 days the per capita distribution becomes an asset of the decedent's probate estate).
 - (c) Any court ordered debts that the Finance Department has record of, including child support or other court ordered payments, are required to be paid prior to any distribution of the final check to the beneficiary.
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- (d) The Community is released from liability if it releases the per capita check according to the terms of decedent's "per capita beneficiary form".
- (e) This ordinance only applies in situations when the Community distributes the person's per capita distribution via written check or the Community is informed of the death in time, and can stop direct deposit payments to a third party banking institution. However, once the Community has transferred the per capita distributions (normally, the Friday prior to the first day of the scheduled per capita distribution) to a banking institution via direct deposit, this ordinance no longer applies.
- (f) If all of the above requirements are met, then the adult decedent's uncashed gaming per capita distribution check shall be deemed a non-probate asset. As such, the check may bypass probate, and a check will be issued directly in the named beneficiary. Beneficiary would be responsible for any tax liability of this check issued in their name.
- (g) This ordinance is consistent with the Community's Gaming Revenue Allocation Plan.

C_E_R_T_I_F_I_C_A_T_I_O_N

This Ordinance is hereby enacted pursuant to the authority contained in Article VII, Sections 1(c)(5) and 1(c)(7) of the Constitution of the Salt River Pima-Maricopa Indian Community ratified by the Tribe, February 28, 1990, and approved by the Secretary of the Interior, March 19, 1990, and amended by the Tribe, February 27, 1996, and approved by the Secretary April 23, 1996, the foregoing Ordinance was adopted this 3rd day of August, 2016, in a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 7 members were present by a vote of 7 for; 0 opposed, 0 abstentions, and 2 excused.

SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY COUNCIL



Martin Harvier, Vice-President

ATTEST:



Erica Harvier, Council Secretary

