

Public Law 95-264
95th Congress

An Act

Apr. 18, 1978
[H.R. 2540]

Pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation.

Umatilla Indian
Reservation,
Oreg.
Inheritance
of trust or
restricted lands.
25 USC 463d
note.
25 USC 463d
note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the right to inherit trust or restricted land on the Umatilla Indian Reservation, to the extent that the laws of descent of the State of Oregon are inconsistent herewith, shall be as provided herein.

SEC. 2. When any Indian dies leaving any interest in trust or restricted land within the Umatilla Reservation and not having lawfully devised the same, such interest shall descend in equal shares to his or her children and to the issue of any deceased child by right of representation; and if there is no child of the decedent living at the time of his or her death, such interests shall descend to his or her other lineal descendants; and if such descendants are in the same degree of kindred to the intestate, they shall take such real property equally, or otherwise they shall take according to the right of representation. An interest taken hereunder shall be subject to the right of a surviving spouse as provided in section 3.

25 USC 463d
note.

SEC. 3. The surviving spouse of any Indian who dies leaving any interest in trust or restricted land within the Umatilla Reservation shall be entitled to obtain a one-half interest in all such trust or restricted interests in land during his or her lifetime.

25 USC 463d
note.

SEC. 4. If any Indian, who leaves any interest in trust or restricted land within the Umatilla Reservation, makes provisions for his or her surviving spouse by an approved will, such surviving spouse shall have an election whether to take the provisions as made in such will or to take the interest as set forth in section 3 of this Act, but such surviving spouse shall not be entitled to both unless it plainly appears by the will to have been so intended by the testator. When any surviving spouse is entitled to an election under this section, he or she shall be deemed to have elected to take the provisions as made in such will unless, at or prior to the first hearing to probate the will, he or she has elected to take under section 3 of this Act and not under the will.

25 USC 463d
note.

SEC. 5. The provisions of this Act shall apply to all estates of decedents who die on or after the date of enactment of this Act.

Approved April 18, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-820 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 95-718 (Select Comm. on Indian Affairs).
CONGRESSIONAL RECORD, Vol. 124 (1978):

Feb. 6, considered and passed House.
April 5, considered and passed Senate.