

SAINT REGIS MOHAWK TRIBAL COURT
IN AND FOR THE SAINT REGIS MOHAWK TRIBE

IN THE MATTER OF THE ESTATE OF

Case No.: 16-CIV-00012

██████████ SWAMP

DECISION AND ORDER

Deceased.

On October 5, 2016, ██████████ Swamp and ██████████ Swamp, daughter and son of the above decedent, filed a request for appointment/acknowledgment as administrator/executor of estate, seeking to be appointed "co-administrators acting together" with regard to their father's estate. They also filed consents for appointment of administrator signed by themselves, ██████████ Swamp and ██████████ Swamp, as well as ██████████ Swamp, son of decedent and ██████████ Swamp, daughter of decedent. Each of those documents was signed July 18, 2016. ██████████ Swamp, ██████████ Swamp, ██████████ Swamp and ██████████ Swamp are listed as the only survivors of decedent. Also filed on October 5, 2016, was a document purported to be the Last Will and Testament of decedent, ██████████ Swamp, executed June 28, 2016, together with affidavits of subscribing witnesses to said Last Will and Testament. Said Last Will and Testament designated ██████████ Swamp to act as executor thereof.

Also, on October 5, 2016, a "complaint" was filed by ██████████ Swamp, daughter of the above decedent, seeking an order appointing this Court as executor of the above-

named estate. Ms. Swamp also sought other relief, including money damages and a "cease and desist" order

A notice of appearance on behalf of ██████████ Swamp and ██████████ Swamp was filed on October 5, 2016, by Peter J. Herne, Esq. who subsequently withdrew from representation of them.

A notice of appearance on behalf of ██████████ Swamp was filed on October 17, 2016, by Thomas B. Wheeler, Esq.

On March 3, 2017, this Court made an order granting temporary Letters of Testamentary to SRMT Chief Financial Officer, Michael Garrow, and further ordered said executor shall marshal and preserve the assets of, and debts against, said estate without authority, until further order of this court, to distribute such assets.

On May 22, 2017, Mr. Garrow filed an *ex parte* letter request with the Court asking to be relieved of his obligation to serve as temporary administrator of the Swamp estate. Because the request was made *ex parte*, the Court treated it as a motion and provided counsel and *pro se* parties copies of said motion, made the motion returnable June 14, 2017, and directed any opposition be filed by June 12, 2017.

At a hearing in this matter on June 7, 2017, counsel and *pro se* parties indicated they had no opposition to said motion.

NOW, THEREFORE, upon the foregoing, it is

ORDERED AND ADJUDGED that Michael Garrow is hereby relieved of his appointment and obligation to act as temporary administrator in the above estate; and it is further

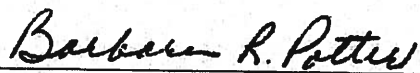
ORDERED AND DECREED that temporary Letters of Testamentary be issued to Virginia A. Gettmann, Esq., 40 Main Street, Massena, NY; and it is further

ORDERED AND DECREED that [REDACTED] Swamp shall provide to Attorney Gettmann all accounts, funds and information that he has in his possession or account(s) established by him with respect to said estate; and it is further

ORDERED AND DECREED that except for necessary contact between [REDACTED] Swamp and Attorney Gettmann to accomplish the directive above, all parties to this proceeding shall refrain from contact with said temporary administrator unless through an attorney; and it is further

ORDERED AND DECREED that said temporary administrator shall marshal (including taking control of rents of the properties) and preserve the assets of, and debts against, said estate without authority, until further order of this court, to distribute such assets.

Dated: June 16, 2017



Hon. Barbara R. Potter
SRMT Associate Judge