

SAINT REGIS MOHAWK TRIBAL COURT

██████████
Petitioner

CEASE AND DESIST ORDER

Case No: 17-CIV-00005

PROCEDURAL HISTORY

On April 7, 2017 ██████████ filed a Petition for Appointment as Administrator/ Executor of the Estate of ██████████ Oakes. Court status conferences were scheduled on May 10, 2017; May 30, 2017; June 27, 2017; August 1, 2017 and August 22, 2017 and a hearing was scheduled on September 20, 2017 and October 2, 2017. On October 23, 2017, the Court issued a Decision and Order in the matter, however, the Estate was not closed.¹ The Court ordered the Executor ██████████ to submit receipts showing that the Estate has been fully distributed and to submit a copy of the Use and Occupancy Deed once such deed is issued by the Tribal Clerk's Office.²

██████████ Oakes filed a Notice of Appeal on November 20, 2017 with Saint Regis Mohawk Tribal Court of Appeals and delivered proof of service of the appeal on the Executor ██████████. On January 31, 2018 the Saint Regis Mohawk Tribal Court of Appeals dismissed his appeal without prejudice.³

On February 27, 2018 the Petitioner/Executor ██████████ submitted a handwritten request for a Cease and Desist Order to the Court and on March 2, 2018, she filed with the Court a completed form request for a Cease and Desist Order directed to ██████████ Oakes and ██████████ Oakes.

¹ Estate of ██████████ Oakes, 17-CIV-00005 (Oct. 23, 2017).

² Id. at 6-7.

³ Oakes v ██████████ In the Matter of the Estate of ██████████ Oakes, 17 - APP - 00004 (Jan. 31, 2018).

On March 6, 2018, the Court received a copy of the police report from Saint Regis Mohawk Tribal Police Department.

CEASE AND DESIST ORDER

The Cease and Desist form and documentation submitted by the Petitioner/Executor, [REDACTED] states that [REDACTED] Oakes and [REDACTED] Oakes "have been causing unnecessary stress and harassing the tenants who are renting [the premises located at [REDACTED] Road which were subject to the probate procedure in the Estate of [REDACTED] Oakes] . . . [a]nd we have reported to police each month for the past 6 months."

The Police Report states on February 28, 2018 the Petitioner/Executor, [REDACTED], spoke to Tribal Police Officer Christopher Lazare at the Saint Regis Mohawk Tribal Police Department Office and "stated that her brother, [REDACTED] Oakes, had been asking for her tenants [that reside at [REDACTED] Road] to leave the residence so his father [REDACTED] Oakes] could move in."⁴

On October 23, 2017, the Court issued a Decision and Order on the probate matter determining that, the residue and remainder of the [REDACTED] Oakes Estate, which includes the house formerly known as the [REDACTED] Oakes and [REDACTED] Oakes marital residence located at [REDACTED] Road and the surrounding one (1) acre parcel, shall be given to [REDACTED] [REDACTED] [REDACTED] are the grandchildren of the decedent, [REDACTED] Oakes, and children Executor [REDACTED].⁵ As previously noted, [REDACTED] Oakes filed a Notice of Appeal which his appeal was dismissed without prejudice. Therefore, this Court's decision, dated October 23, 2017, remains in full force and effect and accordingly [REDACTED] Oakes and [REDACTED] Oakes do not have an interest or right attached to the real property or house located at [REDACTED] Road.

BASED ON ALL OF THE FOREGOING, THIS COURT finds that pursuant to its inherent judicial and civil authority under Saint Regis Mohawk Tribal Law there exists clear and convincing evidence to issue this CEASE AND DESIST ORDER based on the information

⁴ SRMT Tribal Police Entry/CC#: SR-000947-18.

⁵ Estate of [REDACTED] Oakes, 17-CIV-00005, 6-7 (Oct. 23, 2017).

obtained and provided by the Petitioner/Executor [REDACTED] and the Saint Regis Mohawk Tribal Police Department and HEREBY ISSUES this CEASE AND DESIST ORDER.

This CEASE AND DESIST ORDER is directed to the following persons including all persons who may be acting on their behalf:

[REDACTED] Oakes

[REDACTED] Oakes

THE COURT, FINDING JUST AND GOOD CAUSE, HEREBY ORDERS THE PARTIES TO IMMEDIATELY CEASE AND DESIST AS FOLLOWS:

1. [REDACTED] OAKES AND/OR [REDACTED] OAKES SHALL NOT enter onto the premises or real property consisting of one (1) acre surrounding the house located at [REDACTED] Road, Akwesasne, New York; and
2. [REDACTED] OAKES AND/OR [REDACTED] OAKES shall refrain from any action that may physically or verbally harass any TENANTS at the premises [REDACTED] Road premises; and
3. [REDACTED] OAKES AND/OR [REDACTED] OAKES shall refrain from any action that may physically or verbally harass [REDACTED] and [REDACTED]
4. [REDACTED] OAKES AND/OR [REDACTED] OAKES may submit to the Court evidence to show cause as to why the CEASE AND DESIST ORDER should be stayed, modified, or lifted by March 14, 2018.

THIS ORDER shall take effect and remain in effect for a period of SIX (6) MONTHS from the date it is signed at which time the Petitioner/Executor [REDACTED] may renew her request and/or seek another remedy.

This CEASE AND DESIST ORDER shall be enforced by the Saint Regis Mohawk Tribal Police.

Signed by my hand this 6th day of March, 2018.



Lisa Garabedian Associate Judge
Saint Regis Mohawk Tribal Court

This is to certify that this is a true copy
of the original that is on file with the
Saint Regis Mohawk Tribal Court.

Date: 3/7/2018

Signed: [Signature]

Name: Kristin Jack, Court Clerk

