

JURISDICTION

The Tribal Court has original jurisdiction over cases, matters or controversies arising under the laws, ordinances, regulations, customs and judicial decisions of the Tribe.² The Court possesses civil jurisdiction over disputes arising in, connected with, or substantially affecting Mohawk Indian Country.³ The resolution of an estate of a Tribal member affects land on the Saint Regis Mohawk Indian Reservation; and the resolution of a person's estate is a civil issue that substantially affects Mohawk Indian Country.⁴ This Court, therefore, assumes jurisdiction over this estate.

APPLICABLE LAW

The Civil Code directs the Court to apply all "written laws adopted by the recognized governmental system of the Mohawk Tribe."⁵ The Saint Regis Mohawk Tribe (SRMT) Land Laws and Land Dispute Ordinance (LL&LDO) was enacted by the Tribe in 2017. The LL&LDO specifically addresses intestate distribution.⁶ The laws are applicable to the case at bar.

ANALYSIS

In this case the record established that the decedent, [REDACTED] Hart, had no signed will as defined by the LL&LDO, and, therefore, the distribution of the estate shall proceed intestate. The decedent, as stated herein, had a SRMT Right to Use and Occupancy deed for Lot # [REDACTED]. Pursuant to the LL&LDO, a SRMT Use and Occupancy Deed is proof of ownership.⁷

Pursuant to Tribal law, the surviving spouse inherits "the possessory interest formerly held by the deceased spouse."⁸ [REDACTED] Hart is the surviving spouse of decedent and inherits the entire possessory interest in the real property known as Lot [REDACTED] held by [REDACTED] Hart.

[REDACTED] Hart has completed all necessary requirements on his part for the fulfillment of his position as Administrator of the estate of [REDACTED] Hart.

² The Saint Regis Mohawk Tribal Court and Judiciary Code Section V.1. (2012)

³ SRMT Civil Code Section II.A. (2008)

⁴ The Saint Regis Mohawk Tribal Court and Judiciary Code Section V.1. (2012)

⁵ SRMT Civil Code Section V.2.

⁶ LL&LDO Section V.A.

⁷ LL&LDO Section IV.E.3.a)

⁸ LL&LDO Section V.A.1.

ORDER

NOW, THEREFORE, based upon the foregoing, it is

ORDERED that Lot # [REDACTED] is hereby transferred to [REDACTED] Hart; and it is further

ORDERED that [REDACTED] Hart shall seek a new deed for Lot # [REDACTED] from the Tribal Clerk's office placing said lot in the name of [REDACTED] Hart; and it is further

ORDERED that the Saint Regis Mohawk Tribal Clerk shall prepare a Right to Use and Occupancy Deed for Lot [REDACTED] from the Estate of [REDACTED] Hart to [REDACTED] Hart; and it is further

ORDERED that upon the receipt of the new deed, [REDACTED] Hart is released from his duties as administrator, and the estate of [REDACTED] Hart shall be closed.

Signed by my hand this 1st day of May, 2018.



Barbara R. Potter, Assoc. Judge
Saint Regis Mohawk Tribal Court