

Saint Regis Mohawk Tribal Court

Estate of ██████████ Chubb)
)
) **DECISION AND ORDER**
)
)
) **Case No.: 17-CIV-00014**
)

PROCEDURAL HISTORY

On August 15, 2017,¹ ██████████ filed a petition with the Saint Regis Mohawk Tribal Court requesting to be named the Executor for the Estate of ██████████ Chubb, her mother. ██████████ Chubb died on ██████████ 2017. ██████████ submitted a document, requesting it be recognized as ██████████ Chubb's last Will and Testament. ██████████ also submitted a statement from the Saint Regis Mohawk Tribe's Office of the Tribal Clerk certifying that ██████████ Chubb had five children: ██████████
██████████

All of ██████████ Chubb's children were sent notices of a status conference on September 20, 2017, along with a copy of the Will. The notice informed them if they had objections to the Will they must submit them to the Court prior to September 20, 2017. No objections were received.

The Will was signed by ██████████ Chubb on December 8, 2016 and was signed by two witnesses. The Will is self-proven as it contains affidavits signed by both witnesses attesting that the testator, ██████████ Chubb, signed it in their presence and that they also witnessed each other sign the Will.

On September 20, 2017, the Court found the Will to be valid and issued Letters Testamentary to ██████████ the named executor in the Will, on September 21, 2017. ██████████ submitted an inventory to the Court on September 20, 2017.

On September 21, 2017, the Court issued a Distribution Order that required ██████████ ██████████ to file with the Court a notarized statement signed by all of the siblings that the remaining personal items have been distributed equally among the five children and a copy of the new deed.

¹ The Saint Regis Mohawk Tribe's Probate Code was enacted on August 16, 2017 and thus is not binding on this process, as there are no provisions within the Probate Code to apply it retroactively.

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 Given that the resolution of an Estate of a Tribal Member affects land on the Saint Regis Mohawk Indian Reservation and resolution of a person's estate is a civil issue that substantially affects Mohawk Indian Country,⁴ the Court assumes jurisdiction over this Estate.

APPLICABLE LAW

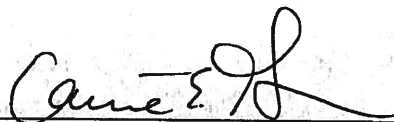
The Civil Code directs the Court to apply all "written laws adopted by the recognized governmental system of the Mohawk Tribe."⁵ The SRMT Land Laws and Land Dispute Ordinance (LL&LDO) was enacted by the Tribe in 2017. The LL&LDO specifically addresses intestate distribution⁶ and wills.⁷ Thus, the law is applicable to the case at bar.

ORDER

On February 28, 2018, [REDACTED] filed notarized affidavits from the heirs and beneficiaries which stated the personal property had been distributed. She also filed a copy of a Saint Regis Mohawk Tribe Right to Use and Occupancy Deed transferring Lot # [REDACTED] from the Estate of [REDACTED] Chubb to [REDACTED].

Given that [REDACTED] had completed all her work as the Executor of the [REDACTED] Chubb Estate by distributing all the personal and real property, it is ORDERED that she is released as Executor. It is hereby ORDERED that the case is closed.

Signed by my hand this 2nd day of March, 2018.



Carrie E. Garrow, Chief Judge
Saint Regis Mohawk Tribal Court

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

³ SRMT Civil Code § II.A. (2008).

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

⁵ SRMT Civil Code § V.2.

⁶ LL&LDO § V. A.

⁷ LL&LDO § V. B.