

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

In the Matter of the ESTATE OF ██████████
██████████ HALL, Deceased.

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)
) Case No.: 18-CIV-00002
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)

) DISTRIBUTION OF DECEDENT'S
) VEHICLE
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)
)

Procedural Background

On January 30, 2018, ██████████ Hall filed an Intestate Probate Petition with the Saint Regis Mohawk Tribal Court requesting to be named the decedent, ██████████ Hall's Estate, her father.

██████████ Hall passed away on ██████████ 2018. The decedent's daughters, ██████████ Hall, ██████████ Hall, ██████████, and ██████████ Hall signed a consent to appoint their sister, ██████████ Hall as the Administrator of the Estate of ██████████ Hall.

The Court granted the Letters of Administration on January 30, 2018. ██████████ Hall submitted a certificate of death, a family tree, and inventory of the Estate.

Applicable Law

The present matter involves a deceased Saint Regis Mohawk Tribe enrolled Tribal Member's Estate. The Saint Regis Mohawk Civil Code directs the Court to apply all "written laws adopted by the recognized governmental system of the Mohawk Tribe."¹ The Saint Regis Mohawk Tribe Probate Law governs this matter.

Jurisdiction

Pursuant to the Saint Regis Mohawk Tribe Probate Law, the Court "shall have personal jurisdiction to probate an estate when, at the time of death, (1) the deceased was either a Tribal Member . . . and the deceased resided or owned real or personal property located within the Reservation." Furthermore, the Court "shall have exclusive jurisdiction to probate real property . . . [and] concurrent jurisdiction with any other judicial proceedings in which the deceased's estate is involved as permitted by federal law or other applicable law."²

In the instant matter, at the time of death, the deceased, ██████████ Hall, was an enrolled Tribal Member of the Saint Regis Mohawk Tribe and was domiciled within the borders of the Saint Regis Mohawk Indian Reservation. The Inventory completed by the Administrator,

¹ SRMT Civil Code § V. 2.

² SRMT Probate Law § 1.3 (a) (b) (1) – (2).

██████████ Hall, demonstrates the decedent, ██████████ Hall, owned assets located within the Saint Regis Mohawk Indian Reservation. Thus, the Court possesses subject matter and personal jurisdiction over the matter based on the aforementioned reasoning.

Discussion

In the case at bar, the Court's record demonstrates the decedent, ██████████ Hall, passed away intestate, or in other words, without a will. Thus, the Estate shall be distributed in accordance with the SRMT Probate Law intestate provisions. The assets listed in the inventory include a vehicle described as a 2002 Chevrolet Monte Carlo.

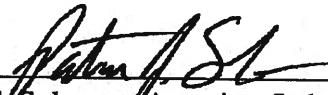
The Administrator, ██████████ Hall, has submitted to the Court an Agreement signed by the eligible heirs of ██████████ Hall to distribute the 2002 Chevrolet Monte Carlo to ██████████ the eldest daughter of the decedent.

ORDER

NOW, THEREFORE, it is ordered:

1. The 2002 Chevrolet Monte Carlo be transferred to ██████████
2. The Administrator, ██████████ Hall, shall file with the Court a notarized affidavit that the ownership of the 2002 Chevrolet Monte Carlo has been transferred, a copy of the decedent's bank statement from the time of death to the present, and a notarized statement detailing the funds spent on the traditional meal. Once these are filed with the Court, the final distribution of the Estate will be ordered and she will be released of her duties and obligations as the Administrator of the Estate of ██████████ Hall.

Signed by my hand this 22nd day of May, 2018.



Patrick Solomon, Associate Judge
Saint Regis Mohawk Tribal Court