

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

ESTATE OF ██████████ THOMPSON)	
)	
)	Case No.: 18-CIV-00010
)	
)	VALIDITY OF DECEDENT'S
)	WILL AND DISTRIBUTION OF
)	HOME, REAL PROPERTY, AND
)	VEHICLE
)	

Procedural History

This case came before the Court with the filing of a Petition for Probate of a Will by ██████████ Thompson, sister of the decedent, on March 26, 2018. ██████████ Thompson sought to be named the Executor of the Estate of ██████████ Thompson.

On April 11, 2018, a status conference was held. ██████████ Thompson and ██████████ nephew of the decedent/son of ██████████ Thompson, was present. The Court found the writing purported to be the Last Will and Testament of ██████████ Thompson, dated June 25, 2015, to be valid.

On April 16, 2018, the Court issued a Decision and Order allowing the Saint Regis Mohawk Tribe an opportunity to participate in the hearing and submit a brief due to the location of the decedent, ██████████ Thompson's, real property.

On May 21, 2018, a hearing was held. ██████████ Thompson, Executor, and ██████████ nephew of the decedent/son of ██████████ Thompson was present. Marsha K. Schmidt, Esq. submitted a brief and appeared via telephone on behalf of the Saint Regis Mohawk Tribe.

On May 24, 2018, the Court issued a Decision and Order in regards to the matter of jurisdiction over the real property.

On June 18, 2018, a status conference was held. ██████████ Thompson, Executor; ██████████ nephew of the decedent; ██████████, girlfriend of the decedent; and ██████████ Thompson, brother of the decedent; were present.

Jurisdiction

Pursuant to the Saint Regis Mohawk Tribe Probate Law (SRMT 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."¹

In the instant matter, at the time of death, the deceased, ██████████ Thompson, was an enrolled Tribal Member of the Saint Regis Mohawk Tribe and was domiciled within the borders of the Saint Regis Mohawk Indian Reservation as defined by the SRMT Probate Law.² The Inventory completed by the Administrator, ██████████ Thompson, demonstrates the decedent, ██████████ Thompson, owned real and personal property located within the Saint Regis Mohawk Indian Reservation. On May 24, 2018, the Court determined that it possesses exclusive jurisdiction over the real property and home attached located at ██████████ Route 37 Bombay, New York.³ Thus, the Court possesses the jurisdictional authority over the matter based on the aforementioned reasoning.

Applicable Law

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).⁴

Discussion

In regards to the case at bar, the Executor, ██████████ Thompson, has submitted a writing purported to be the Last Will and Testament of ██████████ Thompson dated June 25, 2015. On April 11, 2018, the Court heard no objections raised by an heir/beneficiary and found the Last Will and Testament of ██████████ Thompson, dated June 25, 2015, satisfied the requirements of a "Will" pursuant the SRMT Probate Law.⁵ Thus, the writing purported to be the Last Will and Testament of ██████████ Thompson was determined to be valid and admitted to probate. Therefore, the assets owned by the decedent, ██████████ Thompson, must be distributed in accordance with the terms of his Last Will and Testament.

The decedent, ██████████ Thompson's, Last Will and Testament states that the decedent, Mr. Thompson, "give[s] my homestead and all its contents located at ██████████ Route 37, Bombay, New York identified by Book ██████████ at page ██████████ tax map number ██████████" The property was bought by the decedent, ██████████ Thompson, in 1975 and mortgaged with Farmers National Bank in 1976. The mortgage with Farmers National Bank was discharged in 1985. At this time, the Court is aware that there are no existing liens or encumbrances attached to the homestead and that there are currently no property taxes due.

Furthermore, the decedent, ██████████ Thompson's, Last Will and Testament states that the decedent, Mr. Thompson, "give[s] to my brother, ██████████ Thompson . . . my 2004 Chevy

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

² "Reservation" means both the Saint Regis Mohawk Indian Tribe Reservation as established by the 1796 Treaty with the Seven Nations of Canada (7 Stat. 55) and any other lands over which the Tribe exercises jurisdiction now or in the future. SRMT Probate Law § 1.2 (i).

³ *Estate of ██████████ Thompson Decision on Jurisdiction*, 18-CIV-00010 (April 16, 2018).

⁴ SRMT Probate Law (enacted August 16, 2017).

⁵ SRMT Probate Law § 4.1 (a) – (d).

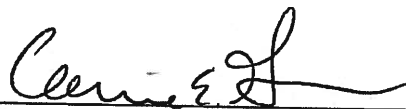
Impala or any vehicle I own upon my death." The Inventory completed and submitted to the Court by the Executor, [REDACTED] Thompson, states that the vehicle is "paid in full."

ORDER

NOW, THEREFORE, it is ORDERED, ADJUDGED, AND DECREED:

1. The writing purported to be the Last Will and Testament of [REDACTED] Thompson, dated June 25, 2015, is a valid will and shall be accepted as such.
2. The homestead located at [REDACTED] Route 37, Bombay, New York identified by Book/Libe [REDACTED] at page [REDACTED], tax map number [REDACTED] be transferred to [REDACTED]
3. The 2004 Chevy Impala be transferred to [REDACTED] Thompson.
4. The Executor, [REDACTED] Thompson, shall file with the Court a copy of the decedent's bank statements, a copy of the decedent's finalized burial expenses, a notarized statement that the homestead located at [REDACTED] Route 37, Bombay, New York has been transferred to [REDACTED], and proof that the ownership of the 2004 Chevy Impala has been transferred to [REDACTED] Thompson.

Signed by my hand this 20th day of June, 2018.



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