

**Saint Regis Mohawk Tribal Court**

**Estate of Laura C. McDonald,  
Deceased**

**Case No.: 18-CIV-00001**

**DISTRIBUTION ORDER**

**PROCEDURAL HISTORY**

On January 11, 2018, Mr. Daniel P. McDonald, Jr. filed a petition with the Saint Regis Mohawk Tribal Court requesting to be named the Administrator of the Estate of Laura C. McDonald, his wife. Mrs. McDonald died on December 19, 2017. Mr. McDonald submitted a certified family tree from the Saint Regis Mohawk Tribal Clerk's Office certifying that Mrs. McDonald was a tribal member, was married to Mr. McDonald, and had three children: Louie McDonald, Leigh Ann McDonald, and Danielle McDonald.

The Court granted Mr. McDonald the Letters of Administration on February 13, 2018. Mr. McDonald placed the required notice in the local newspaper. Mr. McDonald submitted an inventory on March 28, 2018.

**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 or a person eligible for enrollment as a Tribal Member and the deceased resided or owned real or personal property located within the reservation."<sup>1</sup> Furthermore, "[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation."<sup>2</sup>

In the instant matter, Mrs. McDonald, a tribal member, resided on real property located within the borders of the Saint Regis Mohawk Indian Reservation. Thus, the Court possesses exclusive jurisdiction over the real property based on the aforementioned reasoning.

**APPLICABLE LAW**

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).<sup>3</sup>

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<sup>1</sup> SRMT Probate Law § 1.3 (a).

<sup>2</sup> SRMT Probate Law § 1.3. (b) (1).

<sup>3</sup> SRMT Probate Law (enacted August 16, 2017).

## ANALYSIS

In this case, the record establishes that the decedent, Laura C. McDonald, had no signed will as defined by the SRMT Probate Law, and, accordingly, the distribution of the Estate proceeds intestate. Mrs. McDonald only assets were [REDACTED] which was in a SeaComm bank account. Mrs. McDonald also possessed several debts, including a [REDACTED] in the amount of [REDACTED] in the amount of [REDACTED] a KeyBank loan in the amount of [REDACTED] and Bank of Montreal loan in the amount of [REDACTED]

Mrs. McDonald's funds from SeaComm account was placed in an Estate of Laura C. McDonald account with KeyBank. Mr. McDonald paid the [REDACTED] in the amount of [REDACTED] and the Walmart MasterCard in the amount [REDACTED]. The creditors were paid partially from the Estate Account and by Mr. McDonald. Currently only [REDACTED] [REDACTED]. As there are insufficient funds to pay the Bank of Montreal and KeyBank loans, the remaining \$40 shall be distributed. Pursuant to the SRMT Probate Law, Mr. McDonald is the surviving spouse<sup>4</sup> and paid some of the debts with his own funds. Thus, [REDACTED] distributed to Mr. McDonald.

## ORDER

Based on the above, the Court hereby Orders the following:

1. Daniel P. McDonald, Jr. is the sole eligible heir of all of Laura C. McDonald's Estate, including the remaining funds in the KeyBank Estate Account.
2. All remaining funds in Laura C. McDonald's KeyBank Estate Account is hereby transferred to Daniel P. McDonald, Jr.
3. Daniel P. McDonald, Jr. is hereby Ordered to transfer these funds to himself.
4. Mr. McDonald is hereby Ordered to provide the Court with a receipt demonstrating he has received these funds and upon receiving this documentation, the Court will close the Estate and Mr. McDonald will be released as the Administrator.

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<sup>4</sup> SRMT Probate Law § 3.2(1).

Signed this 20<sup>th</sup> day of December, 2018.

A handwritten signature in cursive script, reading "Carrie E. Garrow".

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