

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

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**In the Matter of the ESTATE OF THOMAS  
R. HALL, Deceased.**

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

**FINAL ORDER AND DECISION**

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**Procedural Background**

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

Thomas R. Hall passed away on January 18, 2018. The decedent's daughters, Wahienhawi Hall, Tamra R. Cook, Diosa Hall, Sinuda (Hall) Kapalczynski, and Dioganhdin Hall signed a consent to appoint their sister, Kakwireiosta Hall as the Administrator of the Estate of Thomas R. Hall.

The Court granted the Letters of Administration on January 30, 2018. The Administrator, Kakwireiosta Hall, submitted a certificate of death, a family tree, inventory of the Estate, documentation of Burial Expenses paid by the Administrator, and proof of the legal notice for creditors.

On May 22, 2018, the Court ordered the distribution of the car to Tamra R. Cook and required the Administrator, Kakwireiosta Hall, to file with the Court various documentation.

On May 31, 2018, the Court received the following documentation: vehicle title transfer documentation, notarized expense accounting, decedent's bank account statements for checking and saving account, DMV refund, New York State Comptroller refund, and copy of receipts.

On July 9, 2018, the Court received a letter from the Administrator, Kakwireiosta Hall, stating that the majority of the household contents listed in the inventory have been dispersed and gifted as part of the 10-day feast ceremony and the remaining household contents will be given away to extended family and friends prior to the one-year anniversary, per the teachings of the traditional longhouse funeral process. Further, the Administrator, Kakwireiosta Hall, stated that she wished to be compensated for the burial expenses paid by the remaining bank account balance found in the decedent, Thomas R. Hall's, bank account.

**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.”<sup>1</sup> 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.”<sup>2</sup>

In the instant matter, at the time of death, the deceased, Thomas R. 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, Kakwireiosta Hall, demonstrates the decedent, Thomas R. 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 that the Administrator, Kakwireiosta Hall, is owed the amount [REDACTED] in her role as the Administrator acting on behalf of the Estate and the decedent’s burial expenses. Pursuant to the Saint Regis Mohawk Tribe Probate Law, “[t]he Administrator is required to pay for funeral expenses and any outstanding medical bills using the property of the estate, if available. The Administrator is not required to pay any expenses out of pocket.”<sup>3</sup>

In the instant case, the [REDACTED] the Administrator, Kakwireiosta Hall, exceeds the amount of funds available in the decedent, Thomas R. Hall’s, M & T Bank accounts [REDACTED]. In the letter submitted by the Administrator, dated July 9, 2018, she advised the Court that she wished to be compensated for the burial expenses paid by the remaining bank account balance found in the decedent’s [REDACTED]. She further stated that the remaining household contents will be given away, [REDACTED] the remaining balance owed, to extended family and friends prior to the one-year anniversary per the teachings of the traditional longhouse funeral process. Thus, any remaining claim she has for expenses incurred in her role as the Administrator is hereby extinguished.

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<sup>1</sup> SRMT Civil Code § V. 2.

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

<sup>3</sup> SRMT Probate Law § 3.6 (a).

**ORDER**

**NOW, THEREFORE,** it is ordered:

1. All remaining funds found in the decedent, Thomas R. Hall's saving and checking accounts at the [REDACTED] Kakwireiosta Hall.
2. The decedent, Thomas R. Hall's, remaining household contents be disbursed in accordance with the traditional longhouse funeral process.
3. Kakwireiosta Hall is released from her duty as the Administrator of the Estate of Thomas R. Hall.
4. The Estate of Thomas R. Hall is closed.

Signed by my hand this 13th day of July, 2018.



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Patrick Solomon, Associate Judge  
Saint Regis Mohawk Tribal Court

***The parties have thirty (30) days from the entry of this Order to file an appeal with the Saint Regis Mohawk Court of Appeals.***