

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

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	)	<b>Case No.: 18-CIV-00010</b>
<b>ESTATE OF ROBERT R. THOMPSON,</b>	)	
<b>deceased.</b>	)	<b>CLOSING ORDER</b>
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**Procedural History**

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

On April 11, 2018, a status conference was held. Katherine R. Thompson and Dwayne White, nephew of the decedent/son of Katherine R. Thompson, was present. The Court found the writing purported to be the Last Will and Testament of Robert 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, Robert R. Thompson's, real property.

On May 21, 2018, a hearing was held. Katherine R. Thompson, Executor, and Dwayne White, nephew of the decedent/son of Katherine R. Thompson was present. Marsha K. Schmidt, Esq. submitted a brief and appeared via telephone on behalf of the Saint Regis Mohawk Tribe. Katherine Thompson also filed an inventory with the Court.

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. Katherine R. Thompson, Executor; Dwayne White, nephew of the decedent; Hilda Herne, girlfriend of the decedent; and Joseph C. Thompson, brother of the decedent; were present. The Court subsequently issued an order on June 20, 2019, finding the Last Will and Testament of Robert R. Thompson to be valid, transferring the decedent's homestead located [REDACTED] to Dwayne White, transferring the [REDACTED] to Joseph Thompson, and requesting further documentation from Katherine Thompson regarding expenses and distribution of the Estate.

Joseph Thompson appeared in Court and filed a notarized statement that he refused the decedent's car. Katherine R. Thompson subsequently donated [REDACTED] to charity.

Subsequent appearances were held on September 5, 2018, December 4, 2018, and January 7, 2019.

The Court issued two orders on January 7, 2019, acknowledging the transfer of decedent's property [REDACTED] to Dwayne White and that the proceeds of the decedent's insurance policies, which were not accounted for in the Will, be distributed Robert Thompson's siblings, Grace Roundpoint, Katherine Thompson, and Joseph Thompson.

### **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."<sup>1</sup>

In the instant matter, at the time of death, the deceased, Robert R. 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.<sup>2</sup> The Inventory completed by the Administrator, Katherine R. Thompson, demonstrates the decedent, Robert R. 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 [REDACTED] New York.<sup>3</sup> 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).<sup>4</sup>

### **Discussion**

All the items contained in the Robert Thompson Estate have been distributed and all debts have been paid.

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

<sup>2</sup> "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).

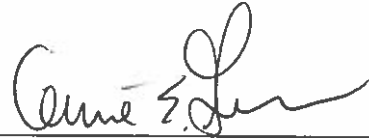
<sup>3</sup> *Estate of Robert R. Thompson Decision on Jurisdiction*, 18-CIV-00010 (April 16, 2018).

<sup>4</sup> SRMT Probate Law (enacted August 16, 2017).

## ORDER

It is hereby ORDERED that Katharine Thompson is released from her role as Executor of the Robert Thompson Estate and the case is closed.

Signed this 23<sup>rd</sup> day of April, 2019.



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

