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

| Justin Redeye, Petitioner |)) | Case No.: 18-CIV-00012 Estate of Olivia Redeye |
|------------------------------|--------|--|
| | ý | Distribution Order for Decedent's |
| |) | Bank Account Funds |
| |) | |
| (1) |) | |

Procedural History

On April 13, 2018 the Petitioner in this matter filed an intestate probate petition requesting to be named the administrator of his mother's, Olivia Redeye's estate. The Petitioner included a certificate of death and a certified family tree from the Saint Regis Mohawk Tribal Clerk to support the petition.

The Decedent Olivia Redeye passed away on January 28, 2018. The Petitioner, Justin Redeye is the sole surviving heir of the Decedent, as evidenced by the family tree certified by the Saint Regis Mohawk Tribal Clerk's Office, and submitted to the Court on April 13, 2018.

The Court issued Letters of Administration to the Petitioner Justin Redeye on June 21, 2018.

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." The Saint Regis Mohawk Tribe Probate Law governs this matter.

Jurisdiction

Pursuant to the Saint Regis Mohawk Tribe Probate Law, "Tribal 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 or (2) the non-member spouse of a Tribal

¹ SRMT Civil Code § V. 2.

Member who resided on and owned personal property located within the Reservation or (3) anyone who consents to the Tribal Court's jurisdiction."²

In the instant matter, at the time of death, the deceased Olivia Redeye, was an enrolled Tribal Member of the Saint Regis Mohawk Tribe. The Decedent was not domiciled within the boundaries of the American portion of the Saint Regis Mohawk Indian Reservation and did not own real property located within the SRMT portion of the Saint Regis Mohawk Indian Reservation territory.

In the instant matter, Justin Redeye had been appointed the Administrator of the Decedent's Estate by the Indigenous and Northern Affairs Canada (INAC). The probate action before INAC only involves the property located within the Decedent's domicile. Justin Redeye filed an intestate probate petition with this Court to only resolve the Decedent's remaining assets, namely the Massena Savings and Loan checking account. Essentially, Justin Redeye is requesting ancillary letters of administration by this Court in order to probate the remaining assets. An ancillary administrator is defined as, "[a] court-appointed administrator who oversees the distribution of the part of a decedent's estate located in a jurisdiction other than where the decedent was domiciled (the place of the main administration)."

As previously noted, the Saint Regis Mohawk Tribe Probate Code dictates this Court has personal jurisdiction when one consents to the Tribal Court's jurisdiction.⁴ Here, the Petitioner filed a probate action with the Saint Regis Mohawk Tribal Court, thus, the Petitioner consented to the Court's jurisdiction. Furthermore, the Decedent was an enrolled Tribal member. Therefore, the Court assumes jurisdiction solely for the purposes of resolving the remaining assets.

Discussion

In the case at bar, the Court's record demonstrates the Decedent Redeye, 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 only asset in the Estate of the Decedent is the Massena Savings and Loan Checking Account.

² SRMT Probate Law§ 1.3 (a) (l)-(2)-(3).

³ Black's Law Dictionary (10th ed. 2014), available at Westlaw BLACKS.

⁴ SRMT Probate Law§ 1.3 (a) (1)-(2)-(3).

ORDER

NOW, THEREFORE, it is ordered:

- 1. The money in the Massena Savings and Loan checking account of the Decedent, Olivia Redeye in the amount of the Massena Savings and Loan checking account of the Decedent, Olivia Redeye in the amount of the Massena Savings and Loan checking account of the Decedent, Olivia Redeye.
- 2. The Administrator, Justin Redeye shall file proof with the Court that the money from the Massena Savings and Loan checking account of the Decedent Olivia Redeye has been transferred to the Administrator Justin Redeye.

Signed by my hand this 20 day of August 20 day.

Carrie E. Garrow Chief Judge

Saint Regis Mohawk Tribal Court

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