

## SAINT REGIS MOHAWK TRIBAL COURT

Estate of Michael Benedict Sr.,  
Deceased

Case No.: 18-CIV-00013

CLOSING ORDER

### Procedural History

On April 26, 2018, Leona Benedict filed a petition with the Court requesting to be named the Administrator of the Estate of Michael Benedict, Sr., her husband. Mr. Benedict died on November 17, 2017. Leona Benedict submitted a certified family tree from the Saint Regis Mohawk Tribal Clerk's Office certifying that Mr. Benedict was a tribal member, was married to Leona Benedict, and had two children: Michael Benedict, Jr. and Dana Benedict Henhawk. Leona Benedict also submitted a death certificate and documentation demonstrating that had been issued a Decree Appointing her as the Administrator by INAC (Indigenous and Northern Affairs Canada).

The Court issued Mrs. Benedict the Letters of Administration on June 4, 2018. The Court held status conferences on this matter on June 4, 2018, June 27, 2018, July 9, 2018, August 9, 2018, and December 17, 2018. At the December 17, 2018 status conference on this matter. Mrs. Benedict stated that she is assuming the decedent's remaining credit card debt.

On May 10, 2019, Mrs. Benedict submitted to the Court a document signed by a Representative of Empower Federal Credit Union. The Representative states that Mrs. Benedict has paid the loan for a [REDACTED]

### 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>

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

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

In the instant matter, Mr. Benedict, a tribal member, resided within the borders of the Saint Regis Mohawk Indian Reservation. Thus, the Court possesses jurisdiction over the Estate 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>

### **Discussion**

In this case, the statement signed by the Empower Federal Credit Union demonstrates that the [REDACTED]

### **ORDER**

Based on the foregoing, it is: **ORDERED, ADJUDGED AND DECREED** that Leona Benedict is released from her duties as the Administrator; it is further **ORDERED, ADJUDGED AND DECREED** that the case is hereby closed.

Signed this 13<sup>th</sup> day of May, 2019.



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

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