

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

In the Matter of the ESTATE OF ROBERT FRANCIS SWAMP, Deceased. Case No.: 18-PROB-00005

CLOSING ORDER

Potter, J. On September 5, 2018, petitioners, Amie Barnes and Alison Herne, filed with the court an intestate probate petition. Following the filing of the petition, the petitioners submitted a copy of the decedent's death certificate. The Court received a copy of the family tree certified by the Saint Regis Mohawk Tribal Clerk's Office on January 20, 2019. The Court has received from the petitioners: a copy of a letter from the Donaldson Funeral Home stating that the decedent's funeral has been paid in full; a completed inventory; and a completed letter of consent signed by Arthur Swamp. The Court held an initial appearance on this matter on December 5, 2018. Amie Barnes and Alison Herne, petitioners, were present and self-represented. The court reconvened on May 8, 2019, for a status conference on this matter. Petitioners were present and self-represented. The court issued letters of administration to Amie Barnes and Alison Herne on May 8, 2019.

Applicable Law

Despite the fact that the decedent died on May 29, 2004, there was no estate proceedings prior to the filing of this proceeding on September 5, 2018. Tribal Council adopted the Saint Regis Mohawk Tribe Probate Law by Tribal Council Resolution 201752 on August 16, 2017. The decedent passed prior to the enactment of the Saint Regis Mohawk Tribe Probate Law; however, the law governs this matter because it was filed following the enactment.

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."¹ Furthermore, "[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation."²

In the instant matter, the decedent was a tribal member of the Saint Regis Mohawk Tribe and resided within the borders of the Saint Regis Mohawk Indian Reservation. Thus, the Court possesses jurisdiction over the Estate based on the aforementioned reasoning.

Factual Background

The decedent died intestate on March 29, 2004. At his time of death, he was survived by his wife, Rita J. Swamp, and three children: Amie B. Barnes, Alison P. Herne, and Arthur Robert Swamp. His wife and children are enrolled members of the Saint Regis Mohawk Tribe. Although the family tree received from the Tribal Clerk's office indicates that Scott Christopher Herne is a surviving child of decedent, the Court has been advised by petitioners that Mr. Herne, although a step-son of decedent, is not the biological child of decedent.

The land records provided by the Saint Regis Mohawk Tribal Clerk's Office indicate that at the time of death no real property existed in decedent's name. The inventory submitted by the co-administrators demonstrate that there is no remaining personal property or monies to be distributed.

¹ SRMT Probate Law § 1.3 (a)


² SRMT Probate Law § 1.3. (b) (1)

NOW, THEREFORE, upon the foregoing, it is

ORDERED that the matter is hereby closed; it is further

ORDERED that the co-administrators Amie Barnes and Alison Herne are released from their duties as the administrators of the above estate.

Signed by my hand this 19th day of June, 2019.



Hon. Barbara R. Potter
Associate Judge
Saint Regis Mohawk Tribal Court



Saint Regis Mohawk Tribal Court

Physical Address:
Tribal Justice Building
545 State Route 37
Akwesasne, NY 13655
Phone: (518) 358-6300 <https://www.srmt-nsn.gov/tribal-court>

Chief Judge Carrie E. Garrow
Associate Judge Barbara R. Potter
Associate Judge Patrick Solomon
Associate Judge Lisa Garabedian

VIA MAIL

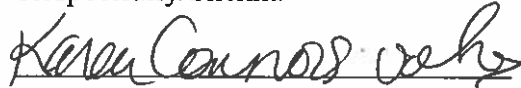
Mrs. Amie Barnes
29 Swamp Road
Akwesasne, N.Y. 13655

June 24, 2019

Greetings/Sekon,

Please be advised that the attached decision in the matter of *18-PROB-00005 the Estate of Robert Francis Swamp* was entered into the docket book on June 24, 2019 in accordance with the Saint Regis Mohawk Tribe Rules of Civil Procedure.

Respectfully/Skenna

A handwritten signature in dark ink, appearing to read "Karen Connors-Oakes", written over a horizontal line.

Ms. Karen Connors-Oakes Court Clerk
Saint Regis Mohawk Tribal Court

CC: Mrs. Alison Herne