

SAINT REGIS MOHAWK TRIBAL COURT

Estate of Catherine T. Herne,
Deceased

Case No.: 18-PROB-00009

DISTRIBUTION ORDER

PROCEDURAL HISTORY

On October 5, 2018, Thomas V. Herne filed a petition with the Saint Regis Mohawk Tribal Court requesting to be named the Executor of the Estate of Catherine T. Herne, his mother. Catherine T. Herne died on July 31, 2000. Thomas V. Herne submitted a certified family tree from the Saint Regis Mohawk Tribal Clerk's Office and the decedent's purported Last Will and Testament. The Last Will and Testament of Catherine T. Herne was found to be valid and on January 2, 2019, Thomas V. Herne was appointed as the Executor.

JURISDICTION

Pursuant to the Saint Regis Mohawk Tribe's 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, Catherine T. Herne, a tribal member, had an interest in real property. Thus, the Court possesses requisite jurisdiction.

APPLICABLE LAW

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).³

ANALYSIS

Catherine T. Herne owned [REDACTED] on Mose Cook Road, which she inherited from her husband Moses H. Herne, upon his passing.⁴ This is the only item contained in the decedent's inventory. Catherine T. Herne bequeathed the land to her surviving children, or their children, per stirpes. Thomas V. Herne submitted signed and notarized renunciations of interests of the

¹ SRMT Probate Law § 1.3 (a).

² SRMT Probate Law § 1.3. (b) (1).

³ SRMT Probate Law (enacted August 16, 2017).

⁴ *Estate of Moses H. Herne*, 18-PROB-00008.

children of Catherine T. Herne's surviving children. Thomas V. Herne also submitted a signed and notarized statement that he was giving his interest to his son, Joseph M. Herne.

ORDER

Based on the above, the Court hereby **ORDERS** the following:

1. Joseph M. Herne is to obtain a SRMT Use and Occupancy Deed from the Saint Regis Mohawk Tribal Clerk's Office for [REDACTED] in his name.
2. Thomas V. Herne is to provide a copy of the Deed to the Court.
3. Upon the Court's receipt of the SRMT Use and Occupancy Deed in Joseph M. Herne's name, Thomas V. Herne will be released as Executor and the case will be closed.

Signed this 15th day of August, 2019.

Came 5.9

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



Entered into the docket book
On: Aug. 14, 2019
Signed: T. J. Williams

No later than ten (10) days after a judgment is final, a party may ask the Judge for a rehearing, reconsideration, correction vacation, or modification of the judgment. The parties have thirty (30) days from the entry of this Order to file an appeal with the Saint Regis Mohawk Court of Appeals.