

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

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**In the Matter of the ESTATE OF KERNEY  
H. COLE, Deceased.**

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) **Case. No.: 18-PROB-00019**  
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) **DECISION AND ORDER**  
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**Procedural and Factual Background**

On November 21, 2018, Robin Lazore, daughter of the decedent, filed an intestate petition to probate the Estate of Kerney Cole and requested to be named the Administrator. On December 5, 2018, Bonnie Cole, decedent's daughter-in-law, filed with the Court a writing purported to be the Last Will and Testament of Kerney Cole, dated September 14, 2018, to probate. Notably, the writing appoints Bonnie Cole as the Executor. Following the filing of the writing, the Court contacted Bonnie Cole and requested that she contact the decedent's known heirs and beneficiaries.

On December 18, 2018, the Court held a hearing. Robin Lazore and Bonnie Cole were both in attendance and were self-represented. During the hearing, the Court was advised that following the decedent's death the locks were changed at his home. As a result, Robin Lazore has been unable to access the decedent, her father's, home. At the hearing, the Court did not make a finding as the validity of the writing purported to be the decedent, Kerney Cole's, Last Will and Testament dated September 14, 2018. Robin Lazore agreed, with no objection raised by Bonnie Cole, to do the public notice at the Malone Telegraph, Indian Time, and Courier Observer pursuant to the requirements found in the Saint Regis Mohawk Tribe Probate Law.<sup>1</sup> Following the hearing, Bonnie Cole submitted a document on the behalf of Francis R. Cole, decedent's son. The document is signed by Francis Cole and appoints Bonnie Cole to act as his representative. Furthermore, Robin Lazore submitted a motion in which she asks this Court to allow her to access the decedent's house and property located at [REDACTED]  
[REDACTED]

On December 26, 2018, the Court issued a Decision and Order on the issues raised by the documents submitted by Robin Lazore and Bonnie Cole. The Court determined the following: that any real or personal property is owned by the decedent's Estate; that the heirs and beneficiaries of the decedent are prohibited from taking any action such as distributing, selling, changing, disturbing, destroying or giving away, any of the decedent's property; that the document appointing Bonnie Cole to act on the behalf of Francis Cole has no legal effect; and the Court set a show cause hearing on Robin Lazore's request for access to the decedent's home

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<sup>1</sup> SRMT Probate Law § 4.8. (c) (1).

at [REDACTED] The Court provided a copy of the notices to the decedent's heirs and beneficiaries that it had mailing addresses on file.

On January 2, 2019, the Court held a show cause hearing on Robin Lazore's request to be granted access to the decedent's Estate. Robin Lazore and Carrie Lazore, decedent's grandchild/Robin Lazore's daughter, were present. The remaining beneficiaries and heirs of the decedent did not appear for the show cause hearing, including Francis Cole the other known living child of the decedent.

On January 2, 2019, the Court issued a Decision and Order granting Robin Lazore's request for access to the decedent, Kerney Cole's, residence on [REDACTED] Further, the Court granted Francis Cole, decedent's heir, access to the decedent's home.

On January 7, 2019, after being made aware of an incident that occurred on or around January 5, 2019 by the Saint Regis Mohawk Tribal Police Department, the Court issued a Decision and Order requesting that Robin Lazore, Francis Cole, Bonnie Cole, Carrie Lazore, Nathan Cole, and Jeremy Cole appear on January 14, 2019 for a hearing on the heirs' access to the decedent's residence located on [REDACTED] Subsequently, the Court issued subpoenas to the above named individuals requesting their appearance.

On January 14, 2019, the Court held a hearing on the matter. Francis Cole and Robin Lazore, the known heirs of the decedent, were present. At the hearing, the Court inquired as to the circumstances surrounding the incident that occurred on or around January 5, 2019. The Court heard statements from Robin Lazore and Francis Cole about the incident. The nature of the incident demonstrates to the Court that further actions need to be taken to protect the Estate.


### ORDER

Based on the foregoing, it is:

**ORDERED, ADJUDGED AND DECREED** that Francis Cole is granted access to the decedent, Kerney Cole's residence on [REDACTED] for purposes of taking care of the decedent's cat; it is further

**ADJUDGED AND DECREED** that the Court's Decision and Order, dated January 2, 2019, granting Robin Lazore access to the decedent's residence at [REDACTED] is rescinded.

Signed this 16<sup>th</sup> day of January, 2019.

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