

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

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

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) **Case No.: 18-PROB-00019**
)
) **PARTIAL DISTRIBUTION ORDER**
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Procedural 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. The writing appoints Bonnie Cole as the Executor. The Court held hearings on this matter on December 18, 2018, January 2, 2019, January 14, 2019, and February 4, 2019. The Court found the purported Last Will and Testament to be valid on February 27, 2019 and issued the Letters Testamentary to Bonnie Cole. Subsequent hearings were held on June 27, 2019, July 23, 2019, September 19, 2019, November 7, 2019, December 18, 2019, and January 21, 2020.

On December 13, 2019, Bonnie Cole, Executor, filed a letter with the Court and served upon Thomas Wheeler, Esq., that Francis Cole did not desire to claim any of the household goods, except for [REDACTED]. Also on December 13, 2019, Bonnie Cole, Executor, filed a Motion to distribute [REDACTED] and the house located at [REDACTED]. On January 21, 2020, Bonnie Cole, Executor, filed a motion to transfer all interest in lands on Conners Road to Robin Lazore. Robin Lazore requested one of the five items and Francis Cole agreed. Robin Lazore did not object to the motion.

Applicable Law

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).¹

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

¹ SRMT Probate Law (enacted August 16, 2017).

real or personal property located within the reservation.”² Furthermore, “[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation.”³

In the instant matter, the Saint Regis Mohawk Tribal Clerk’s Office certified family tree indicates that the decedent, Kerney Cole, was a Saint Regis Mohawk Tribal Member. Evidence submitted to the Court states that the decedent’s home is located at [REDACTED] Hogansburg, New York, 13655. Thus, the Court possesses exclusive jurisdiction over the matter.

ORDER

Based on the foregoing, it is:

ORDERED that Kerney Cole’s residence/home at [REDACTED] and [REDACTED] around it, including the leech field, garage, and drive is transferred to Francis Cole and Robin Lazore, as joint tenants in common, and they are to obtain a Saint Regis Mohawk Tribe Use and Occupancy Deed for the property, a portion of Lot [REDACTED] described in the Maine Land Survey dated July 30, 2019 and provide a copy to the Court; and it is further

ORDERED that any lands or interest in lands associated with the Simon Jackson Estate on Conners Road in Frogtown owned by Kerney Cole is transferred to Robin Lazore; and it is further

ORDERED that the personal property located within the decedent’s home at [REDACTED] Road is transferred as follows: Francis Cole shall receive [REDACTED] and the [REDACTED] Robin Lazore shall receive [REDACTED] in the house located at [REDACTED]

Signed this 4th day of February 2020.



Entered into the docket book
On: February 4, 2020
Signed: [Signature]

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

Pursuant to the Saint Regis Mohawk Tribe’s Rules of Civil Procedure a party may ask the Judge for a rehearing, reconsideration, correction, vacation, or modification of the judgment. Pursuant to the Saint Regis Mohawk Tribe’s Rules of Appellate Procedure this Order may be appealed within thirty (30) days after the entry of judgment.

² SRMT Probate Law § 1.3. (a).

³ SRMT Probate Law § 1.3. (b). (1).