

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

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**Estate of Arthur S. Herne,  
Deceased.**

**Case No.: 19-PROB-00018  
DISTRIBUTION ORDER**

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**PROCEDURAL HISTORY**

Glen Lazore and Thomas Lazore filed a petition with the Saint Regis Mohawk Tribal Court requesting to be named the Administrators of the Estate of Arthur S. Herne, their great uncle. Arthur S. Herne died in April 1921. He was a tribal member. He was twenty-one years old, unmarried, and had no children. Mr. Glen Lazore and Mr. Thomas Lazore filed proof of death and placed the required legal notice in a local paper. No objections or debts were filed with the Court.

Hearings were held on January 28, 2020, February 18, 2020, and March 17, 2020. The Court issued the Letters of Administration to Mr. Glen Lazore and Mr. Thomas Lazore on February 18, 2020.

The only asset contained in the Estate is the real property interest inherited from the Estate of Anna Waheson Tarbell Herne.<sup>1</sup>

**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."<sup>2</sup> Furthermore, "[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation."<sup>3</sup> In the instant matter, Arthur S. Herne, was a tribal member and the Administrators allege the decedent had an interest in real property within the Reservation. Thus, the Court possesses the requisite jurisdiction.

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<sup>1</sup> In the matter of the Estate of Anna Waheson Tarbell Herne, 18-PROB-00014 (December 4, 2019).

<sup>2</sup> SRMT Probate Law § 1.3 (a) (enacted August 16, 2017).

<sup>3</sup> SRMT Probate Law § 1.3. (b) (1) (enacted August 16, 2017).

## APPLICABLE LAW

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).<sup>4</sup>

## ANALYSIS

Arthur S. Herne was the son of Anna Waheson Tarbell Herne, who died September 23, 1900, and John Peter Baptiste Tsierakwisen Herne, who died October 6, 1958. On December 4, 2019, the Court distributed the real property owned by the Anna Waheson Tarbell Herne to her four children [REDACTED]. Thus, upon his death, the decedent, Arthur S. Herne owned [REDACTED] of the real property previously owned by his mother. The decedent, Arthur S. Herne, died in his early twenties in a logging accident. He was not married and did not have any children.

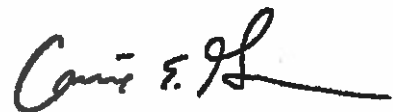
The SRMT Probate Law states when a decedent does not have a surviving tribal member spouse or children, “the surviving Tribal Member parent(s) of the deceased shall each receive equal shares of the real property and any parent(s) shall share in personal property of the estate.”<sup>6</sup>

The decedent’s mother predeceased him. His father, John Peter Baptiste Tsierakwisen Herne, survived him. Thus, the decedent’s father, John Peter Baptiste Tsierakwisen Herne, inherits the decedent’s Estate, which [REDACTED] interest in the property previously owned by the Anna Waheson Tarbell Herne. The Estate of John Peter Baptiste Tsierakwisen Herne shall own this property until the Estate is probated. Anyone, including the Administrators, may file a petition to probate this Estate.

## ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED, AND DECREED** that the real property held by the Estate of Arthur S. Herne, [REDACTED] interest in the property previously owned by the Anna Waheson Tarbell Herne Estate, is conveyed to the Estate of John Peter Baptiste Tsierakwisen Herne. Glen Lazore and Thomas Lazore, the Administrators of this Estate, are released and this case is closed.

Signed this 26<sup>th</sup> day of March 2020.



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

<sup>4</sup> SRMT Probate Law (enacted August 16, 2017).

<sup>5</sup> In the matter of the Estate of Anna Waheson Tarbell Herne, 18-PROB-00014 (December 4, 2019).

<sup>6</sup> SRMT Probate Law § 3.2(b)(5) (enacted August 16, 2017).

***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.***

