

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

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**Estate of Sarah Elizabeth  
Billings Jacobs,**

**Deceased**

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**Case No.: 19-PROB-00004**

**MOTION TO RECONSIDER  
DECISION AND ORDER**

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**PROCEDURAL HISTORY**

On February 20, 2019, Geraldine Jacobs and Mark Jacobs filed a petition with the Saint Regis Mohawk Tribal Court requesting to be named the Executors of the Estate of Sarah Elizabeth Billings Jacobs, their mother. Sarah Billings Jacobs died on June 9, 2008. Her husband, Abe D. Jacobs, predeceased Sarah Billings Jacobs. Abe and Sarah Jacobs had six children, Velma Brown, Sharon Curtis, Geraldine Jacobs, Alexander Jacobs, Dominic Jacobs, and Mark Jacobs.

Geraldine and Mark Jacobs submitted a certified family tree from the Saint Regis Mohawk Tribal Clerk's Office. They also submitted a document purported to be the Last Will and Testament of Sarah Billings Jacobs, a copy of a draft revised Last Will and Testament, and a statement from Geraldine Jacobs explaining that her mother died before she could revise her purported Last Will and Testament. On April 2, 2019, the Court found the purported Last Will and Testament to be invalid because it was signed by a notary, not two witnesses.

Alex Jacobs, Dominic Jacobs, Mark Jacobs, Geraldine Jacobs, Velma Brown, and Sharon Jacobs consented to Geraldine Jacobs and Mark Jacobs appointment as the Co-Administrators of the Estate of Sarah Billings Jacobs. The Letters of Administration were issued to Geraldine Jacobs and Mark Jacobs on April 24, 2019.

Hearings were held on April 2, 2019, April 22, 2019, May 14, 2019, June 10, 2019, June 25, 2019, July 23, 2019, and October 7, 2019.

The Court issued a decision and order on November 26, 2019 regarding whether Sarah Billings Jacobs owned any real property.

On December 5, 2019, the Co-Administrators filed a Motion for Reconsideration, which also included a question about the probate process for Sarah Billings Jacobs' relatives and a request to extend the appeals deadline.

## **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>1</sup> Furthermore, "[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation."<sup>2</sup> In the instant matter, Sarah Billings Jacobs, was a tribal member and the Co-Administrators allege she 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).<sup>3</sup>

## **ANALYSIS**

The SRMT Rules of Civil Procedure state that a judge may grant a new hearing or reconsider a change in the judgement if the Court finds the original judgment was based on or reached as a result of fraud or mistake of law; newly discovered evidence is offered that would have affected the outcome and the evidence could not, with reasonable effort, been discovered at the time of the hearing; or the Court did not have jurisdiction.<sup>4</sup> The Co-Administrators state in their Motion that they are "requesting the judge consider a reconsideration and modification of the judgment." However, they do not state what they are asking the Court to reconsider or modify. Furthermore, they do not argue the judgment was as a result of fraud or mistake of law, offer new evidence, or argue the Court did not have jurisdiction.

The Co-Administrators also present a question regarding the probate of the related estates, specifically they ask whether the documentation submitted in this Estate can be considered in the related estates. Once new probate cases are filed, parties can always request the Court to take judicial notice of the records or facts submitted in another case. This means the Court would consider the records or facts as evidence in the new probate cases. Interested parties may step forward and object to those facts or records, requiring a hearing or trial, but the Court cannot know or speculate about this until it actually happens.

Finally, the Co-Administrators request an extension of the appeals deadline. This request must be submitted to the Appellate Court once an appeal is filed. This Court does not have the authority to extend the deadline. Any request for an extension of time could be attached to a

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<sup>1</sup> SRMT Probate Law § 1.3 (a).

<sup>2</sup> SRMT Probate Law § 1.3. (b) (1).

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

<sup>4</sup> SRMT Rules of Civil Procedure § XXIII.B.

petition to appeal at the time it is filed with the Court. All documentation filed is submitted to the Court of Appeals for their review.

### ORDER

Based on the above, the Motion for Reconsideration is **DENIED**.

Signed this 6<sup>th</sup> day of December, 2019.



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

*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.*



Entered into the docket book

On: December 6, 2019

Signed: Tekohah Bruno