

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

**Estate of Alexander J. Roundpoint)
Deceased.)**

Case No.: 20-PROB-00008

DISTRIBUTION ORDER

Procedural History

On July 28, 2020, a probate petition without a will was filed by Betty Roundpoint for the Estate of Alexander J. Roundpoint, her husband. The decedent died on March 20, 2020. They have two children, Jessica Fontaine and Whitney Roundpoint. Both children submitted consents to the appointment of their mother as Administrator of the Estate. Mrs. Roundpoint was granted the Letters of Administration and she placed the required legal notice in a local newspaper and submitted an inventory to the Court. Court appearances were held on August 13, 2020, September 14, 2020, and October 7, 2020.

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 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, the Administrator, Betty Roundpoint, contends that the decedent, Alexander J. Roundpoint, a tribal member, has an interest in real property. The documents provided by the Saint Regis Mohawk Tribe Tribal Clerk’s Office demonstrate that the real property is located within the borders of the Saint Regis Mohawk Indian Reservation. Thus, the Court possesses exclusive jurisdiction over the real property based on the aforementioned reasoning.

Applicable Law

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

¹ SRMT Probate Law § 1.3 (a).

² SRMT Probate Law § 1.3. (b) (1).

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

DISCUSSION

The decedent's Estate includes real property described as [REDACTED] and several personal items, such as [REDACTED]. The decedent jointly owned [REDACTED] with the Administrator. As a joint owner, Mrs. Roundpoint assumed sole ownership of [REDACTED] upon Mr. Roundpoint's death and she may pursue the change of title with [REDACTED].

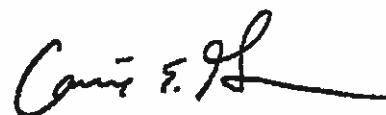
Under the SRMT Probate Law, the "surviving Tribal Member spouse shall inherit the real property interest in Reservation land and all other property owned by the deceased spouse."⁴ Mrs. Roundpoint is the decedent's surviving spouse and thus his sole heir. As a result, pursuant to the SRMT Probate Law ownership of [REDACTED] and all of the decedent's personal items are transferred to Mrs. Roundpoint.

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED, AND DECREED** that

1. Betty Roundpoint is **ORDERED** to obtain a SRMT Use and Occupancy Deed from the Saint Regis Mohawk Tribal Clerk's Office for [REDACTED].
2. Upon receipt of the SRMT Use and Occupancy Deed, Betty Roundpoint is **ORDERED** to file a copy with the Court.
3. Upon filing of the SRMT Use and Occupancy with the Court, she shall be released of her duties as Administrator and this case shall be closed.

Signed this 21st day of October 2020.



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. Due to the coronavirus pandemic, please consult the Administrative Orders found on the Court's webpage for information on how to submit a motion for reconsideration or appeal at this time.

⁴ SRMT Probate Law § 3.2(b)(1).