

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

**In the Matter of the ESTATE OF CORLEEN
JACKSON, Deceased.**

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) **Case No.: 20-PROB-00010**
)
) **DECISION AND ORDER**
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Procedural Background

On September 9, 2020, Haylee Jacco, Shaylan Jacco, and Kaylee Jacco, Petitioners, filed an intestate petition to probate Corleen Jackson's, their mother, Estate.

On September 24, 2020, the Court held an initial appearance on this matter. Haylee Jacco, Shaylan Jacco, Kaylee Jacco, petitioners, were present and self-represented.

On April 19, 2021, Kaylee Jacco submitted a signed document titled Small Estate Affidavit. Affidavit for Collection of Property.¹

Applicable Law

This case is governed by the Saint Regis Mohawk Tribe Probate Law ("SRMT Probate Law").²

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."³ Furthermore, "[t]he Tribal Court shall have exclusive jurisdiction to probate real property located within the reservation."⁴

In the instant matter, the documents provided by the Saint Regis Mohawk Tribe Tribal Clerk's Office and the Petitioners demonstrate that the decedent may have an interest in real property and 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.

¹ The Court notes that it scheduled appearances in this case on October 28, 2020 and December 18, 2020 and the Petitioners did not appear for Court.

² SRMT Probate Law (enacted August 16, 2017).

³ SRMT Probate Law § 1.3 (a).

⁴ SRMT Probate Law § 1.3. (b) (1).

Discussion

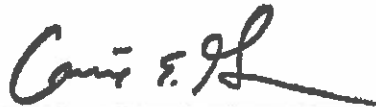
In this case, Kaylee Jacco, Petitioner, has submitted a document titled Small Estate Affidavit, Affidavit for Collection of Property for the Court to consider. Kaylee Jacco signed the Affidavit and the document is notarized. A review of the SRMT Probate Law provides a process for small Estates and the requirements that the Estate must meet in order to be eligible for this process. Thus, the issue becomes whether this Estate is eligible.

Under the applicable Small Estate provision, the SRMT Probate Law states that "[i]f a person dies and leaves an estate whose value is less than [REDACTED] and which does *not* include any interests in real property, the estate may be settled with minimal Tribal Court involvement so long as all of the heirs and beneficiaries agree to small estate administration and have signed a written waiver of their right to contest the estate."⁵ In this case, the land records submitted by the Saint Regis Mohawk Tribe Tribal Clerk's Office and the documents submitted by the Petitioners demonstrate that the decedent may have an interest in real property located within the Saint Regis Mohawk Indian Reservation. Thus, the Estate is not eligible for the small Estate process.

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED AND DECREED** that the Estate of Corleen Jacco is not eligible for the small Estate process outlined in the SRMT Probate Law. The Petitioners are directed to contact the Court to provide a date to schedule an appearance in this matter.

Signed this 21st day of April 2021.



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

⁵ SRMT Probate Law § 2.1. (c) (1) (emphasis added).