

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

**Estate of Yvonne M. Chubb
Deceased.**

Case No.: 20-PROB-00014

DISTRIBUTION ORDER

Procedural History

On September 21, 2020, a petition to probate a will and other documents was filed by Margaret Chubb, Petitioner, for the Estate of Yvonne M. Chubb, her mother.

On September 25, 2020, the Court mailed notice to the decedent's sons, Michael and Patrick Chubb, informing them of the probate petition. Margaret Chubb, Petitioner, placed the required notice in a local newspaper.

On October 15, 2020, the Court held a first appearance on this matter. Margaret Chubb, Petitioner, appeared and was self-represented.

On November 17, 2020, the Court held an appearance on this matter. Margaret Chubb, Petitioner appeared and was self-represented. Margaret Chubb submitted an inventory of the Estate. The Court found the will be to valid.

On November 18, 2020, Margaret Chubb submitted a copy of the decedent's bank statement.

On November 19, 2020, the Court issued Letters Testamentary to Margaret Chubb.

On December 15, 2020, the Court held an appearance on this matter. No party appeared and the matter was continued.

On January 6, 2021, the Court held an appearance on this matter. Michael Chubb appeared and was self-represented. Margaret Chubb did not appear. The probate process was explained to Michael Chubb and he had no objections to the process.

On January 26, 2021, the Court held an appearance on this matter. Margaret Chubb, Petitioner appeared and was self-represented. The Court explained the need to also probate Patrick A. Chubb, her father's, Estate.

On April 19, 2021, the Court held an appearance on this matter. Margaret Chubb, Petitioner appeared and was self-represented.

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 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, Executor contends that the decedent, Yvonne M. Chubb, 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.

Discussion

In this case, Margaret Chubb, Executor, has petitioned the Court to probate a writing purported to be the Last Will and Testament of Yvonne M. Chubb, her mother, and the Court found it to be valid.

In cases where the Court determines that a will is valid, the Court is obligated to follow the provisions found in the document unless the Court has made a finding that certain provisions of the writing are invalid. In this case, the Court has not been presented with evidence contesting provisions. Therefore, the Court will examine the document in its entirety to determine distribution.

The only items listed on the inventory of the Estate of Yvonne M. Chubb are [REDACTED] and land at [REDACTED] and joint bank accounts. Bank accounts held by two people are automatically transferred to the surviving person, upon the other person’s death. No individual filed an objection to this transfer. Thus, the only remaining item is the real property.

The land records submitted by the Saint Regis Mohawk Tribal Clerk’s Office demonstrate that Patrick A. Chubb and Yvonne M. Chubb possessed a Saint Regis Mohawk Tribe Use and Occupancy Deed for [REDACTED] on Helena Road. The decedent’s husband Patrick A. Chubb, predeceased her and pursuant to his Last Will and Testament devised and bequeathed all his property to his wife, Yvonne M. Chubb.⁴ The real property owned by Patrick A. Chubb was transferred to the Estate of Yvonne M. Chubb.⁵ Thus, the Estate of Yvonne M. Chubb owns the entirety of [REDACTED] on Helena Road.

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

² SRMT Probate Law § 1.3 (a).

³ SRMT Probate Law § 1.3. (b) (1).

⁴ Estate of Patrick A. Chubb, 21-PROB-00005.

⁵ Estate of Patrick A. Chubb, 21-PROB-00005.

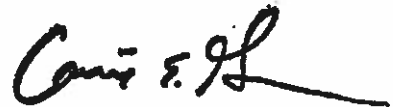
The Last Will and Testament of Yvonne M. Chubb bequeaths the house and lot located at [REDACTED] Helena Road, [REDACTED] to her daughter Margaret Chubb. Thus, the decedent's interest in [REDACTED] is transferred to the Margaret Chubb, Executor.

ORDER

Based on the above, the Court hereby **ORDERS** the following:

1. Margaret Chubb is **ORDERED** to obtain a SRMT Use and Occupancy Deed for [REDACTED]
[REDACTED] Margaret Cook is **ORDERED** to provide a copy of the SRMT Use and Occupancy Deed to the Court.
2. Upon receipt by the Court of the SRMT Use and Occupancy Deeds for [REDACTED] Margaret Chubb will be released as Executor and this case shall be closed.

Signed this 21ST day of April 2021.



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.