

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

**In the Matter of the ESTATE OF ANGUS
J. SMOKE, Deceased.**

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) **Case No.: 20-PROB-00022**
)
) **DECISION AND ORDER**
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Procedural Background

On November 20, 2020, Patricia A. Smoke Ripley filed a petition and other documents to probate the Estate of Angus J. Smoke.

On December 22, 2020, the Court held an initial appearance on this matter. Patricia A. Smoke Ripley appeared and was self-represented.

Applicable Law

The Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law) governs this matter.

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, Patricia A. Smoke Ripley, contends that the decedent, Angus Smoke, has an interest in real property. The documents and testimony provided by the record in the Estate of James Smoke demonstrates that the real property is located within the borders of the Saint Regis Mohawk Indian Reservation.³ Thus, the Court possesses exclusive jurisdiction over the real property based on the aforementioned reasoning.

Discussion

In this case, the certified family tree submitted by Patricia A. Smoke Ripley, Petitioner, demonstrates that according to the records kept by the Saint Regis Mohawk Tribal Clerk’s Office the decedent did not have a spouse or any children. The SRMT Probate Law indicates that in

¹ SRMT Probate Law § 1.3 (a).

² SRMT Probate Law § 1.3. (b) (1).

³ Estate of James Smoke 18-PROB-00012

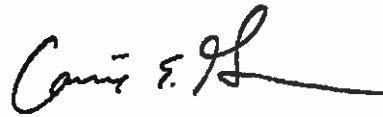
matters where a decedent passes intestate the qualifying heirs are a surviving spouse, children, grandchildren, parents, and siblings stand to inherit.⁴ In this case, the decedent does not have a qualified heir. In these instances, the SRMT Probate Law states “. . . the estate passes to the Tribe.”⁵ As previously mentioned, the records demonstrate that the decedent does not have a qualified heir.

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED AND DECREED** that the Saint Regis Mohawk Tribe is recognized as an heir to the Estate of Angus J. Smoke; it is further

ORDERED, ADJUDGED AND DECREED that a representative from the Saint Regis Mohawk Tribe and its legal counsel must appear on DATE for an appearance on this matter.

Signed this 23rd day of December, 2020.



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

⁴ SRMT Probate Law § 3.2. (b) (1) – (6).

⁵ SRMT Probate Law § 3.2. (8).