

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

**In the Matter of the ESTATE OF)
PAUL R. HERNE, Deceased.)**

Case No.: 21-PROB-00012

DISTRIBUTION ORDER

Procedural History

On June 23, 2021, a petition to probate Paul R. Herne's Estate was filed by Sue Ellen Herne, decedent's daughter. The decedent died on October 7, 2012 with a will. Decedent had one (1) child, Sue Ellen Herne.

On July 27, 2021, the Court held an initial appearance on this matter. Sue Ellen Herne appeared and was self-represented.

On August 23, 2021, the Court held an appearance on the matter. Sue Ellen Herne appeared and was self-represented.

On August 24, 2021, Sue Ellen Herne was appointed the Executor of the Estate of Paul R. Herne.

On September 15, 2021, Sue Ellen Herne, Executor, submitted a copy of the Inventory to the Court.

On September 29, 2021, the Court held an appearance on this matter. Sue Ellen Herne, Executor, 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

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

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, the Executor, Sue Ellen Herne, contends that the decedent, Paul R. Herne, a tribal member, has an interest in real property located within the boundaries of the Saint Regis Mohawk Indian Reservation. 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 and that the decedent was a tribal member. Thus, the Court possesses exclusive jurisdiction over the real property based on the aforementioned reasoning.

DISCUSSION

In this case, the inventory submitted by Sue Ellen Herne, Executor, indicates that Paul R. Herne, decedent, owned real property described as Lot [REDACTED] located on Rooseveltown Road that also includes a house, garage, and shed. The land records submitted by the Saint Regis Mohawk Tribal Clerk’s Office demonstrate that Paul R. Herne was the owner of the property at his time of death. Moreover, the Court notes on November 2, 2021, the decedent’s Estate was distributed Lot [REDACTED] by this Court.

In this case, the record indicates that prior to his death, Paul R. Herne, executed a writing purported to be his Last Will and Testament. The writing was signed by the decedent and two witnesses. Thus, it is a valid Will in accordance with the SRMT Probate Law and entered to probate.⁴ In the writing, Paul R. Herne, decedent, devised and bequeathed the real property described as Lot [REDACTED] located on Rooseveltown Road, the one acre on St. Regis River, and all other property both real and personal to his daughter, Sue Ellen Herne. The Court notes that the one acre on St. Regis Road, Lot [REDACTED] was given to Sue Ellen Herne and her minor children, Levi and Logan Herne, pursuant to a SRMT Use and Occupancy Deed on October 4, 2011. Thus, in accordance with the Will and this Court’s decision dated, November 2, 2021, Sue Ellen Herne, Executor, inherits the property described as Lot [REDACTED]

ORDER

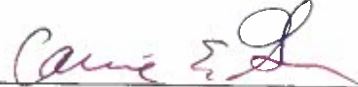
Based on the foregoing, it is **ORDERED, ADJUDGED, AND DECREED** that Sue Ellen Herne, Executor, is **ORDERED** to obtain a SRMT Right to Use and Occupancy Deed for Lot [REDACTED] and Lot [REDACTED]. A copy of the SRMT Right to Use and Occupancy Deed shall be filed with this Court. Upon Sue Ellen Herne filing copies of the SRMT Right to Use and Occupancy Deeds with the Court, she shall be released of her duties as the Executor and this case shall be closed.

² SRMT Probate Law § 1.3 (a).

³ SRMT Probate Law § 1.3. (b) (1).

⁴ SRMT Probate Law § 4.1. (c) (1) – (3).

Signed this 2nd day of November, 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.

This is to certify that this is a true copy
of the original that is on file with the
Saint Regis Mohawk Tribal Court.
Date: November 3rd 2021
Signed: Karen Combs-Oakes
Name: Karen Combs-Oakes

