

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

**In the Matter of the ESTATE OF
ELLENE M. HERNE, Deceased.**

Case No.: 21-PROB-00013

DISTRIBUTION ORDER

Procedural History

On June 23, 2021, a petition to probate Ellene M. Herne's Estate was filed by Sue Ellen Herne, decedent's daughter. The decedent died on October 26, 2010 without a will. The decedent's husband, Paul R. Herne survived her. Decedent had two (2) children, Sue Ellen Herne and Glenn A. Hill. The Court notes that it received a copy of a signed document executed by Glenn A. Hill relinquishing all his rights and title to any inheritance for the Estate of Ellene M. 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 Administrator of the Estate of Ellene M. Herne.

On September 15, 2021, Sue Ellen Herne, Administrator, submitted a copy of the Inventory to the Court and proof that it had been mailed to Glenn A. Hill.

On September 29, 2021, the Court held an appearance on this matter. Sue Ellen Herne, Administrator, appeared and was self-represented.

Applicable Law

The present action is governed by the Saint Regis Mohawk Tribe Probate Law (SRMT Probate Law).¹

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

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, the Administrator, Sue Ellen Herne, contends that the decedent, Ellene M. 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, Administrator, indicates that Ellene M. Herne, decedent, owned real property described as Lot [REDACTED] containing approximately [REDACTED] acres located on White Road. The land records submitted by the Saint Regis Mohawk Tribal Clerk’s Office demonstrate that Ellene M. Herne was the owner of the property at her time of death. The record indicates that decedent passed intestate. In other words, she passed without a will. Thus, the property is distributed in accordance with the SRMT Probate Law.

The SRMT Probate Law notes that in the event that when a tribal member dies without a Will, a surviving Tribal Member spouse shall inherit the real property interest in Reservation land and all other property owned by the deceased spouse.⁴ The certified family tree submitted by the Saint Regis Mohawk Tribal Clerk’s Office demonstrates that decedent’s husband, Paul R. Herne, passed on October 7, 2012 and that he was a tribal member. Therefore, Paul R. Herne’s Estate inherits the property described as Lot [REDACTED].

ORDER

Based on the foregoing, it is **ORDERED, ADJUDGED, AND DECREED** that the Estate of Paul Redman Herne shall inherit the interest in the property described as Lot [REDACTED] and that Sue Ellen Herne is released as the Administrator of the Estate. This case is hereby closed.

Signed this 24 day of November, 2021.

² SRMT Probate Law § 1.3 (a).

³ SRMT Probate Law § 1.3. (b) (1).

⁴ SRMT Probate Law § 3.2 (b) (1).



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 2nd 2021

Signed: Karen Connors-Oakes

Name: Karen Connors-Oakes

