## SAINT REGIS MOHAWK TRIBAL COURT

<u> </u>		Grand William Andrews Comment
Petitioner	Section 1	CEASE AND DESIST ORDER
	*	Core No. 17-CTV-00005

## PROCEDURAL HISTORY

On April 7, 2017

filed a Petition for Appointment as Administrator/ Executor of the Estate of Dakes. Court status conferences were scheduled on May 10, 2017; May 30, 2017; June 27, 2017; August 1, 2017 and August 22, 2017 and a hearing was scheduled on September 20, 2017 and October 2, 2017. On October 23, 2017, the Court issued a Decision and Order in the matter, however, the Estate was not closed. The Court ordered the Executor to submit receipts showing that the Estate has been fully distributed and to submit a copy of the Use and Occupancy Deed once such deed is issued by the Tribal Clerk's Office. 

Tribal Clerk's Office.

Oakes filed a Notice of Appeal on November 20, 2017 with Saint Regis Mohawk Tribal Court of Appeals and delivered proof of service of the appeal on the Executor On January 31, 2018 the Saint Regis Mohawk Tribal Court of Appeals dismissed his appeal without prejudice.<sup>3</sup>

On February 27, 2018 the Petitioner/Executo submitted a handwritten request for a Cease and Desist Order to the Court and on March 2, 2018, she filed with the Court a completed form request for a Cease and Desist Order directed to Dakes and Oakes.

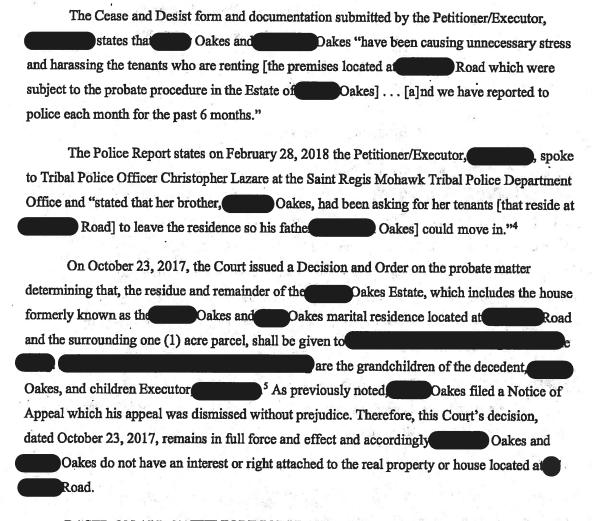
<sup>&</sup>lt;sup>1</sup> Estate of Oakes, 17-CIV-00005 (Oct. 23, 2017).

 $<sup>^2</sup>$  Id. at 6-7.

<sup>3</sup> Oakes value In the Matter of the Estate of Calculation Oakes, 17-APP-00004 (Jan. 31, 2018).

On March 6, 2018, the Court received a copy of the police report from Saint Regis Mohawk Tribal Police Department.

## **CEASE AND DESIST ORDER**



BASED ON ALL OF THE FOREGOING, THIS COURT finds that pursuant to its inherent judicial and civil authority under Saint Regis Mohawk Tribal Law there exists clear and convincing evidence to issue this CEASE AND DESIST ORDER based on the information

<sup>4</sup> SRMT Tribal Police Entry/CC#: SR-000947-18.

<sup>&</sup>lt;sup>5</sup> Estate of Oakes, 17-CIV-00005, 6-7 (Oct. 23, 2017).

obtained and provided by the Petitioner/Executor and the Saint Regis Mohawk Tribal Police Department and HEREBY ISSUES this CEASE AND DESIST ORDER.

This CEASE AND DESIST ORDER is directed to the following persons including all persons who may be acting on their behalf: Oakes Oakes THE COURT, FINDING JUST AND GOOD CAUSE, HEREBY ORDERS THE PARTIES TO IMMEDIATELY CEASE AND DESIST AS FOLLOWS: OAKES AND/OR OAKES SHALL NOT enter onto the premises or real property consisting of one (1) acre surrounding the house located at Road, Akwesasne, New York; and OAKES AND/OR OAKES shall refrain from any action that may physically or verbally harass any TENANTS at the premises Road premises; and OAKES AND/OR OAKES shall refrain from any action that may physically or verbally harass OAKES AND/OR OAKES may submit to the Court evidence modified, or lifted by March 14, 2018.

to show cause as to why the CEASE AND DESIST ORDER should be stayed,

THIS ORDER shall take effect and remain in effect for a period of SIX (6) MONTHS from the date it is signed at which time the Petitioner/Executor may renew her request and/or seek another remedy.

This CEASE AND DESIST ORDER shall be enforced by the Saint Regis Mohawk Tribal Police.

Signed by my hand this 6 day of March, 2018.

Lisa Garabedian Associate Judge Saint Regis Mohawk Tribal Court

This is to certify that this is a true copy of the original that is on file with the Saint Regis Mohawk Tribal Court.

4