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SURROGATE'S COURT

March 9, 2015

Hon. Marcy L. Kahn
NYS Unified Court System
Tribal Courts Committee

Hon. Kahn,

RE: DMV Issues/SNI Surrogate's Court Orders

This letter concerns the issues with the Cattaraugus County Department of Motor Vehicles (DMV), not acknowledging the Seneca Nation Surrogate Court's orders specifically the Letters of Administration or Letters Testamentary. The Seneca Nation Surrogate's Court follows the Seneca Nation Probate Code of which guidelines are followed when an Administrator and/or Executor is administering an estate. Estates are usually closed within a year.

I have been informed that when an appointed Administrator or Executor goes to the DMV to transfer the Decedent's vehicle(s) and present their Letters of Administration or Letters Testamentary to DMV, the Administrator or Executor is instructed by the DMV staff that they need to go upstairs to the Cattaraugus County Surrogate's Court and get Letters from that court. This then costs the Administrator and/or Executor additional fees when they have already paid the fees for their papers at the Seneca Nation Surrogate's Court. They pay the fee for the Letters and a recording fee at the Seneca Nation Clerk's Office.

The Administrators have informed the Seneca Nation Surrogate's Court of what they have been instructed to do by DMV. They refuse to get their letters from Cattaraugus County Surrogate's Court because they have already been appointed by the Seneca Nation Surrogate's Court. Therefore, the Decedent's vehicle(s) just sit there. This is a cause for concern as the court cannot proceed further in the Decedent's estate as all debts and assets must be taken care of per the Seneca Nation Probate Code before they can proceed to the distribution step. When the distribution is finalized, then the estate can be closed and the Administrator/Executor can be released of their obligations.

Some examples of DMV issues: One Administrator informed the court that she had a buyer for the Decedent's vehicle and she was going to use the proceeds to purchase a headstone for the Decedent but has not been able to because of DMV. Another Administrator stated that she has

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not been able to do anything with the Decedent's vehicles since his death four (4) years ago and that she wanted to sell the vehicles and give the money to the Decedent's fiancé for his minor children. This estate remains open. My ex-daughter-in-law took her divorce papers from the Seneca Nation Peacemaker's Court and wanted to change her last name back to her maiden name. DMV would not accept her divorce papers from the Seneca Nation Peacemaker's Court that stated she wished to change her last name. But the only way she could was that she needed so many "points" to do it. She had to scramble around and get the information she needed in order to change her name. She was able to accomplish the change but she shouldn't have gone through this trouble if only DMV had accepted the Peacemaker's Order. My other ex-daughter-in-law stated that she went to change her last name also but DMV would not accept the Peacemaker's Order - Divorce Decree also and she was not able to gather the information they required as "points" to change her name so she has not been able to change her last name. This has caused her frustration. She has been divorced for seven years.

These are just some of the issues that we face. As the Seneca Nation Surrogate's Court continues to issue Letters of Administration or Letters Testamentary, this court will more likely probate estates in the near future that may have DMV matters and I would like to get these issues settled so that the estates are not held up and we can proceed to move on to the next step and get the estates closed in a timely manner so as to not burden the heirs any longer than we have to and lessen the frustration.

Thank you.

Sincerely,



Hon. Esther Maybee
Surrogate Judge
Allegany Territory