

Oneida Appeals Commission

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Trial Court

In the Matter of the Estate of
Skenandore, Martha Romona, Deceased

Docket No. 04-TC-091

Date: January 17, 2005

Final Decision

This case has come before the Oneida Appeals Commission. Judicial Officers Leland Wigg Ninham, Anita Barber and Winnifred Thomas presiding.

I Background

Martha Romona Skenandore passed away October 13, 2003. At the request of one of her heirs, her estate will be probated by the Oneida Appeals Commission. At Ms. Skenandore's passing, she owned fee simple land within the reservation boundaries, known as N6433 Freedom Road, DePere, WI, 54115, she was also a recipient of a replacement home through the Oneida Tribe which was placed on Ms. Skenandore's fee simple land, and owned a 1989 Chevrolet automobile.

On October 15, 1983, Martha Skenandore executed and signed her will. In her will Ms. Skenandore assigned her estate to her husband Carl R. Skenandore. In the event that Carl was to predecease Martha, Martha designated her sister's (Yvonne Metoxen) sons, Brian and Barry Metoxen, as beneficiaries of her estate. Carl predeceased Martha, therefore Brian and Barry Metoxen are the beneficiaries.

On September 10, 1997, Martha Skenandore signed a designation of successor form with the Oneida Division of Land Management. This form designated Brian Metoxen as successor to the replacement home.

On March 1, 2003, Brian Metoxen granted a Life Estate to Helema Watters.

II Issues

Who receives title to the fee simple land?

Who receives the tribal replacement home?

Who receives title to the 1989 Chevrolet automobile?

Is the Life Estate to Helema Watters valid?

III Analysis

Who receives title to the fee simple land?

In Martha Skenandore's executed will in 1983, if her husband were to predecease Martha, her estate would go to Brian and Barry Metoxen. Since Martha's husband Carl predeceased her, Brian and Barry Metoxen are the beneficiaries of the will. Martha owned the land parcel at N6433 Freedom Road, DePere, WI, in fee simple. As per Martha's will, both Brian and Barry Metoxen receive equal interest in this parcel of land. Both receive a one-half (1/2) interest in the land.

Who receives the tribal replacement home?

On September 7, 1997, Martha Skenandore signed a Designation of Successor form. This form designated Brian Metoxen as successor to the replacement home. Had Martha not appointed Brian Metoxen as successor to her replacement home in the Designation of Successor form, Martha's will would have governed the replacement home and allowed for an equal interest to Brian and Barry Metoxen in the replacement home. However, since Martha designated Brian Metoxen as successor, Brian is the beneficiary to the replacement home. The Designation of Successor form is the most recent document concerning Martha's estate. Therefore, the Designation of Successor form is to be interpreted first, then all other property not designated would be determined by her will.

Who receives title to the 1989 Chevrolet automobile?

The title to the 1989 Chevrolet automobile is clear and is owned by the estate of Martha Skenandore. Since there is not a more recent document concerning Martha's vehicle, the 1989 Chevrolet will be distributed to the beneficiaries in Martha's will. Therefore, Brian and Barry Metoxen both receive one-half (½) interest in the 1989 Chevrolet automobile.

Is the Life Estate to Helema Watters valid?

On March 1, 2003, Helema Watters entered into a Life Estate agreement with Brian Metoxen for the property located at N6433 Freedom Road, DePere, WI. Both parties believed the Life Estate to be valid and the Oneida Division of Land Management advised the parties that the Life Estate contract was valid.

However, upon further review, the Oneida Division on Land Management incorrectly advised Brian Metoxen that he had the authority to grant Helema Watters a Life Estate. Brian Metoxen did not have any interest in the aforementioned property until Martha Skenandore's estate was probated. After the estate was probated, then Brian would have the authority to enter an agreement for a life estate with Helema Watters.

According to Martha's guardian, Bridget John, it was the intention of Martha Skenandore to grant the replacement house to Brian and to allow Helema Watters a life estate. This Commission views this error as a mutual mistake and will allow Helema Watters to continue to have a life estate to the property to reflect the intentions of the parties. Therefore, the Life Estate to Helema Watters is to be considered valid.

IV Decision

The fee simple land shall be divided equally between Brian Metoxen and Barry Metoxen, with each receiving one-half (½) interest in the fee simple land. All improvements, specifically the Oneida built replacement home, to the land shall be granted to Brian Metoxen. Brian Metoxen

and Barry Metoxen shall also receive one-half ($\frac{1}{2}$) interest in the 1989 Chevrolet automobile. Finally, this Commission recognizes the mutual mistake in the Life Estate agreement between Brian Metoxen and the Oneida Division of Land Management and hereby grants the Life Estate agreement between Brian Metoxen and Helema Watters to be valid.