

# Oneida Appeals Commission

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## Trial Court

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IN THE MATTER OF THE ESTATE OF:  
GERALDINE SOPHIA STEVENS,  
Testatrix

Docket No.05-TC-115  
Date: October 04, 2005

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## Probate Petition

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This case has come before the Oneida Tribal Judicial System Trial Court. Judicial Officers Winnifred L. Thomas, Mary Adams, and Leland Wigg-Ninham, presiding.

### I Background

The Petitioner and Legatee, Craig Larson Stevens, by way of his attorney, Gerald L. Hill, petitions this court, Oneida Tribal Judicial System to open the estate of his mother, Geraldine Sophia Stevens, deceased on September 30, 1990. This Petition to Probate is based on the Real Property Law of the Oneida Nation in Wisconsin, Chapter 67.

On September 21, 2005, Craig Larson Stevens, by way of his attorney, Gerald L. Hill, petitioned the Oneida Tribal Judicial System to open the Estate of his mother, Geraldine Sophia Stevens to probate. Geraldine Sophia Stevens, deceased as of September 30, 1990, left a Last Will and Testament. Present at the hearing was Roxanne Katers, James L. Stevens, Robin Joy Soldier, Craig L. Stevens, and attorney Gerald L. Hill.

## **II Issues**

Geraldine Sophia Stevens, bequeathed real property identified as: PARCEL: HB-1412, 3595 Overland Road to Legatee Craig Larson Stevens, and to William Briggs Stevens, the tools that were in his possession.

## **III Analysis**

This petition for probate of the estate of Geraldine Sophia Stevens, deceased, has been submitted for approval by the Oneida Tribal Judicial System. This Court asserts jurisdiction in the matter under the authority of General Tribal Council Resolution 8-19-91-A and the Real Property Law of the Oneida Nation, approved by the Oneida Business Committee Resolution 5-29-96-A.

The Last Will and Testament of the Testatrix assigned only two persons as beneficiaries, all others being specifically excluded.

For the record, included in the brief that was filed, Geraldine Sophia Stevens had fifteen children, besides Craig Larson Stevens, they are listed: Rollin Stevens, (deceased son); Antonette Y. Whitaker, daughter; Cathey Calkins, daughter; William B. Stevens, son; Beverly C. Danials, daughter; Robin J. Soldier, daughter; Roxanne R. Katers, daughter; James L. Stevens, son; Eldora J. Stevens, daughter; Glen R. Stevens, son; Quinton L. Stevens, son; Raphael H. Stevens, son; Warren W. Stevens, son; Debra M. Stevens, daughter and Jackie M. Carter, daughter. However it was her intention to exclude all but two sons, Craig Larson Stevens, and William Briggs Stevens. There are no other parties in interest to this estate.

The Testatrix, Geraldine Sophia Stevens, and Legatee, Craig L. Stevens were and are respectively, both enrolled members of the Oneida Tribe of Indians of Wisconsin.

The Last Will and Testament of the Testatrix had bequeathed the property identified by the current Property Tax Notice from the Brown County Treasurer as: PARCEL: HB-1412, 3595

Overland Road, Geraldine Stevens.

On July 18, 1990 Geraldine Sophia Stevens, did appoint her son Craig Larson Stevens, as personal representative of her Last Will and Testament. The Testatrix requested that no bond be required of the Legatee in that capacity. Testatrix empowered the Legatee to sell, lease or mortgage any property, real or personal, publicly or privately, without court order and without notice to anyone, upon such terms and conditions as shall seem best to said personal representative, Legatee, and without liability on application of the consideration: to permit any of the beneficiaries herein named to enjoy the use inkind, during the probate of this will, of any tangible personal property without liability on the part of said personal representative, Legatee for any injury to, consumption of, or pay any claims, including taxes inserted in favor of or against the Testatrix's estate.

The Testatrix's son William B. Stevens is the other beneficiary in this will. The Testatrix gave William Briggs Stevens all tools that were in his possession. All of the rest, residue and remainder of her estate whatever kind, nature or description, real or personal, wherever situated was bequeathed to Craig Larson Stevens.

It was the Testatrix's intention to exclude all other persons and this was not disputed.

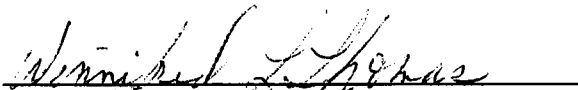
#### **IV Decision**

After review of the petition and consideration of the Last Will and Testament of the deceased, Geraldine Sophia Stevens, who died on September 30, 1990, this Court hereby approves the petition for probate and hereby designates the heirs to the estate. The heirs, of the estate of Geraldine Sophia Stevens, are the two sons of the deceased, William Briggs Stevens, and Craig Larson Stevens. William Briggs Stevens had been given tools that were in his possession, and Craig Larson Stevens, was given the property identified as PARCEL: HB-1412, 3595 Overland Road.

This petition for probate is hereby held to be in order and is approved by the Oneida Tribal Judicial System.

It is so ordered.

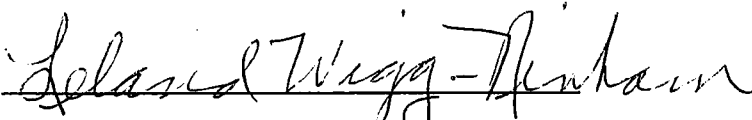
By the authority vested in the Oneida Tribal Judicial System pursuant to Resolution 8-19-91-A of the General Tribal Council it is so held on this 4<sup>th</sup> day of October 2005, in The Matter of the Estate of Geraldine Sophia Stevens, Docket No. 05-TC-115.



Winnifred L. Thomas, Lead Judicial Officer



Mary Adams, Judicial Officer



Leland Wigg-Ninham, Judicial Officer