

IN THE PEACEMAKERS COURT  
OF  
THE SENECA NATION OF INDIANSPetition of Scott B. Maybee Requesting Relief from Foreign Court Interference

I, Scott B. Maybee, state the following in support of this petition to the Peacemakers Court:

1. I am an enrolled member of the Seneca Nation of Indians (“Nation”) (enrollment no. 196.00), a landowner of real property within the Nation, and a business partner with fellow enrolled Senecas doing business within the Nation.
2. I bring this declaratory action to safeguard my rights to my real property and business interests located within the Nation that I, individually or with my enrolled Seneca partners Gary Sanden and Travis Heron, have developed over the last twenty-five years. My business interests are held in my own name, in partnerships, as well as in the form of limited liability companies with my partners and established pursuant to Nation law (“Nation-sourced assets”). The Nation’s inherent sovereign authority and economic self-determination policies protect such Seneca business and economic interests. (S.N.I. Business Code, Sec. 1(b)).
3. In September 2021, a divorce action was filed in the courts of the State of Montana (“State”) against me by my spouse, Karen L. Maybee, a non-Indian. I am domiciled on the Nation’s Cattaraugus Territory and presently reside in the State of Montana.
4. In the course of the State court proceedings, my spouse has alleged that the State courts have authority to determine the value of my Nation-sourced assets, as well as order the division of the value of said assets.
5. The Peacemakers’ Court has exclusive constitutional and legal authority to address territorial real estate matters involving enrolled Senecas. In addition, the Court also has all right and authority to declare rights to business interests located within the Nation. For example, the Council has enacted the Seneca Nation Limited Liability Company (“LLC”) Law (as amended in October 2020), which makes clear that all Seneca LLCs are governed by the laws of the Nation and have consented to “the full extent of the Nation’s legislative, regulatory and adjudicatory jurisdiction.” (S.N.I. LLC Law Sec. 1.5).
6. The Council has established that the Peacemakers’ Court has authority to decide any claim regarding control of a Seneca LLC. (S.N.I. LLC Law 3.4(e); S.N.I. Business Code 1-105, 10106). Such jurisdiction is subject only to federal law, not the laws of the states. (S.N.I. Business Code 1-107(b)). This further includes the authority “to determine the ownership or rights [over property]”. (S.N.I. Business Code 1-111).
7. Nation law and custom provides that a Nation Member cannot contribute real property to an LLC (S.N.I. LLC Law 3.1), however, Nation land interests can represent an LLC Member’s ability to raise assets and financially contribute as needed to the economic partnership. My real estate holdings have been so utilized and are inextricably intertwined with my business relationships with my enrolled Seneca business partners.

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8. In 1998, before I was married, I founded a successful mail order business selling cigarettes and other tobacco products. This business was the basis of all of my personal wealth and successor businesses, and from which all of my assets within the Nation are derived. From the roots of that business, I built a tobacco products wholesaling business, USTW, which was also started before I was married.
9. In 2001, I married my non-Indian spouse. From the beginning of our relationship, including my building my mail order business, USTW and other Nation-sourced businesses, I continuously informed her of the location of my business and real-estate assets within the Nation and that such assets were held separately and distinct from any marital assets.
10. As the nature of my Nation-sourced assets changed over time, I reiterated to my spouse that should anything happen to me—including my death—that she must walk away as she had no claim. Until recently, she had always expressed her understanding and acceptance that as a non-Indian she would never be allowed to possess any interest in any land or business interest located within the Nation.
11. Over the years, I regularly reviewed with my spouse our joint personal financial statements detailing all of my assets including cash, stocks and bonds, real estate, and other investments. My Nation-sourced assets were separately identified in these statements and the value excluded from the total of our marital assets. I do not dispute that my non-Nation-sourced assets are subject to equitable distribution in a foreign court with jurisdiction such as in Montana.
12. At various times in our marriage, I have explicitly excluded my Nation-sourced assets on these personal financial statements, with my own shorthand, typically a notation such as “minus Rez assets”. At other times, I omitted them completely and no such notations were necessary.
13. Regardless of our understanding over the last 22 years, in petitioning for divorce my spouse demands that the State court order a distribution of my separate Nation-sourced assets. This petition identifies these specific assets and requests that the Peacemakers’ Court declare them separate and unattainable through any State court order.
14. The following is a chronology of the transactions associated with my accumulation of the Nation-sourced assets that are the subject of this petition:
  - a. In 2003, I purchased real estate from Carson Waterman using separate property assets from my tribal mail order and wholesaling businesses. I used no marital assets to purchase this tribal land.
  - b. On August 1, 2003, I purchased the Signals store location at 11024 Southwestern Boulevard, on the Cattaraugus Indian Reservation, from fellow enrolled members Harold Parker, III and Janet Parker, again using only separate property assets from my tribal mail order and wholesaling businesses. The sale is recorded at Liber 28 page 005.

- c. On June 28, 2004, I purchased an additional lot across from the Signals store location on Southwestern Boulevard, on the Cattaraugus Indian Reservation, from fellow enrolled member Harold Parker, III, again using only separate property assets from my tribal mail order and wholesaling businesses. The sale is recorded at Liber 28 page 184.
- d. On April 5, 2006, I caused to be organized my Salamanca CBW, LLC under the Nation's law, located on Seneca Nation Territory a business that I funded exclusively using separate property assets from my tribal businesses. Salamanca CBW formed for the purpose of providing customs bonded warehouse services to its clients.
- e. In 2006, I was separately gifted .26 acres of tribal land from David Isaac. In 2023, as part of my business dealings with my enrolled partners, I transferred one-third interests in this parcel to Gary Sanden and Travis Heron as detailed in (q) below.
- f. On October 23, 2013, I entered my USTW distribution business into a partnership with SAM Wholesale, a distribution business owned by Gary Sanden and Travis Heron, resulting in our USTW-SAM partnership.
- g. On December 12, 2013, I entered into a Seneca joint operating agreement with Gary Sanden and Travis Heron through which our business interests were aggregated under an arrangement known as the GTS Joint Operation. My tribal assets subject to this joint operation included a wholesale tobacco products distribution business, a custom-bonded warehouse business and a gas and tobacco retail business operating within the Seneca Nation.
- h. On February 19, 2014, Gary Sanden, Travis Heron, and I registered GTS Enterprises ("GTSE") with the Cattaraugus County clerk's office. I funded my contribution to GTSE exclusively from my separate Nation-sourced assets.
- i. GTSE has multiple interconnected Seneca member-owned businesses operating on Nation Land and under Nation law. Income from these entities flow through GTSE, namely UTSW, Seneca Manufacturing Company, Salamanca CBW, Signals, SAM Wholesale, Kill Buck Outlet, and Paramount Industries.
- j. On August 12, 2015, I subdivided and gifted a parcel of land situated on U.S. Route 20 (a.k.a. Southwestern Boulevard), on the Cattaraugus Indian Reservation, to my enrolled mother Donna Jean Maybee while retaining a billboard easement. This sale is recorded at Liber 51 page 342.
- k. In 2015, my mother gifted me and my sister a parcel of land off Delaware Road.
- l. On January 1, 2016, I sold my partnership interests in SAM-USTW to my partner Gary Sanden who continues paying on the notes for these sales. This sale expressly requires the agreement to be construed according to Nation law. The balance on this note is \$372,595.27, as of October 1, 2023.



- m. On January 1, 2016, I sold Salamanca CBW, LLC on the Allegany Territory to Gary Sanden. There is a Note Payable for this transaction that has a balance of \$181,055.52, as of October 1, 2023.
- n. On January 1, 2016, I sold the Signals gas station to Gary Sanden. There is a note payable with a remaining balance of \$315,183.86, as of October 1, 2023.
- o. I still currently receive payments on notes payable for my past ownership interest in CBW, USTW, and Signals, each pursuant to a purchase and sale agreement, Salamanca CBW (formerly a single-member NYS LLC) was reorganized as a Seneca Nation LLC to add myself back to the entity. On December 18, 2020, I entered into an operating agreement with my enrolled partners Gary Sanden and Travis Heron under which we each possessed one-third interest. On January 12, 2021, we filed the articles of organization and operating agreement with the Seneca Nation for this LLC. For tax purposes, the balance of the Note still exists but that is factored into the monthly draw I receive from GTSE.
- p. On March 4, 2021, Gary Sanden, Travis Heron, and I applied to do business as Salamanca CBW LLC, at 175 Rochester Street on the Allegany Territory as a Nation LLC. Each partner possesses an equal interest in this enterprise.
- q. On August 20, 2021, I transferred all of my 11024 Southwestern Boulevard interests to Gary Sanden and Travis Heron as part of reorganizing my tribal assets. This land is now held by GTSE.
- r. On January 26, 2022, as part of my tribal business dealings with my enrolled partners, I transferred property across from Signals on U.S. Route 20 (a.k.a. Southwestern Boulevard) to Gary Sanden, Travis Heron and myself, Scott Maybee, d.b.a GTS Enterprises, recorded at Liber 65 page 04.
- s. Such transfers supported the business of our partnership and permitted my enrolled partners to make beneficial use of this Nation-sourced property, in the manner they saw best for our tribal business, while I now temporarily live in Montana.
- t. On January 30, 2023, I transferred the Allegany Territory property to be jointly held by myself and my enrolled business partners Gary Sanden and Travis Heron. The sale is recorded at Liber 67 page 301.
- u. Most, if not all, of my Nation-sourced separate income is derived from the GTSE entity. However, I also have a minority ownership interest in three other entities, Allegany Capital Enterprises, LLC (“ACE”), Redhouse, LLC (“Redhouse”), Salamanca CBW, and Red Oak Group, LLC. These entities also operate on Nation Land and operate under Nation law.
  - i. ACE primarily focuses on providing advisory services in connection with the manufacturing of tobacco products by Indian-owned businesses. It was organized under the laws of and registered with the Seneca Nation of Indians on December 18, 2020. All ACE owners are enrolled Seneca



members (i.e., Scott Maybee (31.3%), Travis Heron (31.3%), Gary Sanden (31.3%), and Odie Porter (6.0%)).

- ii. Redhouse primarily manufactures hemp- and CBD-related products. It was established in 2019 by Scott Maybee, Travis Heron, and Gary Sanden (each with 33.3% interest).
- iii. Red Oak was established in 2021 by Scott Maybee, Travis Heron, and Gary Sanden (each 33.3% owners) as another entity providing shared services and management, similar to GTSE.
- iv. Salamanca CBW, LLC as discussed above is, provides customs bonded warehouse services to its clients. It is currently owned by Scott Maybee, Travis Heron, and Gary Sanden (each 33.3% owners).

15. The divorce proceedings occurring in the State court threaten to interfere with the sovereign authority of the Nation and the Nation courts to determine the ownership and valuation of Nation land, and business interests formed under Nation law and located within the Nation.

16. The following relief is requested:

- a. A declaratory judgment that the Peacemakers' Court has sole and exclusive jurisdiction to determine the ownership and valuation of Nation land and business interests formed under Nation law and located within the Nation,
- b. A declaratory judgment that my Nation land, Nation businesses, and/or the income derived from them may not be sold or otherwise alienated to a non-Indian or at the direction of a non-Indian or State court,
- c. A determination that my Nation-sourced assets are now and have always been the separate property of myself and/or my enrolled Seneca business partners, and our businesses formed under Nation law, and are not part of my marital estate for all purposes including calculating the equitable distribution of my marital estate assets,
- d. That any valuation of my Nation-sourced assets must be conducted by Peacemakers' Court, and
- e. Such other related relief that the Court deems necessary.

Filed, this 30 day of October, 2023.



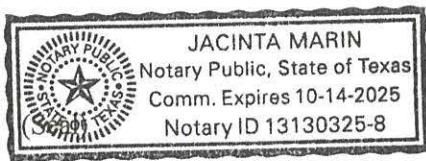
Scott B. Maybee  
Enrollment No. 196.00

Address of Karen L. Maybee for service of process:  
229 Amber Lily  
PO Box 161594  
Big Sky MT 59716

STATE OF TEXAS  
COUNTY OF Fort Bend

Before me, Scott B. Maybee, on this day, personally appeared to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand this: 30<sup>th</sup> of October, 2023.



Jacinta Marin  
Notary Public

My Commission Expires 10/14/2025

A handwritten signature in black ink, appearing to read "Scott B. Maybee".