

THE SENECA NATION OF INDIANS  
PEACEMAKERS' COURT  
2 THOMAS INDIAN SCHOOL DRIVE  
IRVING, NEW YORK 14081  
CATTARAUGUS TERRITORY  
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enwood  
REME COURT  
NTANA  
P 25-0091

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SCOTT B. MAYBEE v. KAREN L. MAYBEE

**DECLARATORY JUDGMENT**  
**DESIGNATION OF SOLELY OWNED TRIBAL PROPERTIES & ASSETS**

CIVIL ACTION NO. 1201-23-1

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**APPEARANCES:** Scott B. Maybee, Plaintiff  
Michael J. Williams, Esq., Attorney for Scott Maybee  
Charles C. Ritter, Jr., Esq., Attorney for Karen Maybee

At a Hearing before the Peacemakers' Court in and for the Seneca Nation of Indians, Cattaraugus Territory, on the **23<sup>rd</sup> day of January, 2024**, with the Honorable Darlene Lay and the Honorable Sylvia L. Jock presiding, and with all parties noticed and present and/or represented, it is the findings of this Court:

**NARRATIVE:**

Plaintiff, Scott B. Maybee, an enrolled member of the Seneca Nation of Indians filed a petition for declaratory relief<sup>1</sup> on December 1, 2023 seeking "...this declaratory action to safeguard [my] rights to my real property and business interests located within the Nation..."

**FINDINGS OF FACT:**

Plaintiff and Respondent were married on October 26, 2001 in Saint Maarten.

Plaintiff and Respondent both presently reside in Montana, where divorce proceedings were filed in 2021 and are presently ongoing and issues of *'marital property and equitable assets'* within the State of Montana are undisputed. Plaintiff retains a domicile on the Cattaraugus Territory within the Seneca Nation. *Only* the issue of the Plaintiff's tribal business assets and real property within the exclusive jurisdiction of the Seneca Nation have been deferred to this Court by the Montana Court for adjudication Order dated December 6, 2023.

In Respondent's Affidavit of January 22, 2024 at π8 she states "Petitioner and I sold all our New York properties in 2013" and at π9 states that she does not "... seek ownership or control of any Tribal land or business interest" and "requests only that those interests be 'considered' for valuation purposes in the disposition of total marital assets."

In reviewing the origins of the tribally owned business assets, it is noted that the Plaintiff owned a lucrative business prior to his marriage to the Respondent. Present day, these businesses have

<sup>1</sup> Declaratory Judgments and Advisory Opinions, (a) The Peacemaker Court may, where a controversy exists, issue a judgment declaring the rights or legal relations of any interest party. Such declaratory judgment shall have the effect of a final judgment whether or not further relief is or could be claimed....Seneca Nation Peacemaker's Court Civil Procedure Rules, Article 2-102

morphed into several partnership businesses which remain within the jurisdiction of the Seneca Nation and continue to be governed by Seneca Nation Law. It may or may not be that certain proceeds from Plaintiff's tribally owned business profits were used as start-up collateral for the parties' businesses and real properties located in the State of Montana. Regardless, the Respondent has and will benefit sufficiently along with generous provision for the minor children without inferring claim on the tribally owned assets which are prohibited by Seneca Nation Law. Further, this Court finds credibility in Plaintiff's statement that the Respondent was always made aware that she could never make claim on his tribally owned business assets and real property. Respondent did not participate, work or otherwise assist in the growth, expansion or operations of these tribally owned businesses. Respondent acknowledged same in her supporting affidavit.

**CONCLUSIONS OF LAW:**

**THAT Jurisdiction** of this Court is as follows:

It is clear that the '*non-marital/Nation sourced assets*' (real and business property) of the Plaintiff that is now at issue in the Montana divorce action is located within the Seneca Nation of Indians. Thus, this factor lends significant credence to the Peacemaker's jurisdiction over these issues.

"The judicial power shall extend to all cases arising under [this] Constitution, the customs or laws of the Nation, and to any case in which the Nation, *a member of the Nation or any person or corporate entity residing on, organized on, or doing business on any of the Reservations shall be a party*<sup>2</sup>."

"The Peacemakers Courts of the Seneca Nation of Indians shall have general jurisdiction to hear all civil actions and shall have *exclusive* subject matter jurisdiction in all matters arising within the Seneca Nation; over *all* persons including a corporation(s) and an organization(s) *over all property or status of members and non-members in dispute*....<sup>3</sup>"

"Personal Jurisdiction: As used in [these] jurisdiction provisions, the word "person" shall include any individual, firm, company, association, organization, political subdivision, government agency, partnership or corporation."<sup>4</sup>

"Subject to any contrary provisions, exceptions or limitations in the Seneca Nation Constitution of 1848, as amended, or as expressed otherwise, the rules of the civil procedure contained herein shall apply to, and the Peacemakers Courts of the Seneca Nation of Indians *shall have jurisdiction over any real or personal property located within the territorial jurisdiction of the Seneca Nation of Indians*...<sup>5</sup>"

"Subject to any contrary provisions, exceptions or limitations contained in either the Seneca Nation Constitution, Federal law or these rules, the Peacemaker Courts of the Seneca Nation shall have jurisdiction over all civil actions and over all civil offenses occurring within the jurisdiction defined herein."<sup>6</sup>

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<sup>2</sup> SNI Constitution, as amended, §IV, π6

<sup>3</sup> SNI CPR Article 2, §2-101

<sup>4</sup> SNI CPR Article 2, §2-104(a)

<sup>5</sup> SNI CPR Article 2, §2-106

<sup>6</sup> SNI CPR Article 2, §2-107(a)

“...Each licensee and/or Certificate holder consents to the Service of Process within the Peacemakers’ Court with respect to all actions over which the Peacemakers’ Court has subject matter jurisdiction, in accordance with the Peacemakers’ Court Civil Procedure Rules.”<sup>7</sup>

Accordingly, the Seneca Nation Peacemakers Court is a Court of competent jurisdiction *exclusively* appropriate for the issue presented before it.

**REAL PROPERTY:** pursuant to longstanding Custom & Tradition of the Seneca Nation, real property cannot be ‘valuated’ for any reason(s) whatsoever, unless expressly agreed, in writing or by statute. There remains no such provision or enacted statute within Seneca Nation Tribal Law.

**TRIBALLY OWNED AND CERTIFIED BUSINESSES LICENSED AND OPERATING WITHIN THE INTERIOR BOUNDARIES OF THE SENECA NATION:**

Plaintiff’s tribally owned businesses/partnerships are exclusively governed by Seneca Nation Law, namely the Seneca Nation Business Licensing Law and in its Statement of Policy expressly states: “...the Seneca Nation Council states that it shall be official Nation policy to vigorously protect and defend the economic rights and security, political integrity, health and welfare of the Nation, its citizens, Territory, residents and visitors on the Territory against all foreign and domestic threats. Such protection and defence [sp] shall extend to the relation of all commerce conducted within the Territory in order to protect the Nation’s natural resources and Territory, from development in a manner which is inconsistent with sound business practices and harmful to the Seneca People and Territory.”<sup>8</sup>

To adequately regulate Petroleum Products, Tobacco Products and all other products and services on the Nation’s Territories, the Nation must ensure that Businesses producing, manufacturing, delivering, selling, purchasing, warehousing, importing and exporting whether in person, by mail order or internet, Petroleum Products, Tobacco Products and all other products and services free from New York State taxes are 100% Seneca-owned. A business shall not be considered one hundred percent (100%) Seneca-owned unless the Business possesses a certificate.<sup>9</sup>

“(iii) A statement verifying that the Applicant is one hundred percent (100%) Seneca-owned and no non-citizen has any interest or claim, excluding security interests in proceeds in connection with financing, to any proceeds from the operation of the Business. Proof of citizenship in the Nation must also be provided.”<sup>10</sup>

The Seneca Nation Peacemakers Court likewise has jurisdiction over matters of domestic relations involving a tribal member and a nonmember, as least where the marital property is located within the boundaries of tribal land. *See, e.g., AG Organic, Inc. v. John, 892 F. Supp. 466, 475 (W.D.N.Y. 1995).*

In *VanAernam v. Nenno*, 06-CV-0053C(F) W.D.N.Y. 2006, as Intervenor, the Seneca Nation articulated a strong interest in preserving its tribal authority over affairs involving the activities of non-Indians on reservation lands as “an important part of tribal sovereignty.” *LaPlante, 480 U.S. at 18 (citations omitted).* As stated by the Supreme Court in *LaPlante*, “[c]ivil jurisdiction over

<sup>7</sup> Seneca Nation Business Licensing Law, as amended 2008, §2.12(b)

<sup>8</sup> Seneca Nation of Indians Business Licensing Law, as amended 2008, §1.1.

<sup>9</sup> Seneca Nation of Indians Business Licensing Law, as amended 2008, §2.7

<sup>10</sup> Seneca Nation of Indians Business Licensing Law, as amended 2008, §2.8(iii)

such activities presumptively lies in the tribal courts unless affirmatively limited by a specific treaty provision or federal statute.” *Id.*; see also *Montana v. United States*, 450 U.S. 544 (1981); *Santa*

*Clara Pueblo v. Martinez*, 436 U.S. 49, 65 (1978) (tribal courts are appropriate forum for adjudication of disputes affecting *personal and property rights* of both Indians and non-Indians).

Upon careful review of the facts, circumstances and testimony before this Court, it is found that the ‘*non-marital/Nation sourced assets*’ (real and business property) were owned solely by the Plaintiff, Scott B. Maybee prior to the 2001 marriage to a non-citizen of the Seneca Nation and are not subject to any claims, valuations, liens or actions by non-citizens or foreign jurisdictions and it is hereby:

**ORDER:**

**ORDERED, ADJUDGED AND DECREED** that any and all real property owned, maintained or otherwise partnered by the Plaintiff, Scott B. Maybee, within the interior boundaries of the Seneca Nation were obtained prior to the 2001 marriage to the Respondent and *remain solely and exclusively his non-martial property* and exclusively within the jurisdiction of this Court are not subject to any claims, valuations, liens or actions by non-citizens or foreign jurisdictions in accordance to longstanding Customs and Traditions of the Seneca Nation; and it is further

**ORDERED** that the ‘*non-marital/Nation sourced assets*’ (real and business property) were owned solely by the Plaintiff, Scott B. Maybee prior to the 2001 marriage to a non-citizen of the Seneca Nation and are not subject to any claims, valuations, liens or actions by non-citizens or foreign jurisdictions; and it is further


**ORDERED** that the Brisbane Consulting Group, LLC reported dated July 11, 2023 delineating valuations for GTS Enterprises, Allegany Capital Enterprises LLC, Redhouse LLC & Red Oak Group, LLC may not and cannot be used for independent valuation/assessment outside of the Seneca Nation; and it is further


**ORDERED** any violations or non-adherence to the directives of this Court will result in further Contempt of Court proceedings and civil penalties; and finally

***IT IS SO ORDERED.***

1-29-24  
Date

1/29/24  
Date

  
**HONORABLE DARLENE LAY  
SENIOR PEACEMAKER JUDGE  
SENECA NATION OF INDIANS  
CATTARAUGUS TERRITORY**

  
**HONORABLE SYLVIA L. JOCK  
PEACEMAKER JUDGE  
SENECA NATION OF INDIANS  
CATTARAUGUS TERRITORY**

ENTERED AND FILED IN THE CATTARAUGUS  
TERRITORY PEACEMAKERS' COURT

Megan M. Torres  
Megan M. Torres, Court Clerk

01/29/24  
Date



"THE PARTIES ARE HEREBY NOTIFIED THAT THEY HAVE A RIGHT TO APPEAL THIS DECISION TO THE COURT OF APPEALS; AN APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS FROM THE DATE OF THE DECISION."