



INTERIOR BOARD OF INDIAN APPEALS

Estate of Isaac or Ike Duncan

1 IBIA 20 (11/02/1970)

NOTICE OF ESCHEAT

In the matter of the Estate of : November 2, 1970
Isaac or Ike Duncan, R&R :
Allottee No. 16, deceased :

Notice is hereby given that by order of November 3, 1970, attached hereto and made a part of this notice, the Secretary of the Interior, through his duly authorized representative and pursuant to Section 2 of the Act of November 24, 1942 (56 Stat. 1022, 25 U.S.C. 373(b)), has directed that available cash, and trust or restricted interests in public domain allotments, described more fully in the attached order, of the Estate of Isaac or Ike Duncan, R&R Allottee No. 16, deceased Hoopa Indian, escheat to the United States.

//original signed
David J. McKee
Chairman, Board of Indian Appeals



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
WASHINGTON, D.C. 20240

Estate of Isaac or Ike Duncan : IBIA-70-8-E
Deceased Hoopa Indian : Probate No. F-87-68
Allottee No. 16 : Escheat Order

The following findings of fact are made and the following order are entered in the exercise of the authority vested in the Secretary of the Interior by the Act of June 25, 1910, as amended, 36 Stat. 855; 25 U.S.C. 372 (1964), and section 2 of the Act of November 24, 1942, 56 Stat. 1021; 25 U.S.C. 373b (1964), delegated to the Board of Indian Appeals (35 F.R. 12081) by the Secretary of the Interior:

Findings

1. Isaac or Ike Duncan, a Hoopa Indian, died intestate in February 1948, at the approximate age of 74 years.
2. Decedent's estate subject to the jurisdiction of the Secretary consists of cash and trust or restricted interest in the public domain allotment described as:

Humboldt Allot. No. 47 Major Clark--an undivided 1/2 interest in a fractional part of the S/2 of NW/4 and N/2 of SW/4 Section 30, T. 2S, R.2W., Humboldt Meridian, California
3. The estimated value of the estate exceeds \$6,490.83.

4. On September 30, 1948, the Superior Court of the State of California, in and for the County of Humboldt found that the decedent died without any known heirs or heirs that could be ascertained and his non-trust estate was escheated to the State of California after payment of claims against the estate. Although this decision is not considered as conclusive on which to escheat trust property, it is evidence that the decedent died without any known heirs.

5. In an effort to determine decedent's lawful heirs, hearings were held, with prior notice to all known interested parties and to the general public, on the following dates: June 26, 1950, October 22, 1951; and October 20, 1964.

6. At the several hearings held, some five persons claimed to be related to the decedent. Their testimony was replete with vagueness and unsubstantiated hearsay. All of the claimants could only testify that they were related to the decedent but did not know the exact relationship. The Bureau of Indian Affairs records reflect no known close kindred of the decedent. The evidence adduced at the hearings failed to establish any heirs of decedent.

7. The tract of land involved does not lie within or adjacent to an Indian community.

8. There are no claims against the estate.

