



INTERIOR BOARD OF INDIAN APPEALS

Estate of Everett Nopah

4 IBIA 25 (04/18/1975)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

ESTATE OF EVERETT NOPAH

IBIA 75-58

Decided April 18, 1975

Petition to reopen.

Denied.

1. Indian Probate: Reopening: Waiver of Time Limitation

Petition to reopen filed more than three years after the final determination of heirs will not be granted unless there is compelling proof that the delay was not occasioned by lack of diligence on the part of the petitioning party.

2. Indian Probate: Reopening: Waiver of Time Limitation

It is in the public interest to require Indian Probate proceedings be concluded within some reasonable time in order that the property rights of heirs and devisees of trust allotments be stabilized.

APPEARANCES: Laura Etsetoiquarque Kompa, pro se.

OPINION BY ADMINISTRATIVE JUDGE WILSON

The above-entitled matter comes before the Board upon a petition filed by Laura Etsetoiquarque Kompa, hereinafter referred to as Petitioner, on March 24, 1975. The petition, although styled as a petition for rehearing is construed and will be considered as a petition for reopening, since that is what appears to have been intended.

The estate involved herein having been closed for more than three years, the matter was properly referred to the Board of Indian Appeals by Administrative Law Judge William J. Truswell, in accordance with the provisions of 43 CFR 4.242(h).

