



INTERIOR BOARD OF INDIAN APPEALS

Estate of George Edward Anderson

13 IBIA 52 (12/07/1984)



United States Department of the Interior

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

ESTATE OF GEORGE EDWARD ANDERSON : Order Approving Settlement
: :
: Docket No. IBIA 83-53
: :
: December 7, 1984

On September 14, 1983, the Board of Indian Appeals (Board) received a notice of appeal from Rose M. Anderson (appellant). Appellant sought review of a July 14, 1983, order denying rehearing issued in the estate of George Edward Anderson by Administrative Law Judge Robert C. Snashall. Appellant and appellee Allen E. Anderson initially attempted to reach a settlement of their dispute. When the parties were unable to reach an agreement, appellant filed her opening brief in January 1984.

Before briefing was concluded in this case, the Board requested briefing by the Office of the Solicitor, Department of the Interior, in this and another pending case on the question of Departmental recognition of resulting purchase money trusts in Indian trust land. The Solicitor's brief was filed September 28, 1984.

On October 22, 1984, the Board received a joint motion from the parties for an extension of time to respond to the Solicitor's brief because they were again attempting to settle their dispute. On November 26, 1984, the Board received the parties' settlement proposal.

Under 43 CFR 4.207, the Board is empowered to accept a settlement when it appears that the parties are fully advised of all material facts and are cognizant of the effect of the compromise upon their rights, and that settlement rather than continued litigation is in the parties' best interests. All of these criteria appear to be met in the proposed settlement agreement.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the proposed settlement in the Estate of George Edward Anderson, executed on November 20, 1984, by Rose M. Anderson and Allen E. Anderson, is approved. The Bureau of Indian Affairs is instructed to distribute the Indian trust estate of George Edward Anderson in accordance with this settlement agreement.

//original signed
Jerry Muskrat
Administrative Judge

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Anne Poindexter Lewis
Administrative Judge