



INTERIOR BOARD OF INDIAN APPEALS

Santa's Land d.b.a. Smoky Mountain Pawn & Trade v. Eastern Regional Director,
Bureau of Indian Affairs

41 IBIA 189 (08/23/2005)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
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ARLINGTON, VA 22203

SANTA'S LAND, INC., d/b/a SMOKY	:	Order Dismissing Appeal
MOUNTAIN PAWN & TRADE,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 03-56-A
	:	
EASTERN REGIONAL DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	August 23, 2005

Santa's Land, d/b/a Smoky Mountain Pawn & Trade (Appellant) appealed from a December 20, 2002, decision of the Eastern Regional Director, Bureau of Indian Affairs (Regional Director; BIA) cancelling business lease T-S52-507-97 between lessee Appellant and lessors the Eastern Band of Cherokee Indians of North Carolina and Rowena Smith. Subsequently, the parties entered into settlement negotiations, and the Board issued several stays to accommodate those efforts.

On July 18, 2005, the Board received from the Acting Superintendent of the Cherokee Agency a copy of a document titled "Mutual Agreement to Cancel Lease No. T-S52-507-97," executed by the parties, and approved by the Superintendent on July 6, 2005. On July 19, 2005, the Board ordered Appellant to show cause, on or before July 29, 2005, why this appeal should not be dismissed as moot. In its order the Board stated that failure by Appellant to respond would be construed as consent to dismissal. The Board has received no response from Appellant.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the Board dismisses this appeal as moot.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
David B. Johnson
Acting Administrative Judge