



INTERIOR BOARD OF INDIAN APPEALS

Estate of Wayne Lord Deegan

49 IBIA 273 (06/17/2009)



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

ESTATE OF WAYNE LORD	)	Order Docketing and Dismissing Appeals
DEEGAN	)	
	)	Docket Nos. IBIA 09-060
	)	09-061
	)	09-062
	)	09-063
	)	
	)	June 17, 2009

Appellants Evan K. Deegan, Hanni J. Deegan McCoy, Crystal R. Deegan, and Dorothy Deegan appealed to the Board of Indian Appeals (Board) from a February 20, 2009, Order Denying Reopening entered by Indian Probate Judge (IPJ) Albert C. Jones in the estate of their full sibling, Wayne Lord Deegan (Decedent), deceased Three Affiliated Tribes Indian, Probate No. P 0000 23912 IP. The order declined to reopen Decedent's estate to consider a renunciation by Decedent's mother, Donna Deegan, a non-Indian who is Decedent's sole heir, in favor of her five children who are full siblings to Decedent. The IPJ found that Donna's attempted renunciation was untimely. Donna did not appeal the IPJ's order to the Board, but Appellants sought an order from the Board directing that Decedent's property remain in trust, that a life estate go to Donna, and that the remainder interest go to Decedent's five full siblings.

None of the Appellants certified that they served their notices of appeal on the IPJ and all interested parties. *See* 43 C.F.R. §§ 4.310(b) and 4.323, *as amended*, 73 Fed. Reg. 67,288 (Nov. 13, 2008). Therefore, the Board ordered Appellants, on or before May 1, 2009, to complete that service requirement and to notify the Board that they had done so.

In addition, because Donna had not appealed from the IPJ's order rejecting her attempted renunciation, and because Appellants' interests were purely derivative from a renunciation by Donna, the Board ordered Appellants, also by May 1, to show cause why their appeals should not be dismissed for lack of standing. In the alternative, and assuming they could show standing, the Board ordered Appellants to show cause why the IPJ's order denying reopening should not be summarily affirmed.

The Board advised Appellants that if they failed to comply or to respond, their respective appeals might be dismissed without further notice.

The Board received no response from Appellants.

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 these appeals for failure to prosecute.

I concur:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Debora G. Luther  
Administrative Judge