



INTERIOR BOARD OF INDIAN APPEALS

Estate of Violet Louise Zemke

50 IBIA 246 (10/01/2009)



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 VIOLET LOUISE)	Order Docketing and Dismissing Appeal
ZEMKE)	
)	
)	
)	Docket No. IBIA 09-108
)	
)	
)	October 1, 2009

Appellant Julie Zemke appealed to the Board of Indian Appeals (Board) from a May 29, 2009, Order Denying Rehearing, entered by Administrative Law Judge (ALJ) Richard J. Hough in the estate of Appellant’s mother, Violet Louise Zemke (Decedent), a/k/a Violet Louise Jackson, deceased White Earth Indian, Probate No. P000034298IP. The order let stand a November 20, 2008, Decision by the ALJ that Decedent’s trust real property located on the White Earth Reservation should pass in its entirety to the estate of Decedent’s surviving spouse, Jerome Alvin Zemke, pursuant to 25 U.S.C. § 348 and the laws of intestacy of the State of Minnesota.¹ Appellant sought rehearing on the grounds that the ALJ should have applied the White Earth Reservation Tribal Probate Code and that Jerome (Appellant’s father) had stated during his lifetime that he did not want any interest in Decedent’s land. In her notice of appeal, Appellant contended that she is entitled to inheritance rights in her mother’s land.

Appellant did not serve her notice of appeal on the ALJ and other interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, *as amended*, 73 Fed. Reg. 67,256, 67,288 (Nov. 13, 2008). Therefore, the Board ordered her to complete this service requirement on or before July 24, 2009, and by that same date file a statement with the Board that she had done so. The Board advised Appellant that if she failed to comply with the Board’s order, her appeal could be dismissed without further notice.

The Board received no response from Appellant.

¹ Decedent died on July 10, 2001, and Jerome died in November of 2003.

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 docketed this appeal but dismisses it for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge