



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ernest House, Sr.

55 IBIA 40 (05/15/2012)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF ERNEST HOUSE, SR.) Order Docketing and Dismissing Appeal
)
) Docket No. IBIA 12-078
)
) May 15, 2012

Ricky House (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Include Omitted Property (Modification Order) entered on February 8, 2012, by Indian Probate Judge (IPJ) R. Bryan McDaniel in the estate of Appellant's father, Ernest House, Sr. (Decedent).¹ The IPJ issued the Modification Order to add five trust property interests to the Decedent's estate inventory and to distribute them in accordance with the Order Determining Heirs, Approving Will, and Decree of Distribution issued on June 29, 2001, for Decedent's estate.

As a preliminary matter, the Board ordered Appellant to complete service of his appeal on the IPJ and other interested parties in this matter, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. Because the Modification Order was limited in scope, and because Appellant did not identify any grounds for his appeal, the Board also ordered Appellant to submit a statement of reasons identifying the errors he believed were committed by the IPJ in the Modification Order. The Board set a deadline of April 6, 2012, for Appellant to comply with the Board's order, and advised Appellant that if he failed to comply with or respond to the Board's order, his appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on March 16, 2012.²

¹ Decedent was a Lake Superior Chippewa (Lac Courtes Oreilles Band) Indian. The probate number assigned to Decedent's case in the Department of the Interior's probate tracking system, ProTrac, is No. P000082541IP.

² The Board's order was mailed to the address listed on Appellant's notice of appeal and his address of record in Protrac. The order was delivered to both locations on March 16, 2012.

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 docketed but dismisses this appeal for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge