



INTERIOR BOARD OF INDIAN APPEALS

Estate of Milton Roy Osage, Sr.

13 IBIA 146 (04/10/1985)



United States Department of the Interior

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

ESTATE OF MILTON ROY OSAGE, SR. : Order Docketing and Dismissing Appeal
:
: Docket No. IBIA 85-26
:
: April 10, 1985

On March 18, 1985, the Board of Indian Appeals (Board) received a notice of appeal from Myra Lynn Spencer (appellant). Appellant sought review of a January 18, 1985, order denying petition for rehearing or, in the alternative, petition for modification of inventory, entered in the above estate by Administrative Law Judge Sam E. Taylor. A predocketing notice was issued by the Board on March 19, 1985, advising appellant that her notice of appeal had been received.

The case is hereby docketed under the above case name and number.

On April 1, 1985, the Board received notification from appellant that she wished to have the appeal dismissed because the issues she was appealing had been resolved when the Superintendent of the Concho Indian Agency, Bureau of Indian Affairs, retroactively approved certain gift deeds from decedent Milton Roy Osage, Sr., to her. The Board requested a copy of the Superintendent's approval letter in order to complete the probate record in this matter. A copy of that letter was received on April 8, 1985, and it is as appellant has stated.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from Judge Taylor's January 18, 1985, order is dismissed. 1/

//original signed
Bernard V. Parrette
Chief Administrative Judge

//original signed
Jerry Muskrat
Administrative Judge

//original signed
Anne Poindexter Lewis
Administrative Judge

1/ The Board recognizes that other parties to this proceeding may wish to take exception to the Superintendent's decision retroactively approving these gift deeds. However, because that decision represents an administrative action taken under 25 CFR Chapter I, any such appeal must be taken under the provisions of 25 CFR Part 2.