



INTERIOR BOARD OF INDIAN APPEALS

Estate of Ralph E. Preston, Jr.

49 IBIA 116 (04/23/2009)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
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ESTATE OF RALPH E. PRESTON, JR.) Order Docketing and Dismissing
) Appeal
)
) Docket No. IBIA 09-052
)
) April 23, 2009

Kimberly Rae Preston (Appellant) appealed to the Board of Indian Appeals from a Notice of Petition for Rehearing, Stay of Distribution, and Order Dismissing Rehearing, entered on February 3, 2009, by Indian Probate Judge (IPJ) Ange Aunko Hamilton, in the estate of Ralph E. Preston, Jr. (Decedent), deceased Omaha Indian, Probate No. P000062092IP. The order let stand a November 12, 2008, Order Determining Heirs and Decree of Distribution. Appellant sought rehearing out of concern that property in which Decedent held a life estate, with the remainder interest held by Appellant and Rochelle Marie Preston (daughters of Decedent), had improperly been considered in the probate proceedings. In denying rehearing, the IPJ explained that the property had not been included in Decedent's estate, and that upon his death, the remainder interest automatically vested in Appellant and Rochelle.

On April 13, 2009, the Board received a request from Appellant to withdraw her appeal.

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.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

// original signed
Debora G. Luther
Administrative Judge