



INTERIOR BOARD OF INDIAN APPEALS

Estate of Floyd Jesse Lieb

49 IBIA 220 (05/27/2009)



# 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 FLOYD JESSE LIEB	)	Order Docketing and Dismissing Appeal
	)	
	)	
	)	
	)	Docket No. IBIA 09-058
	)	
	)	
	)	
	)	May 27, 2009

This appeal was filed by Loretta Ann Lieb McGeisey (Appellant), from a February 10, 2009, Order Granting Reopening and Redistribution of Estate, entered by Indian Probate Judge (IPJ) Ange Aunko Hamilton in the estate of Appellant’s father, Floyd Jesse Lieb (Decedent), deceased Santee Sioux Indian, Probate No. P00005376IP.<sup>1</sup> The order reopened Decedent’s estate at the request of Appellant, to add Decedent’s children as heirs to his estate.<sup>2</sup> On receiving the appeal, the Board sought clarification from Appellant because it was unclear what errors, if any, she believed were in the Order Granting Reopening. Appellant has failed to respond to the Board’s order, and therefore the Board docketed but dismisses this appeal for failure to prosecute.

Appellant enclosed birth certificates with her notice of appeal to prove that Decedent is her biological father and the biological father of her siblings. She expressed concern about the funds in Decedent’s estate, but it was not clear to the Board whether Appellant

---

<sup>1</sup> Appellant sent her appeal to the Probate Hearings Division Office in Aberdeen, South Dakota, which transmitted it to the Board. The IPJ’s Order Granting Reopening was subsequently corrected in a March 9, 2009, Order Nunc Pro Tunc.

<sup>2</sup> The original Order Determining Heirs and Decree of Distribution, dated September 12, 2006, ordered that Decedent’s entire trust estate, consisting only of trust funds, be distributed to the estate of his surviving spouse, Madeline T. Bordeaux Lieb. On reopening, the IPJ ordered that Decedent’s trust funds be distributed as follows: Estate of Madeline T. Bordeaux Lieb (1/3); Loretta Ann Lieb McGeisey (daughter) (2/9); Estate of Anthony Lieb (son) (2/9); Vincent Lieb (son) (2/9).

was alleging any error in the IPJ's order, or instead had filed a protective notice of appeal to ensure that she could review the matter without missing the 30-day deadline for appealing. There appeared to be no dispute that Appellant and her siblings were found to be Decedent's children, and the Order Granting Reopening was a ruling that was favorable to Appellant and her siblings by including them as heirs to Decedent's estate. Thus, the Board requested clarification from Appellant, and a statement of any errors she believed were contained in the Order Granting Reopening. The Board advised her that if she failed to respond, her appeal could be dismissed without further notice.

The deadline for Appellant's response was April 30, 2009. The Board has received no response from Appellant.

Therefore, pursuant to the authority delegated to the Board 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