



INTERIOR BOARD OF INDIAN APPEALS

Estate of Louis Richard (Paul) Tapio

50 IBIA 70 (07/10/2009)



# United States Department of the Interior

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

ESTATE OF LOUIS RICHARD )  
(PAUL) TAPIO )  
)  
) Docket No. IBIA 09-107  
)  
) July 10, 2009

James Thomas Tapio (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order Changing Trust Status (Modification Order) entered on June 17, 2009, by Indian Probate Judge Michael Stancampiano in the estate of Appellant's father, Louis Richard (Paul) Tapio (Decedent), deceased Oglala Sioux Indian, Probate No. P000046064IP. The Modification Order requires Decedent's trust real property to pass out of trust status and become subject to state law because Decedent's sole heir is his post-deceased wife, Jean Francis Costello-Tapio (Jean), who was non-Indian.

On July 9, 2009, the Board received a letter from Appellant in which he states he does not wish to appeal the Modification Order. We construe Appellant's letter as a request to withdraw his 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 dismisses this appeal.<sup>1</sup>

I concur:

\_\_\_\_\_  
// original signed  
Debora G. Luther  
Administrative Judge

\_\_\_\_\_  
// original signed  
Steven K. Linscheid  
Chief Administrative Judge

<sup>1</sup> Appellant clearly wishes to have Decedent's trust land(s) remain in trust status. If, as a result of the probate of Jean's estate, Appellant or any of his siblings inherit Decedent's interest(s) in trust land(s), they may be eligible to request that the Bureau of Indian Affairs (BIA) return their interest(s) in the property(ies) to trust status. Interested parties may seek further information from BIA concerning the procedure for returning any such interest(s) to trust status.