



INTERIOR BOARD OF INDIAN APPEALS

Estate of Francis X. Davis

52 IBIA 69 (09/10/2010)



Heirs, and current estimates of value. The Board then issued an order that explained the effects of the proposed settlement and that solicited more specific statements from the named heirs regarding the proposed settlement. The Board received separate statements, signed by each named heir, indicating that each fully understands the title and valuation information and understands that the proposed settlement, if approved, will reduce each of their respective shares in the inherited trust real property by dividing the estate among six heirs rather than five.

Based on the title information received from BIA, the Board finds that all of the five named heirs have retained ownership in the interests they inherited from Decedent's estate, with the exception of the surface interests inherited from Decedent in Allotment 304-1001. With that exception, the Board finds that the 1973 Order Determining Heirs may be modified with respect to the distribution of those inherited and retained interests pursuant to the settlement agreement.<sup>3</sup>

The Board finds that all parties to the agreement have been advised of all material facts and understand the effect of the agreement on their rights, and that it is in the best interest of the parties to settle. *See* 43 C.F.R. § 30.150. The Board approves the proposed settlement and orders the redistribution of trust interests owned by Decedent at the time of his death in Allotment 304-206 (surface), 304 M206 (minerals), 304-999 (surface), 304 M999 (minerals), and 304 M1001 (minerals) as follows<sup>4</sup>:

Colleen Monica (Schindler) Davis	daughter	1/6
Francis X. Davis, Jr.	son	1/6
Debra Davis Hogenson	daughter	1/6
Terry L. Lorengo	son	1/6
Brenda L. Davis Kriskovich	daughter	1/6
William A. Davis	son	1/6

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<sup>3</sup> Because the inherited surface interests in Allotment 304-1001 are no longer held by all five named heirs (only William retains an interest), the Board advised the parties that it construed the proposed settlement as excluding surface interests in that allotment. The interests that are included within the settlement, and subject to the approved settlement, are the trust real property interests that were in the inventory of Decedent's estate that are still held by all of the named heirs, specifically Decedent's interests in Allotments 304-206 (surface), 304 M206 (minerals), 304-999 (surface), 304 M999 (minerals), and 304 M1001 (minerals).

<sup>4</sup> As explained *supra* note 3, Decedent's interest in Allotment 304-1001 is excluded from the Board's order.

The Board appreciates the parties' successful efforts to settle this matter.

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 approves the settlement, modifies the Order Determining Heirs as provided above, and dismisses this appeal.

I concur:

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Steven K. Linscheid  
Chief Administrative Judge

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// original signed  
Debora G. Luther  
Administrative Judge