



INTERIOR BOARD OF INDIAN APPEALS

In the Matter of the Will of Agnes Marie Finegan

55 IBIA 236 (08/22/2012)



# 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

IN THE MATTER OF THE WILL OF ) Order Dismissing Appeal  
AGNES MARIE FINEGAN )  
)  
) Docket No. IBIA 12-067  
)  
) August 22, 2012

The Estate of Agnes Marie Finegan (Appellant), through Joe Milligan as Personal Representative of the Estate, appealed to the Board of Indian Appeals (Board) from a January 6, 2012, decision of the Osage Agency Superintendent (Superintendent), Bureau of Indian Affairs, approving the will of Agnes Marie Finegan (Decedent), but disapproving the will's devise of the remainder of Decedent's 0.20833 Osage headright interest to the Osage Tribe (Tribe).<sup>1</sup> Decedent's will devised her 0.20833 Osage headright interest in life estates to Joe Milligan and Elizabeth Milligan, in equal shares, with the remainder to vest in the Tribe. The Superintendent approved the will and the life estates, but disapproved the disposition of the remainder interest to the Tribe as prohibited by the Act of October 21, 1978, 92 Stat. 1660, as amended by the Act of October 30, 1984, 98 Stat. 3163. On August 17, 2012, the Board received a motion from Appellant to dismiss this appeal. The Board grants the motion.

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 the appeal.

I concur:

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

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

<sup>1</sup> Decedent was an unallotted Osage. The Secretary of the Interior's authority to consider and decide appeals from an action by the Superintendent approving or disapproving an Osage will, *see* 25 C.F.R. § 17.14(a), has been delegated to the Board. *See* 212 DM § 13.4(A)(3) (June 1, 2012); *In the Matter of the Will of Anna Pitts*, 55 IBIA 121, 124 (2012).