



INTERIOR BOARD OF INDIAN APPEALS

Estate of Mary Rose St. Claire

56 IBIA 94 (12/21/2012)



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

ESTATE OF MARY ROSE ST. CLAIRE)	Order Docketing and Dismissing
)	Appeal
)	
)	Docket No. IBIA 13-007
)	
)	December 21, 2012

Daniel St. Claire (Appellant) appealed to the Board of Indian Appeals (Board) from a Modification Order to Include Omitted Property (Modification Order) entered on September 28, 2012, by Indian Probate Judge (IPJ) Albert C. Jones in the estate of his grandmother, Mary Rose St. Claire (Decedent).¹ The Modification Order added a 0.20 interest in Allotment No. 224 M2595 on the Turtle Mountain Public Domain–Fort Belknap in Montana to Decedent’s estate inventory, and ordered that it be distributed in accordance with the December 21, 2000, Order Determining Heirs, Approving Will and Decree of Distribution (Decision). Under the Decision, the property at issue will pass to Clarence St. Claire, as provided in Decedent’s February 19, 1999, will.²

On receipt of the appeal, the Board ordered Appellant to complete service of his appeal on interested parties, as required by 43 C.F.R. §§ 4.310(b) and 4.323, and to notify the Board that he had done so. In addition, the Board noted that it appeared that Appellant sought to raise issues in his appeal that were outside the scope of an appeal from the Modification Order. Namely, Appellant questioned the validity of Decedent’s will and the determination of Decedent’s heirs—issues that were resolved in the Decision. Accordingly, the Board also ordered Appellant to show cause why his appeal should not be dismissed. The Board set a deadline of November 16, 2012, for Appellant to comply with the Board’s

¹ Decedent, who was also known as Mary R. Beston, was a Turtle Mountain Chippewa. Her probate is assigned Probate No. P000102990IP in the Department of the Interior’s probate tracking system, ProTrac. The original number assigned to the probate of Decedent’s estate was IP TC 223H 99.

² The Modification Order was issued after the Bureau of Indian Affairs requested that the estate inventory be modified to add and distribute property Decedent inherited from her husband, Vernon St. Claire.

order, and advised Appellant that if he failed to comply with or respond to the Board's order, his appeal might be dismissed without further notice.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on October 23, 2012.

The Board has received no response from Appellant.

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 for failure to prosecute.

I concur:

// original signed
Steven K. Linscheid
Chief Administrative Judge

//original signed
Debora G. Luther
Administrative Judge