



INTERIOR BOARD OF INDIAN APPEALS

Estate of George Frederick Peake

58 IBIA 244 (04/29/2014)



# 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 GEORGE FREDERICK )  
PEAKE ) Order Docketing and Dismissing  
) Appeal  
)  
) Docket No. IBIA 14-061  
)  
)  
) April 29, 2014

David J. Peake, Sr. (Appellant) filed a notice of appeal with the Board of Indian Appeals (Board), after receiving a Modification Order to Add Omitted Property (Modification Order) issued on January 30, 2014, by Indian Probate Judge Thomas K. Pfister in the estate of Appellant's father, George Frederick Peake (Decedent).<sup>1</sup> The Modification Order granted a petition by BIA to add property to the inventory of Decedent's trust estate, and ordered that it be divided equally among Decedent's six heirs, including Appellant, as determined in the original Order Determining Heirs for Decedent's estate issued on March 28, 1996.

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, because it did not appear that Appellant had been adversely affected by the Modification Order (and thus had no right to appeal), or that he disagreed with it, the Board ordered Appellant to clarify whether he wished to pursue the appeal, and if so to state the grounds for such an appeal.<sup>2</sup>

The Board set a deadline of March 28, 2014, for Appellant to comply with the Board's 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.

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<sup>1</sup> Decedent was a White Earth Indian. His probate was assigned Probate No. P000119233IP in the Department of the Interior's probate tracking system, ProTrac.

<sup>2</sup> Appellant's notice of appeal included information that four of his siblings are now deceased; the mailing list for the Modification Order only showed one of the four as deceased. The Board has confirmed that ProTrac currently includes the dates of death for those siblings.

The U.S. Postal Service's Track-and-Confirm service on its website indicates that Appellant received the Board's order on March 4, 2014.

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:

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// original signed  
Steven K. Linscheid  
Chief Administrative Judge

\_\_\_\_\_  
//original signed  
Thomas A. Blaser  
Administrative Judge