



INTERIOR BOARD OF INDIAN APPEALS

Estate of Reuben Cuch, Sr.

59 IBIA 278 (12/18/2014)

notice of appeal, 43 C.F.R. § 4.310(d)(1), and untimely appeals must be dismissed, *id.* § 4.321(a).

The Rehearing Order included accurate appeal instructions and included a certification that it was mailed to the listed interested parties (including Appellant) on June 16, 2014. Calculated from that mailing date, the deadline for filing an appeal with the Board expired on July 16, 2014. According to the postmark on Appellant's appeal, Appellant sent the appeal to the Board on September 26, 2014. Because the appeal was filed with the Board after the 30-day deadline expired, it must be dismissed as untimely and for lack of jurisdiction.

Even if Appellant's appeal was timely, it is not clear why Appellant believes she was adversely affected by, and thus would have a right to appeal from, the Rehearing Order, which approved Appellant's renunciation, among others. *See* 43 C.F.R. §§ 4.201 (definition of "interested party"), 4.320 (Who may appeal). According to Appellant, the renunciations are reciprocal and intend that the children of Decedent and Teresa (i.e., Appellant and her full siblings) should receive the property that Decedent had inherited from Teresa, whereas Decedent's other children should receive other property in Decedent's estate. Notice of Appeal at 1. According to the Decision entered by the ALJ on September 30, 2010, in Teresa's estate, Decedent inherited a *life estate* in Teresa's trust real property constituting 5% or more of the whole parcel, and Appellant and other children of Teresa received the remainder interests in this property by operation of law. To the extent Appellant believes the Rehearing Order was inconsistent with the intent of the renunciations, we note that Appellant apparently has received, through the remainder interest, the property in which Decedent inherited a life estate from Teresa.²

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.

I concur:

// original signed
Thomas A. Blaser
Administrative Judge

//original signed
Steven K. Linscheid
Chief Administrative Judge

² The Board returns to the Probate Hearings Division a petition by the Ute Agency, Bureau of Indian Affairs, forwarded to the Board during the pendency of the appeal, to reopen Decedent's estate to complete a purchase at probate by the Southern Ute Indian Tribe of certain land constituting less than 5% of the whole interest in each tract.