

ROBERT J. CRAWFORD

IBLA 71-145

Decided June 8, 1972

Appeal from a decision of the Alaska State Office, Bureau of Land Management, requiring submission of final proof for homestead entry F-034793 on penalty of cancellation of entry.

Affirmed. Entry canceled.

Homesteads: Generally -- Homesteads: Cancellation of Entry

This Department has no authority to extend the life of a homestead entry beyond the limits prescribed by statute, and a request for an extension beyond the five-year statutory lifetime of an entry is properly denied.

Homesteads: Generally -- Homesteads: Cancellation of Entry

Where an entryman requests an extension of time in which to file final proof and asserts that he needs the extension as additional time in which to comply with the residence and other requirements of the homestead law, the extension will not be granted and the entry will be canceled.

APPEARANCES: Robert J. Crawford, pro se.

OPINION BY MR. FRISHBERG

In accordance with the provisions of the homestead laws, 43 U.S.C. §§ 270, 161 et seq. (1970), and the regulations, 43 CFR subpart 2511, the appellant entered certain lands on September 15, 1965. He was required to fulfill all homestead requirements relative to residence and cultivation prior to the expiration of the entry on September 14, 1970, 43 U.S.C. § 164, 43 CFR 2511.3, and 43 CFR 2511.4, and to file final proof within that time. This he failed to do. However, by a decision of December 11, 1970, the Alaska State Office, Bureau of Land Management, informed him that final proof, accompanied by a showing of a good reason for the late filing, would be acceptable (43 CFR 2511.3-4(a)), but that failure to file final proof within thirty days would result in the cancellation of the entry. The entryman then filed his appeal which, in effect, is a petition for an extension of time to permit him to fulfill the homestead requirements. This Department has no authority to extend

the life of a homestead entry beyond the limits prescribed by the statute, and a request for an extension must be denied. Arnold H. Echola, A-30831 (November 16, 1967).

By his appeal-petition for extension, the appellant tacitly admitted that he failed to comply with the residence, cultivation or other requirements of the homestead law within the five-year period provided by law. Under such circumstances the entry must be canceled. Arnold H. Echola, supra.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 211 DM 13.5, the decision appealed from is affirmed and the entry is canceled.

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Newton Frishberg, Chairman

We concur:

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Martin Ritvo, Member

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Joan B. Thompson, Member

