ESTATE OF TOPSY BILL	:	Order Docketing and Dismissing Appeal
	:	
	:	Docket No. IBIA 01-114
	:	
	:	May 24, 2001

Appellant Tonita H. (Nodman) Paya seeks review of a February 28, 2001, order denying reopening entered in the estate of Decedent Topsy Bill by Indian Probate Judge Kathleen H. Switzer. IP PH 171I 91. For the reasons discussed below, the Board of Indian Appeals (Board) dismisses this appeal for lack of standing.

Decedent, Unallotted Hualapai No. 54, died intestate at Peach Springs, Arizona, on February 12, 1957. On November 26, 1991, Administrative Law Judge S. N. Willett held a hearing to probate Decedent's trust or restricted estate, which consisted entirely of funds in an Individual Indian Money account. Judge Willett determined that, under the intestate laws of the State of Arizona, Decedent's heirs were her four daughters and three sons. By the time Judge Willett issued her order, all three of Decedent's sons and one of her daughters were also deceased.

On September 14, 1999, Appellant wrote to the Truxton Canon Agency, Bureau of Indian Affairs, about Decedent's estate. Appellant stated that Decedent was the sister of her grandfather, and that her grandfather told her that Decedent had left home and had not been heard from since then. Appellant contended that she was therefore related to Decedent.

On February 28, 2001, Judge Switzer entered the order at issue here. In addition to finding that Appellant's letter did not meet the regulatory requirements for reopening, Judge Switzer also found that, because Appellant was not a possible heir of Decedent, she was not a party in interest, and that Appellant had not set forth any grounds for reopening or asked for any relief.

Appellant appealed to the Board. In her notice of appeal, Appellant provides more background information concerning her grandfather's unsuccessful attempts to locate his sister and states: "As a relative to [Decedent], I feel that I and my brothers and sister are entitled to inherit per capita monies that were given to [Decedent] from the Hualapai Tribe."

The Board has, on numerous occasions, discussed standing to seek rehearing or reopening in probate cases. It has consistently held that, in order to have standing, a person must be a

"party in interest" within the meaning of 43 C.F.R. § 4.201(i). See, e.g., Estate of Joseph Noel Simpson, 36 IBIA 67 (2001); Estate of Gilbert Yellowwolf, 36 IBIA 65 (2001); Estate of Frank Nelson Buffalomeat, 34 IBIA 120, 121 (1999). Subsection 4.201(i) defines "party in interest" to mean "any presumptive or actual heir, any beneficiary under a will, any party asserting a claim against a deceased Indian's estate, and any Tribe having a statutory option to purchase interests of a decedent." As a distant relative, Appellant was not a presumptive or actual heir of Decedent who was survived by seven children. Appellant does not assert, and her filings do not show, that she meets any other part of the definition of "party in interest."

Because Appellant has not shown that she is a "party in interest," the Board concludes that she lacked standing to petition to reopen this estate.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from Judge Switzer's February 28, 2001, order denying reopening is docketed and dismissed for lack of standing.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge