

57342

IN REPLY REFER TO:  
PROBATE  
IDENTIFICATION Nos.

## United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
2800 Cottage Way, Rm. E-2740  
Sacramento, California 95825

IP SA 48N 72

EXAMINERS NOTICE  
TO ALL PERSONS HAVING AN INTEREST IN THE  
SUBJECT MATTER OF THIS PROCEEDING

NOTICE IS GIVEN That on January 18, 1973 a decision was entered in the estate of TOM ALLISON, Shoshone Allottee No. N-1709. A copy is attached to this notice.

THIS DECISION BECOMES FINAL SIXTY (60) DAYS FROM THE DATE OF MAILING OF THIS NOTICE UNLESS WITHIN SUCH PERIOD A WRITTEN PETITION FOR REHEARING SHALL HAVE BEEN FILED WITH THE SUPERINTENDENT BY AN AGGRIEVED PARTY IN ACCORDANCE WITH THE PROVISIONS OF 43 CFR 4.241.

THE PETITION FOR REHEARING MUST BE UNDER OATH AND MUST GIVE A CONCISE BUT COMPLETE STATEMENT OF THE GROUNDS UPON WHICH IT IS BASED. IF IT IS BASED UPON NEWLY DISCOVERED EVIDENCE, IT SHALL BE ACCOMPANIED BY THE AFFIDAVITS OF WITNESSES STATING FULLY WHAT THE NEW TESTIMONY IS TO BE. THE PETITION SHALL INCLUDE THE PETITIONER'S JUSTIFIABLE REASONS FOR THE FAILURE TO DISCOVER AND PRESENT THAT EVIDENCE, TENDERED AS NEW, AT THE HEARINGS HELD PRIOR TO THE ISSUANCE OF THE DECISION.

NO CLAIMS SHALL BE PAID AND NO DISTRIBUTION SHALL BE MADE DURING THE PENDENCY OF PROCEEDINGS FOLLOWING THE FILING OF A PETITION FOR REHEARING, EXCEPT AS SPECIFICALLY AUTHORIZED BY THE EXAMINER.

The probate fee of \$ 30.00 is to be collected and distribution of the estate and payment of claims will be made by the Superintendent of the Nevada Indian Agency, Stewart, Nevada. For information thereon consult the Superintendent.

## PARTICULAR NOTICE IS GIVEN TO PARTIES IN INTEREST HERE NAMED:

Mrs. Madelynn Hesselgesser, Box 63, Baker, Nevada 89311  
Mrs. Lucille Allison Estella, Box 62, Eureka, Nevada 89316  
Mrs. Bernice Allison Kern, Box 1067, Elko, Nevada 89801  
Mr. Albert Allison, Duckwater, Nevada 89314  
Miss Sophie Allison, Duckwater, Nevada 89314  
Miss Irene Allison, Duckwater, Nevada 89314  
Mr. Andrew Allison, Duckwater, Nevada 89314

Southwest Title Plant, BIA, Albuquerque, New Mexico 87108  
Superintendent, Nevada Agency, BIA, Stewart, Nevada 89437  
Attention: Realty  
Area Director, Phoenix Area Office, BIA, Phoenix, ARizona 85011  
Attention: Realty

Dated and mailed: January 18, 1973

By: Jane A. Hagan  
(signature)(Signed) Alexander H. WilsonAlexander H. Wilson, ~~Nebraska Examiner~~  
Administrative Law JudgeBOOK 45 PAGE 417

UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF HEARINGS AND APPEALS  
HEARINGS DIVISION

ESTATE OF TOM ALLISON )  
Shoshone Allottee No. N-1709 )  
Deceased, )

ORDER DETERMINING HEIRS

This is a proceeding to determine the heirs and to settle the estate of Tom Allison  
of the Shoshone Indian Tribe, a deceased Indian, No. N-1709.

Upon receipt of the notice of death, a hearing was duly held/concluded at Elko, Nevada  
on November 29, 1972.

FINDINGS AND CONCLUSIONS based upon the evidence adduced are as follows:

The said Tom Allison whose last residence was in the State  
of Nevada was born June 3, 1890 and died intestate at Ely, Nevada  
on July 19, 1971.

At the date of death the decedent was possessed of that trust or restricted property, real and personal, located  
in the State of Nevada ~~XXXXXXX~~ listed on the inventory/~~XXXX~~ attached, and other  
reporting documents; and

At death the decedent was survived by certain persons whose respective names, relationships, birth dates, and  
interests in the estate under the statutes of descent of the State(s) of Nevada Revised Statutes §134.090(1968)  
are as follows:

Bernice Allison Kern (born 10-4-29)	Daughter	1/7
Lucille Allison Estella (born 10-22-31)	Daughter	1/7
Madelynn Hesselgesser (born 7-25-33)	Daughter	1/7
Sophie Allison	Daughter	1/7
Irene Allison	Daughter	1/7
Albert Allison	Son	1/7
Andrew Allison	Son	1/7

(Findings and Conclusions, continued)

**THE VALUE SHOWN IN THIS ORDER MAY BE AN ESTIMATE**

It is made for the purpose of fixing the probate fee required by law to be collected and it may not necessarily represent the present market value of the property. Further investigation of values should be made before entering into any negotiations involving this property.

The Superintendent or other officer in charge is to collect a probate fee of \$ 30.00 pursuant to the Act of January 24, 1923, 25 USC 372 (1970), assessed on the estimated value of \$ 3,000.00 of the land ~~xxx~~ ~~xxxx~~ ~~xxxxxx~~ subject to the jurisdiction of this Department.

**ORDER**

**NOW, THEREFORE**, by virtue of the power and authority vested in the Secretary of the Interior under section 1 of the Act of June 25, 1910, as amended, 25 USC 372 (1970) and other applicable statutes, as delegated (211 DM 13.7; 35 F.R. 12081), **IT IS HEREBY ORDERED**, that the Superintendent or other officer in charge distribute the estate to the decedent's heirs named in the findings and conclusions herein. The distribution of interests remaining in trust or in restricted status is to be made subject to the burden of payment of the probate fee and to the payment of allowed claims. Those rights of (homestead) (dower) (curtesy) included in the findings and conclusions are recognized, and the interests to be distributed shall be and are subject to the burden thereof.

This decision is final for the Department unless a petition for rehearing is timely filed in accordance with 43 CFR §4.241 within 60 days from the date hereof as set forth in the notice attached hereto.

Done at Sacramento, California, on January 18, 1973.

*(Signed)* Alexander H. Wilson  
Alexander H. Wilson, ~~Assistant Secretary~~  
Administrative Law Judge

Address Office of Hearings and Appeals  
2800 Cottage Way, Rm. E-2740  
Sacramento, California 95825

INVENTORY AND APPRAISEMENT OF INDIAN TRUST  
LANDS OF TOM ALLISON, DECEASED ALLOTTEE  
NO. N-1709 OF THE NEVADA AGENCY, STEWART, NEVADA.

According to the records of the Nevada Agency, Stewart, Nevada, Tom Allison, deceased Allottee No. N-1709, at the time of his death on July 19, 1971 was possessed of the following Indian trust lands in the State of Nevada.

HIS OWN ALLOTMENT:

N-1709                      Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 4;  
                                 Lot 1, Sec. 5, T. 26 N.,  
                                 R. 49 E., Mount Diablo  
                                 Meridian, Nevada, containing  
                                 162.01 acres

ESTIMATED AT - - - - - \$3,000.00

TOTAL ESTIMATED VALUE DECEDENT'S ESTATE                      \$3,000.00

I certify that the foregoing is an accurate inventory, according to the records of the Nevada Agency of the trust or restricted property, or interests therein, owned by Tom Allison, allottee #N-1709, at the time of his death. The value shown in the inventory may be an estimate. It is made for the purpose of fixing the probate fees required by law to be collected and it may not necessarily represent the present market value of the property. Further investigation of values should be made before entering into any negotiations involving this property.

Date: NOV 30 1971

*Ned Mitchell*  
Ned Mitchell, Realty Officer

RECORDED AT THE REQUEST OF Gregory Chachas  
on May 25 1973 at 10 mins. past 10 A. M. in  
Book 45 of OFFICIAL RECORDS, page 417-420 RECORDS OF  
EUREKA COUNTY, NEVADA *Thelma A. Betts* Recorder  
File No. 57342 Fee \$ No Fee  
FILE NO. 57342

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