

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA
BEFORE THE SPECIAL MASTER**

ELOUISE PEPION COBELL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No.
)	1:96CV01285 (TFH)
)	
SALLY JEWELL, Secretary of the Interior, et al.,)	
)	
Defendants.)	

SPECIAL MASTER ORDER NO. 3
PERMITTING THE USE IN CERTAIN CIRCUMSTANCES OF INFORMATION SET
FORTH IN FORM OHA-7 IN THE DISTRIBUTION OF SETTLEMENT FUNDS TO
ESTATES AND HEIRS OF DECEASED CLASS MEMBERS

Upon consideration of Plaintiffs' Unopposed Motion to allow the Garden City Group ("GCG"), the claims administrator, to rely upon and use in certain circumstances information set forth in Form OHA-7 to distribute settlement funds to the noted heirs of deceased class members, it is hereby ordered as follows:

1. This Order applies where GCG has received a federal probate order for a decedent who died on or after June 20, 2006, in which there is no distribution of personal trust property but there exists only trust land constituting less than 5% of the entire undivided ownership of the parcel of land of which such interest is a part and the distribution is made in accordance with the provisions of 22 U.S.C. § 2206(2)(D), and there exists a Form OHA-7 concerning that estate which at least preliminarily identifies the heirs of the decedent.

2. Under such circumstances, and subject to ¶ 3 below, GCG shall be permitted to rely on this information and distribute settlement funds in accordance with the rules of descent set forth in 25 U.S.C. §§ 2206(a)(1), (2)(A)(i)-(iv), and (B)(i)-(iv) for the distribution of trust personalty to individual heirs.

3. Such distribution shall only be permitted where:

a. At the time of distribution, GCG has not been provided documentation, as set forth in ¶¶ 1(a)-(c) of the district court's *Order Granting Unopposed Motion to Modify Distribution of Settlement Proceeds to Estates and Heirs of Deceased Class Members* dated June 19, 2013 [Dkt. No. 3958], of one of the following:

(1) A state or tribal probate order identifying the heirs of the deceased class member;

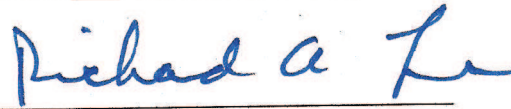
(2) The existing legally appointed executor or administrator of an estate of the deceased class member; or

(3) A will of the deceased class member that addresses, including through a residuary clause, the distribution of the settlement funds, where that will has been accepted for probate by a state or tribal court or the Department of Interior; and

b. GCG has not been provided documentation permitting distribution of the funds in accordance with state procedures for small estates, as permitted by Special Master Order No. 1 dated July 16, 2013 [Dkt. No. 3963], pursuant to orders entered in accordance with 25 C.F.R. § 11.700 *et seq.*, as permitted by the district court's order dated July 29, 2013 [Dkt. No. 3969], or pursuant to any other orders entered by the

district court or the Special Master which provide for priority over this manner of distribution.

This the 10th day of December, 2013

A handwritten signature in blue ink that reads "Richard A. Levie". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Richard A. Levie (Ret.)
Special Master