



United States Department of the Interior  
OFFICE OF HEARINGS AND APPEALS  
Hearings Division - Indian Probate  
139 East South Temple, Suite 600  
Salt Lake City, Utah 84111-1159

IN THE MATTER OF THE ESTATE OF:  
WILHELMINA M. (ESMAILKA) YASKA  
Deceased Alaska Native

PROBATE IP SL 016H 99  
DECISION

Pursuant to Notice duly served and posted as required at 43 CFR 4.211 and 4.212, hearing in this matter was held at Fairbanks, Alaska, on June 11, 1999, to determine the validity of the last will and testament of Wilhelmina M. (Esmailka) Yaska, deceased Alaska Native (Decedent) and to settle her trust and restricted property estate.

Findings and Conclusions based upon the evidence adduced are as follows:

1. Wilhelmina M. (Esmailka) Yaska, whose last residence was in the State of Alaska, was born June 12, 1936, and died at Galena, Alaska, on May 17, 1998.
2. Decedent was survived by her husband.
3. Decedent died possessed of an interest in certain trust or restricted property in the State of Alaska, listed on the inventory attached hereto, and other reporting documents. The value of decedent's estate is estimated at less than \$100,000.
4. Had there been no will, decedent's heir at law and the distribution of the estate are determined in accordance with the statutes of descent of the State of Alaska, ALASKA STAT. ANN. § 13.12.102(4), as follows:

Patrick C. Yaska	b: 12-20-35	Husband	All
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5. An Indian Will of the decedent executed October 9, 1996, and an Affidavit to Accompany Indian Will bearing the same date have been filed in the proceeding. There were no objections to the will which is self proving. Decedent's will was properly executed and at the

IP SL 016H 99

time of execution the decedent possessed testamentary capacity and acted free of undue influence. Accordingly the will should be and hereby is approved. By its terms decedent devised all of her interest in and to the estate that is subject to this proceeding as follows:

**a. All of her interest in her Native Allotment No. FF-015281, share and share alike, to:**

Lucy Whalen	b: 03-15-51	Daughter	1/11
George P. Malamute	b: 07-23-52	Son	1/11
Louie Randolph Esmailka	b: 08-25-53	Son	1/11
Andrew P. Esmailka	b: 10-15-54	Son	1/11
Ruth Esmailka	b: 12-26-56	Daughter	1/11
Betty A. Witt	b: 01-06-58	Daughter	1/11
Susan Nickoli	b: 03-29-60	Daughter	1/11
Nancy M. Pitka	b: 09-10-61	Daughter	1/11
Ricky R. Esmailka	b: 04-02-63	Son	1/11
Sharon L. Jimmie	b: 07-19-65	Daughter	1/11
Brenda Carey	b: 02-03-67	Daughter	1/11

**b: All of her interest in Native Allotment No. FF-013398, which she inherited from Robert G. Demoski, Sr. through Lena Demoski, share and share alike, to:**

Lucy Whalen	b: 03-15-51	Daughter	1/10
George P. Malamute	b: 07-23-52	Son	1/10
Louie Randolph Esmailka	b: 08-25-53	Son	1/10
Andrew P. Esmailka	b: 10-15-54	Son	1/10
Ruth Esmailka	b: 12-26-56	Daughter	1/10
Betty A. Witt	b: 01-06-58	Daughter	1/10
Susan Nickoli	b: 03-29-60	Daughter	1/10
Nancy M. Pitka	b: 09-10-61	Daughter	1/10
Ricky R. Esmailka	b: 04-02-63	Son	1/10
Brenda Carey	b: 02-03-67	Daughter	1/10

**c. All of her interest in her restricted townsite lot described as Lot 4, Block 15, Tract A, U.S. Survey No. 4179, Galena Townsite, share and share alike, to:**

Lucy Whalen	b: 03-15-51	Daughter	1/10
George P. Malamute	b: 07-23-52	Son	1/10
Louie Randolph Esmailka	b: 08-25-53	Son	1/10
Andrew P. Esmailka	b: 10-15-54	Son	1/10

IP SL 016H 99

Ruth Esmailka	b: 12-26-56	Daughter	1/10
Betty A. Witt	b: 01-06-58	Daughter	1/10
Susan Nickoli	b: 03-29-60	Daughter	1/10
Nancy M. Pitka	b: 09-10-61	Daughter	1/10
Ricky R. Esmailka	b: 04-02-63	Son	1/10
Brenda Carey	b: 02-03-67	Daughter	1/10

**d. All of her interest in her restricted townsite described as Lot 5, Block 15, Tract A, U.S. Survey No. 4179, Galena Townsite, to:**

Jason Matthew Hill	b: 09-16-88	Grandson	All
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**e. All of the rest and residue of her estate, if any, to:**

Lucy Whalen	b: 03-15-51	Daughter	1/10
George P. Malamute	b: 07-23-52	Son	1/10
Louie Randolph Esmailka	b: 08-25-53	Son	1/10
Andrew P. Esmailka	b: 10-15-54	Son	1/10
Ruth Esmailka	b: 12-26-56	Daughter	1/10
Betty A. Witt	b: 01-06-58	Daughter	1/10
Susan Nickoli	b: 03-29-60	Daughter	1/10
Nancy M. Pitka	b: 09-10-61	Daughter	1/10
Ricky R. Esmailka	b: 04-02-63	Son	1/10
Brenda Carey	b: 02-03-67	Daughter	1/10

6. Decedent's devisees are Alaska Natives and citizens of the United States.

7. No claims have been filed against this estate.

**ORDER**

**NOW, THEREFORE**, by virtue of the power and authority vested in the Secretary of the Interior by Section 1 of the Act of June 25, 1910, as amended, 25 U.S.C. 372 (1970), and other applicable statutes, and pursuant to 43 CFR Part 4, it is hereby ORDERED:

The Superintendent or other officer in charge shall distribute the estate according to the findings and conclusions herein.

INVENTORY AND APPRAISEMENT OF RESTRICTED  
LANDS OF WILHELMINA M. (ESMAILKA) YASKA, DECEASED ATHABASCAN  
OF THE STATE OF ALASKA

According to the records of the Tanana Chiefs Conference, Inc., Fairbanks, Alaska, Wilhelmina M. (Esmailka) Yaska, deceased Athabaskan, at the time of her death, May 17, 1998, was possessed of the following restricted lands in the State of Alaska:

HER OWN PUBLIC DOMAIN  
ALLOTMENT FF-015281

Supplemental Native Allotment issued  
September 28, 1990 for the lands  
described as:

Parcel A: Lots 3 and 4, U.S. Survey  
No. 7401, Alaska, situated on the right  
bank of the Yukon River approximately  
6 miles southeast of Galena, Alaska,  
containing 79.96 acres, Nulato  
Recording District, pursuant to the Act  
of May 17, 1906 (34 Stat. 197), as  
amended.

Native Allotment Certificate issued  
February 4, 1987 for the lands  
described as:

Parcel B: U.S. Survey No. 7877,  
Alaska, situated on the right bank of the  
Yukon River, approximately 11 ¼ miles  
southeasterly from Galena, Alaska,  
containing 79.99 acres, Nulato  
Recording District, pursuant to the Act  
of May 17, 1906 (34 Stat. 197), as  
amended.

Aggregating 159.95 acres

ESTIMATED AT:

\$64,000

INHERITED INTEREST:  
A 1/12<sup>TH</sup> INTEREST IN  
NATIVE ALLOTMENT  
FF-013398 FROM STEP-  
FATHER, ROBERT G.  
DEMOSKI, SR.  
DOD: 8/18/73  
IP SA 81N 90  
THROUGH MOTHER,  
LENA DEMOSKI  
DOD: 11/1/73  
IP SA 89N 92

The above decedent has an inherited  
interest in the lands described as:

Native Allotment Certificate issued  
September 17, 1990 for Lot 9, U.S.  
Survey No. 7401, Alaska, situated on  
the right bank of the Yukon River,  
approximately 6 miles southeast of  
Galena, Alaska, containing 131.66  
acres, Nulato Recording District,  
pursuant to the Act of May 17, 1906  
(34 Stat. 197), as amended.

ESTIMATED AT: \$46,000 X 1/12 SHARE= \$3,800

INVENTORY OF WILHELMINA M. (ESMAILKA) YASKA (Continued)

HER OWN TOWNSITE  
PROPERTY:

Restricted Deed issued March 3, 1977  
to Wilhelmina Esmailka for Lot 4, Block  
15, Tract "A", U.S. Survey 4179,  
Galena Townsite, Nulato Recording  
District, pursuant to the Act of May 25,  
1926 (44 Stat. 629).

\$3,000

ESTIMATED AT:

HER OWN TOWNSITE:  
PROPERTY:

Restricted Deed issued September 18,  
1987 to Wilhelmina Esmailka for Lot 5,  
Block 15, Tract "A", U.S. Survey 4199,  
Galena Townsite, Nulato Recording  
District, pursuant to the Act of May 25,  
1926 (44 Stat. 629).

Native Restricted Deed of Correction  
issued November 3, 1989 to  
Wilhelmina Esmailka for Lot 5, Block  
15, Tract "A", U.S. Survey 4179,  
Galena Townsite, Nulato Recording  
District, pursuant to the Act of May 25,  
1926 (44 Stat. 629).

\$3,000

ESTIMATED AT:

TOTAL ESTIMATED REAL PROPERTY  
VALUE OF DECEDENT'S ESTATE:

\$73,800

I certify that the foregoing is an accurate inventory, according to the records of the Tanana Chiefs  
Conference, Inc. of the restricted real property, or interests therein, owned by Wilhelmina M.  
(Esmailka) Yaska, at the time of her death, May 17, 1998. The value shown in this inventory may  
be an estimate and 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.

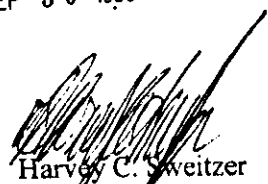
Dated at Fairbanks, Alaska this 21st day of October, 1998.

B. J. Mans  
Director, Real Estate Services

IP SL 016H 99

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.

Dated at Salt Lake City, Utah, SEP 30 1999

  
Harvey C. Sweitzer  
Administrative Law Judge

RECORDED  
AK TITLE SERVICES CENTER  
99 OCT -7 AM 8:05  
COURT CLERK, JUDICIAL AFFAIRS  
BUREAU AREA OFFICE



BOOK 24 PAGE 24  
Nulato Recording District  
IN REPLY REFER TO:

**UNITED STATES  
DEPARTMENT OF THE INTERIOR**

BUREAU OF INDIAN AFFAIRS  
ALASKA TITLE SERVICES CENTER  
1675 C Street  
Anchorage, Alaska 99501-5198  
(907) 271-4026 FAX (907) 271-4801

THIS IS TO CERTIFY that the foregoing Decision, IP SL 016H-99, is a full, true and correct copy of the original as the same appears in the records and files of the Bureau of Indian Affairs, Alaska Title Services Center.

IN WITNESS WHEREOF, I have hereunto set my hand on October 7, 1999 at Anchorage, Alaska.

  
\_\_\_\_\_  
Scott D. Houk, Land Law Examiner

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NULATO  
RECORDING DISTRICT 49-

2000 JAN -3 A 9:54

REQUESTED BY  
TCC

RETURN TO:

Tanana Chiefs Conference  
ATTN: Realty Department  
122 First Avenue Suite 600  
Fairbanks, AK 99701

NULATO RECORDING DISTRICT