

IN THE COURT OF APPEALS  
FOR THE  
ROSEBUD SIOUX TRIBAL COURT

IN THE MATTER OF THE )  
GUARDIANSHIP OF BRITTANY )  
GUNHAMMER, A MINOR CHILD )  
(Civil #95-120 in the Rosebud )  
Sioux Tribal Court) )  
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0996-05

NOTICE OF APPEAL

1.

This appeal is being taken by appellants, Shirley Lou Gunhammer, Gerald Francis Gunhammer and Yancy Darin Gunhammer, by and through their attorney, J. M. Grossenburg, Attorney at Law, 501 South Main Street, Winner, South Dakota 57580-1730. Telephone -- 605-842-1676.

2.

The appellants appeal from the June 10, 1996 Order of Judge Virgil Hauff in Civil No. 95-120.

3.

The other party to this proceeding is Kristie Lynn Barney Mraz and her attorney, Paul E. Jensen, Attorney at Law, P.O. Box 706, Winner, South Dakota 57580-0706.

4.

Among others, the appellants assert the following assignments of error.

- a. The trial court failed to follow Sec. 2-2-7 of the Rosebud Sioux Tribe Law and Order Code.
- b. There was an abuse of discretion in not following Sec. 2-2-7.
- c. Sec. 2-2-7 is not unconstitutional.
- d. Estoppel is not applicable to the facts of this case.

- e. The trial judge's factual findings are clearly erroneous in light of the entire evidence in the record.
- f. Evidentiary rulings
- g. The best interests of Brittany Gunhammer were not taken into consideration.

Notice of Entry of Order is dated June 12, 1996 and signed by Lynette Dixon. J. M. Grossenburg received Notice of Entry of Order on June 14, 1996 at 2:35 P.M., C.S.T.

Dated this 9th day of July, 1996.

J. M. Grossenburg  
J. M. Grossenburg  
Attorney for Appellants  
501 South Main Street  
Winner, SD 57580-1730  
(605) 842-1676

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of this legal document upon the person(s) herein next designated, and on the date below shown, by depositing a copy thereof in the United States mail at Winner, South Dakota, postage prepaid, on an envelope addressed to each said addressee, to-wit:

Paul E. Jensen  
Attorney at Law  
P.O. Box 706  
Winner, SD 57580-0706

(Attorney for Kristie Lynn  
Barney Mraz)

which address is the last address of each addressee known to the subscriber.

Dated this 9th day of July, 1996.

J. M. Grossenburg  
J. M. Grossenburg  
Attorney for Appellants  
501 South Main Street  
Winner, SD 57580-1730  
(605) 842-1676

SUPREME COURT  
OF THE  
ROSEBUD SIOUX TRIBE  
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IN THE MATTER OF THE  
GUARDIANSHIP OF BRITTANY  
GUNHAMMER, a minor child.  
(Civil #95-120 in the Rosebud  
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CA 96-05

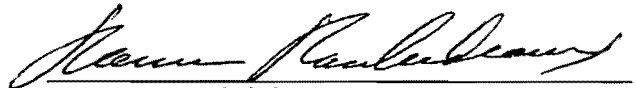
ORDER OF DISMISSAL

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Upon reviewing of records, the Court finds that the  
Appellants have failed to procecute this matter; now, therefore:

IT IS HEREBY ORDERED that this case be DISMISSED.

Dated this 12<sup>th</sup> day of December, 1997.

BY THE COURT:



Ramon Roubideaux  
Chief Appellate Justice


ATTEST:

  
Clerk of Courts

FILED  
in the

ROSEBUD SIOUX TRIBAL COURT OF APPEALS

The undersigned Clerk of the Rosebud Sioux Tribal Court of  
Appeals hereby certifies that this document was received and  
entered on the records of said court on the \_\_\_\_\_ day of \_\_\_\_\_, 1997.

  
Clerk of Courts