

COPY

HISTORY OF THE BUENA VISTA  
RANCHERIA LANDS

1. Prior to 1926 the 67.5 acre parcel of fee land commonly called Buena Vista herein was privately owned by Louis Alpers and Marjory Alpers and held by them in fee simple.
2. On or about 5<sup>th</sup> of May 1927 the Alpers sold this parcel of land at Buena Vista, to the United States of America who took title in fee using monies appropriated by Congress to acquire parcels of land in California in fee as "Rancherias" for the use and occupation of homeless and often itinerant Indians, many with no tribal affiliation, enrollment or membership. Rancheria lands were not land held in trust by the Secretary of Interior for the benefit of any particular tribe, band or community. [See Attached Exhibit "A".]
3. Various parcels were acquired and any Indian seeking to use and occupy these lands could receive an assignment to live on these rancherias, use and occupy them until they decided to abandon them or the United States terminated the assignment. [See Attached Exhibit "B".]
4. The Buena Vista parcel was chosen and purchased because some Indians and non-Indians were camping on the land and were subject to be ejected as squatters or trespassers by the owners.
5. On or about 1934 and 1935 the Indians identified as living on the rancheria lands were offered the right to vote as a community under the Indian Reorganization Act [25 U.S.C. 465 et seq.] [See Attached Exhibit "C".]
6. The four Indians approved for voting under the IRA at Buena Vista were Louie Oliver, Annie Oliver, John Oliver, Josie Rey. See Attached Exhibit "D" and the certification of that vote in favor of the IRA. See Attached Exhibit "E".
7. Despite voting in favor of the act this Indian community took no steps to organize under the Act. Instead the Olivers remained living on the land and making improvements at their own expense.
8. During the period from 1935 to 1955 the land was continuously occupied by Louie Oliver and Annie Oliver including their two children Enos Oliver and Lucille Oliver, who lived with them for most of that period.
9. During the period from 1940-1959 the status of Louie Oliver and Annie Oliver as "informal" assignees on the rancherias was confirmed by the Department of Interior Bureau of Indian Affairs and they expressed their desire to acquire the

land in fee in letters to the Department of Interior and which were reviewed and evaluated favorably by the D.O.I. [See Attached Exhibits "F", F-1, F-2 and F-3.]

10. In contemplation of the dissolution of the rancherias in California the Department of Interior communicated with the Olivers by letter and proposed a plan to convey that entire Buena Vista tract of land to the Olivers in fee. [See Attached Exhibit "G".]
11. Consequently after the California Rancheria Act was enacted the 67.5 acre Buena Vista parcel was conveyed to Louie Oliver and Annie Oliver on 6 Oct. 1959 as husband and wife<sup>1</sup> as fee simple as joint tenants. [See Attached Exhibit "H".]
12. The deed to the Olivers was sent to them with a further explanatory cover letter informing them, among other things, they now owned the land in fee and were free to do as they like with the land. [See Attached Exhibit "I".]
13. In 1960 the Olivers placed a voluntary lien by chattel mortgage on the property to secure a loan. See attached Exhibit "J" and they continued to live on the land.
14. On 11 July 1972 Annie Oliver died intestate and title to the property was survived by her husband Louie the other joint tenant, by operation of joint tenancy law, and he became the sole owner.
15. On 5 Jan. 1973 Louie Oliver died intestate. In January 1975 Jesse Pope executed a grant deed conveying any and all interest he had in the Rancheria lands to Lucille Lucero and Enos Oliver. That deed was recorded in February 1975 and his estate, including the Buena Vista parcel was subject to state court probate, Amador Superior Court Case No. 4874. A judgment was entered in that probate proceeding on 12 Sept. 1975. Enos Oliver as Administrator, in which the 67.5 acre Buena Vista parcel was distributed to Enos Oliver and Lucille Oliver as the two surviving children and who were the intestate successors to Louie Oliver. Another heir, Jesse Flying Cloud Pope, assigned and deeded any and all his interest (or any expectancy) in the estate of Louie Oliver to Lucille Lucero and Enos Oliver. That written assignment was filed in the probate estate and even though Jesse Pope had died on 14 April 1975 five months prior to the final judgment of distribution, it was included as part of that judgment and deemed to still be legally effective. [See Attached Exhibit "K".]
16. On 31 August 1978 Enos Oliver died intestate and his estate became subject to a probate proceeding in Amador County, Superior Court, Case No. 5276. It is unclear why that estate remained open until 1996, some 18 years after his death. A probate judgment of distribution was entered on 1 May 1996. (*infra.*)

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<sup>1</sup> Under California family law this designation would also represent an intent to take this land as community property in addition to the joint tenancy right of survivorship.

17. On 27 November 1978 Lucille Lucero made a Will in which she generally devised all of her property real or personal wherever situated "to DonnaMarie Grove" (nee Potts). [See Attached Exhibit "L".]
18. On or about the 10<sup>th</sup> of July 1979 the California Indian Legal Service filed a complaint against the United States of America, Cecil Andrus as Secretary of the Interior and other officials of the Department of the Interior. The individual named Plaintiffs were Tillie Hardwick, Joseph Myers, Smith Williams, Evangeline Duncan, Esther Ramirez, Nancy Ramos, Florence Rodriguez, Alberta Garcia, Christine Posh, Josephine Wolfin on their on behalf and all others similarly situated. Irene Lang tax collector for Mendocino and "all others similarly situated were named as other defendants. A copy of that complaint is attached hereto as Exhibit "M". In addition attorney for Plaintiffs named 17 "rancherias" as additional Plaintiffs and alleged further in support of the "class" of Plaintiffs that all Indian distributees of former rancheria lands, their heirs or legatees and any successor in interest of such distributees were also Plaintiffs.
21. In relevant part that complaint alleged that deeds from the United States granting rancheria lands to Indian distributees were "voidable" at the election of the individual distributees receiving fee deeds. [See applicable excerpts from the complaint EXHIBIT "N" hereto paragraph 62] and prayer for relief [paragraphs 1., 4d., 4.f and 8.b.
22. That action was ultimately settled by stipulation and judgment entered thereon restoring the status of Indian to any individual whose status was terminated by the Rancheria Act and restoring such tribal status as any tribe, group, band or community had prior to implementation of the Act consistent with 25 CFR section 83 et seq. A copy of the stipulation and judgment thereon are attached hereto marked as Exhibit "O" and "P" with respect to former rancheria lands the stipulated judgment provided the individual grantees of Rancheria fee lands had a 2-year period to convey lands they received in fee, back to the United States to be held in trust for them if they elected to do so. No grantee or successor to the Buena Vista Rancheria lands elected to do so.
21. Notices were posted and advertised to all distributes of this settlement [See Notice after the Attached Exhibit "P"] and all effected grantees received express written advice of this procedure. [See Attached Exhibit "Q".]
22. In a subsequent stipulation and judgment between the descendents of the original fee owners, Lucille Lucero (nee Oliver) and the estate of Enos Oliver a second stipulation was entered. This stipulated judgment was between these substituted Plaintiffs Lucille Lucero and the estate of Enos Oliver and the County of Amador agreeing not to impose County property taxes on the Buena Vista fee lands even though it was owned in fee, and the County agreed to treat the land as if it were Indian lands for all County tax purposes. This probate was approved by the Department of Interior. See attached EXHIBIT "R". It was ineffective however

unless the property were reconveyed into trust within the time provided in the original stipulated judgment.

23. On 27 May 1986 Lucille Lucero had executed a grant deed, reciting that it was for "valuable consideration," conveying "all of the grantors right, title and interest in the Buena Vista real property," described therein, to one DonnaMarie Potts. [At that point Lucille Lucero owned the one-half interest she had inherited from her father Louie Oliver in 1975 and an expectancy from the still pending estate of Enos Oliver, her brother, who had died on 31 Aug. 1978 but whose estate was not yet finally distributed and was not until May 1996. [See Attached Exhibit "S".]
24. At the time of settlement and entry of the final judgment in the Tillie Hardwick case in 1983 the only living successor to the real property originally deeded to Louie and Annie Oliver by the United States in 1959 was Lucille Lucero (daughter of Louie Oliver) and the estate of Enos Oliver (son of Louie Oliver) which case was still pending since 1978.
25. On 19 March 1995 Lucille Lucero died testate and a state court probate of her 1978 will was commenced. One Donna Marie Potts was the sole named devisee and legatee of the Lucero Will granting and devising all of her interest in the balance of the Buena Vista lands she had and her personalty to DonnaMarie Potts (nee Grove). [As set out at item 23 above, DonnaMarie Potts had already been deeded an interest in that land by the 1986 grant deed, EXHIBIT "S" hereto] excepting the interest being held in the estate of Lydia Oliver being probated concurrently, in which an expectancy of one-quarter of the land was originally to be granted to one John Fielder.
26. On or about 1 May 1996, pursuant to a petition to determine succession to real property filed on 31 January 1996, [attached Exhibit "T"] an order was entered by the Amador County Superior Court. The potential claimants, Potts and Fielder, reached a settlement and agreement outside of probate whereby Potts would "buy out" Fielders' interest. Consequently an order was entered on 28 Aug. 1996 by which 100% of the Buena Vista land was distributed to DonnaMarie Potts and John Fielder received \$29,659.89. See attached Exhibit "U".
27. Prior to entry of that final order [Exhibit "T"] DonnaMarie Potts prepared and executed a grant deed, reciting valuable consideration, for the entire 67.5 acre parcel of Buena Vista fee lands to an entity entitled "The Buena Vista Rancheria of Mewuk Indians." That deed signed by her as owner was recorded on 1 August 1996, Amador County Recorder number #0006858 and after the recorder was to return it after recording to the Buena Vista Rancheria of Mewuk Indians at #6 Glynis Falls Ct., Sacramento, CA 95831. [See Attached Exhibit "V".]
28. DonnaMarie Potts then prepared or caused to be prepared another deed conveying Buena Vista fee lands from the Buena Vista Rancheria of Mewuk Indians" to "The United States Department of the Interior, Bureau of Indian Affairs". That

deed was signed by DonnaMarie Potts as "tribal spokesperson" and recorded, Amador County Recorder number #006858 and after recording to be mailed to Central California Agency, 1824 Tribute Road, Suite J, Sacramento, CA 95815-4308.<sup>2</sup> That deed had typed across the front this statement:

**"This deed is given in compliance with the order and stipulations of the court in Tillie Hardwick, et.al. vs. United States of America, et.al. United States District Court, Northern District of California, Case No. 0-79-1710 SW"**

29. This recorded deed and attempted conveyance by the "Buena Vista Rancheria of Mewuk Indians" to the United States Department of Interior is attached hereto as Exhibit "W".
30. The attempted conveyance from this Buena Vista Rancheria of Mewuk Indians by DonnaMarie Potts as "tribal spokesperson" was rejected by the Department of Interior. See attached EXHIBIT "X".
31. During this same period DonnaMarie Potts paid property taxes to Amador County for the former Buena Vista Rancheria fee lands. [See attached EXHIBIT "Y".]
32. As set out in the Indian history of the residents of the Buena Vista Rancheria DonnaMarie Potts is not a lawful member or one of the descendants of the original family being called the Buena Vista Rancheria of Mewuk Indians. DonnaMarie Potts nevertheless purported to execute and submit a site specific "tribal gaming ordinance" for this non-trust fee land and negotiated and executed a site-specific tribal state gaming compact for this non-trust fee land.
33. Rhonda Pope, great-granddaughter of Louie and Annie Oliver filed suit challenging DonnaMarie Potts' authority and membership in the "Buena Vista Rancheria of Mewuk Indians". See attached EXHIBIT "Z" that protracted lawsuit was settled out of court. [See attached EXHIBIT "Z-1".]
34. Most recently an amended tribal state compact was approved for this ineligible fee land in violation of the Indian Gaming and Regulatory Act 25 U.S.C. 2703, 2719 and 2710d. Following settlement of the Pope v. Potts lawsuit that amendment to the tribal-state compact purported to substitute Rhonda Pope as spokesperson for the Buena Vista Rancheria of Mewuk Indians and certify the required tribal environmental report as a part of the compact, and other substantive changes applicable to the proposed class III gambling casino to be constructed on the Buena Vista fee owned lands.

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<sup>2</sup> This was the offices of the B.I.A.