

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Morgana Lieberg,)	
Plaintiff,)	
)	Supreme Court No.
vs.)	
Wilbur E. Wilkie, Helen M. Wilkie, Antoinette)	Rolette Case No. 40-2021-CV-00068
Hosenfelt, Christopher L. Phelps, the heirs,)	
Devises and assigns or successors in interest of any)	
Defendants; and all other persons unknown having)	NOTICE OF APPEAL
or claiming any estate or interest in or lien or)	
encumbrance upon the property described in the)	
Complaint.)	
Defendants.)	

[¶1] NOTICE IS HEREBY GIVEN pursuant to N.D.R. App. P. 3 that Christopher L. Phelps, Defendant, in the above-captioned action, through his attorney of record, Reed A. Soderstrom, does hereby appeal to the North Dakota Supreme Court from the Final Judgment for Partial Summary Judgment entered on April 19, 2022, (Doc. ID#57); and Notice of Entry of Judgment filed on October 3, 2022 (Doc.ID # 59), Civil No. 40-2021-CV-00068 by the Honorable Anthony Benson, District Court Judge for the Northeast Judicial District, County of Rolette.

[¶2] Pursuant to N.D.R. App. P. 3(c)(4), Defendant Phelps makes the following preliminary Statement of Issues to provide the Court with notice of the issues of which Defendant Phelps is currently aware. Defendant Phelps reserves the right to exclude any of the following issues or include additional issues when he makes his Statement of the Issues presented for review in his briefing to the Court.

1. The District Court erred by granting Partial Summary Judgment without determining if the parties are enrolled members of the Tribe.
2. The District Court erred by granting Partial Summary Judgment without

determining that said lands are within the exterior boundaries of the Turtle Mountain Indian Reservation.

3. The District Court erred by granting Partial Summary Judgment without determining that said lands are in Indian Trust status.

Dated this 16th day of November, 2022.

PRINGLE & HERIGSTAD, P.C.

BY: /s/ Reed A. Soderstrom

Reed A. Soderstrom #04759

Attorneys for Defendant, Christopher L. Phelps

2525 Elk Drive

P.O. Box 1000

Minot, ND 58702-1000

701-852-0381

rsoderstrom@pringlend.com

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Morgana Lieberg,)	
Plaintiff,)	
)	Supreme Court No.
vs.)	
Wilbur E. Wilkie, Helen M. Wilkie, Antoinette)	Rolette Case No. 40-2021-CV-00068
Hosenfelt, Christopher L. Phelps, the heirs,)	
Devisees and assigns or successors in interest of any))	
Defendants; and all other persons unknown having))	AFFIDAVIT OF SERVICE
or claiming any estate or interest in or lien or))	
encumbrance upon the property described in the))	
Complaint.)	
Defendants.)	

[illegible]

Karen A. Goedecke, being first duly sworn, deposes and states that she is over the age of eighteen years and not a party to the above-entitled matter. I certify that on the 16th day of November, 2022, the following documents:

1. Notice of Appeal; and
2. Affidavit of Service

Were filed electronically by email with the Clerk of Court-supclerkofcourt@ndcourts.gov and filed electronically by email on the following:

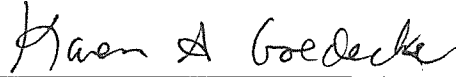
Plaintiff's Attorney
Anthony Cooper via acooper@bopprelawfirm.com

I further certify that on November 16th, 2022, a copy of these documents were deposited into the U.S. Mail in an envelope with postage prepaid addressed to the following party at his/her last known address:

Helen M. Wilkie
116 W. Pitman St.
Apt. 313
O'Fallon, MO 63366

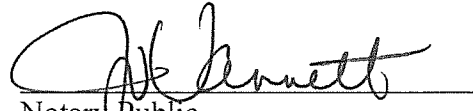
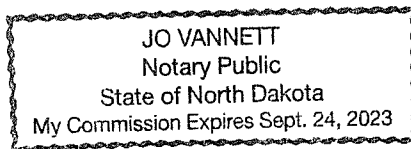
Antoinette Hosenfelt
10 W. Homefield Point Ct.
O'Fallon, MO 63366

Dated this 16th day of November, 2022.



Karen A. Goedecke
Legal Assistant to Reed A. Soderstrom
Pringle & Herigstad PC
2525 Elk Drive
PO Box 1000
Minot, ND 58702-1000
701-852-0381
kareng@pringlend.com

Subscribed and sworn to before me this 16th day of November, 2022.



Notary Public
For the State of North Dakota