

ORIGINAL

FILED

06/23/2026

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 26-0158

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 26-0158

IN RE THE MARRIGE OF:

KAREN LYNN MAYBEE,

Petitioner and Appellee,

and

SCOTT BYRON MAYBEE,

Respondent and Appellant.

FILED

JUN 23 2026

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

This matter comes before the Court on Appellant Scott Maybee's motion for relief from the Eighteenth Judicial District Court's May 12, 2026 order denying his motion for stay pending appeal and on Appellee Karen Maybee's motion to dismiss Scott's appeal as premature. Karen opposes Scott's motion for relief from the order denying a stay. Scott has responded in opposition to Karen's motion to dismiss.

Scott appeals the District Court's March 5, 2026 order in the parties' marital dissolution case that denied his request to exclude certain assets from consideration in the marital estate.

Scott is a member of the Seneca Nation of Indians, but the parties have lived off the reservation during their marriage and moved to Montana in 2011. The parties' dissolution action was filed in September 2021 and remains pending. The dissolution proceeding was delayed after Scott filed a separate proceeding in the Seneca Nation of Indians Peacemakers Court. That court entered a declaratory judgment in Scott's favor, which was modified by the tribal appeals court. The dispute centers on what the appeals court termed Scott's "Nation-sourced assets," which it described as Scott's land within the Seneca Nation, businesses formed under the Seneca Nation Laws, and the income and assets derived from

these sources. The tribal court ruled that the Montana dissolution court could not consider or value those "Nation-sourced assets" in the dissolution action.

Scott now appeals the District Court's 42-page findings of fact, conclusions of law and order rejecting his argument that the court lacked subject-matter jurisdiction to consider the "Nation-sourced assets" in its valuation and distribution of the marital estate. The District Court found no federal statute or treaty that preempted its jurisdiction and held that it would not infringe on the right of the Seneca Nation of Indians to govern itself if the state court were to take cognizance of the real property Scott may own on the reservation, or distribute or evaluate the parties' business interests. The court further determined that even if federal law unambiguously forbade it from awarding various "Nation-sourced assets" as part of the divorce, the state court "can, and must, consider those assets in making its equitable distribution." The District Court declined to extend comity to the tribal court judgment, explaining its numerous reasons why. It therefore ordered that the Tribal Court Judgment was determinative only as to title to any Indian trust land that may be involved in this case, was not otherwise binding upon either the court or Karen, and did not preclude the District Court from exercising its jurisdiction to equitably apportion the marital estate or supplant Scott's disclosure obligations under Montana law.

Karen moves to dismiss Scott's appeal on the ground that no Decree of Dissolution has yet been entered in the case, and the appeal is from an order that is not final. Scott argues that the appeal properly is taken under M. R. App. P. 6(3)(c) from an order denying his claim that the court lacks subject matter jurisdiction. The parties agree that the District Court has subject matter jurisdiction over the dissolution action, but Scott contends that the court's jurisdiction does not extend to "all aspects of the divorce proceedings—specifically the provisions of MCA 40-4-202." Scott acknowledges that the District Court's jurisdiction extends to the parties' status as married individuals but does not concede that such jurisdiction extends to the disposition of assets located in the Seneca Nation. Scott's appeal asks the Court to remand "with instructions to value only the marital estate," excluding those assets.

M. R. App. P. 6(3)(c) permits appeal from "an order denying a motion to dismiss for

lack of subject matter jurisdiction.” Scott did not request dismissal of the action for lack of subject matter jurisdiction. He seeks exclusion of certain assets from consideration in valuing and apportioning the marital estate. We conclude that Scott’s appeal is not from an order appealable under Rule 6(3)(c). The District Court’s authority—or lack thereof—to distribute the disputed property is reviewable on appeal from the final Decree of Dissolution.

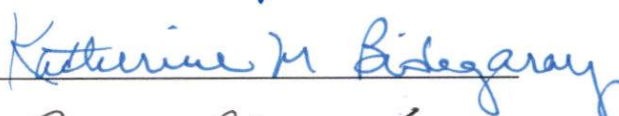
IT IS THEREFORE ORDERED that Appellee Karen Maybee’s Motion to Dismiss is GRANTED. This appeal is DISMISSED without prejudice to either party’s right to appeal the District Court’s final Decree of Dissolution.

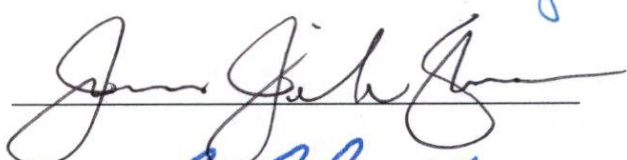
IT IS FURTHER ORDERED that Appellant Scott Maybee’s Motion for Relief from the District Court’s order denying his request for stay pending appeal is DENIED as moot.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record.

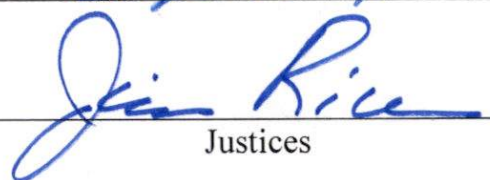
DATED this 23rd day of June, 2026.











Justices