

ORIGINAL

FILED

07/21/2026

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 MARRIAGE OF:

KAREN LYNN MAYBEE,

Petitioner and Appellee,

and

SCOTT BYRON MAYBEE,

Respondent and Appellant.

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Clerk of Supreme Court
State of Montana

ORDER

Scott Maybee petitions for rehearing of this Court's June 23, 2026 order dismissing his appeal as premature. Karen Maybee opposes the request.

In our June Order, we dismissed Scott's appeal from the District Court's March 5, 2026 order in the parties' marital dissolution case that denied Scott's request to exclude his "Nation-sourced assets" from consideration in the marital estate. Scott argued, and continues to argue, that the court lacked subject-matter jurisdiction to consider the "Nation-sourced assets" in its valuation and distribution of the marital estate. 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.

We concluded that Scott could not appeal the challenged order under M. R. App. P. 6(3)(c) because he had not, as the Rule specifies, appealed "an order denying a motion to dismiss for lack of subject matter jurisdiction." We observed that whether the District Court appropriately asserted authority to value and distribute the disputed property is reviewable on direct appeal from the final Decree of Dissolution.

Scott argues that the Court erroneously repeated Karen's and the District Court's "inaccurate framing" of the issue "as a mere request to 'exclude certain assets'" from the

marital estate. Instead, he argues, the District Court “cannot exercise any power to adjudicate, compel disclosure regarding, value, or distribute Nation-sourced assets.” Scott argues that because he challenges the court’s power over the land, business entities, and assets of a sovereign Nation and one of its tribal members, the harm is not redressable by the ordinary course of appeal. He contends that the Court overlooked *In re Marriage of Smith*, 284 Mont. 528, 531, 946 P.2d 917, 918-19 (1997), in which this Court accepted supervisory control in a marriage dissolution case involving Indian trust lands. Karen responds that Scott has not demonstrated the criteria for rehearing and that the Court did not overlook any issue or material fact Scott presented that would alter the outcome.

This Court rarely entertains rehearing and, even more rarely, rehearing of orders disposing of a party’s motion. Under M. R. App. P. 20(1)(d),

Absent clearly demonstrated exceptional circumstances, the supreme court will not grant petitions for rehearing of its orders disposing of motions or petitions for extraordinary writs.

“A petition for rehearing is not a forum in which to rehash arguments made in the briefs and considered by the Court.” *State ex rel. Bullock v. Philip Morris, Inc.*, 217 P.3d 475, 486 (Mont. 2009); *Waddell v. Studer No.*, DA 24-0632, 2025 LX 623827, at *2 (Dec. 30, 2025). After consideration, we conclude that Scott has not met the high burden of demonstrating exceptional circumstances. In his response to the motion to dismiss, Scott argued that the trial court “should dismiss its jurisdiction over his Nation-sourced assets and proceed with the dissolution without valuing those assets.” This is the argument we addressed in our Order, and it is the same argument Scott advances in his rehearing petition. The cases Scott cites to argue that Rule 6(3)(c) entitled him to appeal without seeking dismissal of the entire action do not support his position.

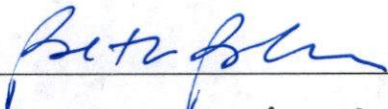
Citing *In re Marriage of Smith*, Scott argues in the alternative that the Court should suspend its rules pursuant to M. R. App. P. 29 and treat his appeal as functionally a request for supervisory control. We accepted supervisory control in *Smith* to reverse the district court’s order directing the husband, a tribal member, to request an appraisal of his Indian trust lands from the Bureau of Indian Affairs and its order directing him to appeal the BIA’s

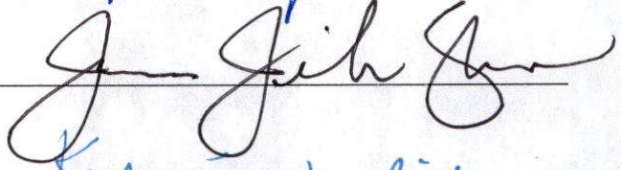
refusal to give him an appraisal. *In re Marriage of Smith*, 284 Mont. at 531, 946 P.2d at 918-19. We conclude that *Smith* does not counsel treating Scott's request as a petition for writ of supervisory control. As Scott asserts, this case involves no Indian trust land, only land held in restricted fee. Further, we are not persuaded that Scott's challenge to the District Court's order presents purely issues of law or that appeal is an inadequate remedy.

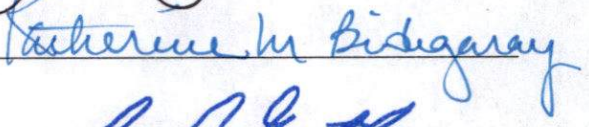
IT IS THEREFORE ORDERED that Appellant Scott Maybee's Petition for Rehearing is DENIED.

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

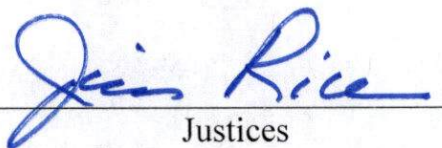
DATED this 21st day of July, 2026.











Justices