

# Court: Montana family owns dinosaur fossils worth millions

June 23 2020, by Amy Beth Hanson

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Dinosaur fossils worth millions of dollars unearthed on a Montana ranch belong to the owners of the land's surface rights, not the owners of the mineral rights, a U.S. appeals court ruled.

The June 17 [ruling](#) by the 9th U.S. Circuit Court of Appeals upheld a 2016 decision by U.S. District Judge Susan Watters of Billings that found [dinosaur fossils](#) were part of the surface estate, not the [mineral](#) estate, in cases of split ownership. The surface rights where the fossils were found are owned by Mary Ann and Lige Murray.

"The composition of minerals found in the fossils does not make them valuable or worthless," Watters wrote. "Instead the value turns on characteristics other than mineral composition, such as the completeness of the specimen, the species of dinosaur and how well it is preserved."

Brothers Jerry and Bo Severson, who owned two-thirds of the mineral rights on property once owned by their father, appealed Watters' decision to the 9th Circuit.

A three-judge panel of the appeals [court](#) overturned Watters' ruling in February 2018, but the Murrays asked for a larger panel of judges to hear the case.

In the meantime, the 2019 Montana Legislature passed a bill stating that dinosaur fossils are part of a property's surface estate unless they are reserved as part of the mineral estate.

Before making its decision, the 9th Circuit asked Montana's Supreme Court to rule on whether fossils were minerals under state law because at the time the case was filed, there was not a definitive law. In a 4-3 ruling last month, the Montana justices said dinosaur fossils are not considered minerals under state law.

"Because Mary Ann and Lige Murray are the undisputed owners of the surface estate here ... the (Montana) Supreme Court's decision requires a resolution in their favor," Chief Judge Sidney R. Thomas wrote on behalf of himself and 10 other members of the 9th Circuit.

Eric Nord, the attorney for the Murrays, declined to comment Tuesday. Shane Swindle, an attorney for the Seversons, did not immediately return phone or email messages seeking comment on whether the Seversons plan to appeal to the U.S. Supreme Court.

The dinosaurs unearthed on the ranch include a T. rex found in 2013, a triceratops skull discovered in 2011 and the 2006 discovery of a pair of dinosaurs that appeared to have been locked in battle when they died.

The T. rex was sold for millions of dollars. The so-called dueling dinosaurs drew a bid of \$5.5 million in a 2014 auction, but failed to reach the \$6 million reserve price.

In a legal effort to clarify the ownership of the dueling [dinosaurs](#) before trying to sell them, the Murrays sought a [court order](#) saying they owned the fossils, sparking the legal battle.

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