GRAND TRAVERSE BAND OF OTTAWA & CHIPPEWA INDIANS TRIBAL COURT
John A. Kern, Chief Judge
2605 N. West Bay Shore Drive Peshawbestown, MI 49682
Main 231-534-7050 Fax 231-534-7051 Email tribalcourt@gtbindians.com

Foreign Judgment Filing Instructions**

1. Fill out all areas on the forms. Incomplete forms will be sent back to the petitioner/judgment creditor before processing. Any forms that are not included will result in the packet being sent back to the petitioner/judgment creditor until a COMPLETE PACKET can be submitted to the Tribal Court for processing.

2. The Attestation of Clerk/Register **MUST** be completed by the clerk/register of the foreign court which issued the judgment; simply attaching a certified copy of the judgment is not sufficient. A certified copy of the original court judgment must be attached to these forms when they are mailed back to the court.

3. The Petition and Affidavit for Recognition of Foreign Judgment **MUST** be completed by the clerk/register of the foreign court which issued the judgment and submitted to Tribal Court.

4. A $100.00 filing fee must also be mailed to the court before the court will process the Petition and send it back to the Petitioner (judgment creditor) so that Notice may be served.

5. Should other payments be received from the Respondent (judgment debtor) in addition to the Respondent's per capita payments, it is imperative the plaintiff keep this court informed of such payments, as this will affect the amount to be withheld from the Respondent's per capita payments.

6. Petitioner MUST file a Satisfaction of Judgment with Tribal Court when judgment is fully paid.

NOTE: The Tribal Court will issue its own case number, so please leave that area blank on the forms, except where it states "foreign court case number" which refers to the case number generated by the court which originally issued the judgment.

Should you have questions about the Foreign Judgment procedure, please do not hesitate to contact us, but please note that we cannot give you legal advice or tell you how to fill out the forms.

Miigwetch (Thank You),

Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court
Tribal Court Clerk

****PLEASE NOTE CHANGES PER TRIBAL JUDICIARY ADMINISTRATIVE ORDER, 2012-1** (attached)
"Order Regarding the Registration and Notice of Foreign Judgment"

Pay Special Attention to Rule 10.203
Notice of Registration of Foreign Judgment

IN THE TRIBAL COURT
FOR THE
GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS

TRIBAL JUDICARY ADMINISTRATIVE ORDER, 2012-1

ORDER REGARDING THE REGISTRATION AND NOTICE OF FOREIGN JUDGMENTS

WHEREAS the Tribal Court receives a Petitions for Recognition of Foreign Judgments from State of Michigan courts filed under GTBCR, Chapter 10; and

WHEREAS the number of foreign judgment petitions by other courts has grown exponentially, causing a significant increase in the amount of Tribal Court staff time to be devoted to processing petitions; and

WHEREAS a significant portion of Tribal Court staff time is diverted to processing proper registration under GTBCR Rule 10.202(A) and 10.202(B)(2)(b), Mailing of Notices under GTBCR Rule 10.203(B), Service of Notices under GTBCR Rule 10.203(C), and Satisfaction of Judgment Notices under GTBCR Rule 10.203(D); and

WHEREAS the Tribal Judiciary met *en banc* on January 11, 2012, and approved appropriate changes to GTBCR, Chapter 10 to resolve the negative impact on the GTB Tribal Court in its processing of foreign judgments.

Now, therefore, **IT IS HEREBY ORDERED**:

1. That GTBCR Rules 10.002(D, E, F, I, K), 10.202(A), 10.202(B)(2)(b,c), 10.203, 10.203(B, C, D) are amended as emphasized below:

Rule 10.002 Definitions. When used in this Chapter, unless the content otherwise indicates:
(A) "Court" means the Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court.
(B) "Foreign Court" means all courts other than the Grand Traverse Band Tribal Court including tribal.
state, or federal courts, and courts of foreign countries.
(C) "Foreign Judgment" means any judgment, decree, or order by any other tribal court, United States, federal court, state court, or a court of a foreign country which is final in the rendering jurisdiction regardless of whether such judgment is for money, injunctive, declaratory, or other relief.
(D) "Judgment Creditor" means one who has had a judgment rendered in his/her favor. Judgment creditor is synonymous with the terms judgment holder and Petitioner.
(E) "Judgment Debtor" means the party against whom a judgment has been rendered. Judgment debtor is synonymous with the term Respondent.

(F) "Judgment Holder" means one whom has had a judgment rendered in his/her favor. Judgment holder is synonymous with the terms judgment creditor and Petitioner.
(G) "Lawyer" is synonymous with the term "attorney."
(H) "Lay Advocate" means a person who is a non-lawyer and who has been qualified by this Court to serve as an advocate on behalf of a party.
(I) "Petitioner" means a party who presents a petition or motion to the Tribal Court seeking relief. This definition is synonymous to the term Judgment Creditor.
(J) "Rendering Jurisdiction" means the jurisdiction in which the foreign judgment was entered.
(K) "Respondent" means a party against whom a motion or petition is filed in Tribal Court seeking relief. This definition is synonymous to the term Judgment Debtor.

Rule 10.202 Registration of Foreign Judgment. A person seeking enforcement of a foreign judgment shall file:
(A) a fully-completed Petition and Affidavit For Recognition of Foreign Judgment and Attestation of Clerk/Registrar and Certification of Records.
(B) a copy of the foreign judgment, which has been authenticated by the clerk or registrar of the foreign court in the following manner:

(1) the clerk or registrar of the foreign court must attest in writing that he/she:
(a) is the clerk or registrar of the subject foreign court;
(b) is the custodian of the records of the subject foreign court; and
(c) has compared an annexed copy of the foreign judgment from the case with the original(s) on file and of record in the foreign court, and has found the copy of the foreign judgment to be a true copy of the whole of such original(s).

(2) upon completing the written attestation referenced in subrules 10.202(A) and (B)(1) above, the clerk or registrar of the foreign court must:
(a) sign and date attestation;
(b) affix the embossed seal of the foreign court to the foreign judgment and said attestation; and
(c) annex a true certified copy of the foreign judgment to said attestation.

(C) a sworn affidavit by the judgment holder, or his/her lawyer or lay advocate, which includes all of the following:
(1) the name and last known post office address of the judgment debtor and the judgment creditor;
(2) that the judgment is final and that no appeal is pending;
(3) that no subsequent orders vacating, modifying, or reversing the judgment have been entered in the rendering jurisdiction;
(4) proof that the person against whom the foreign judgment has been rendered (i. e., judgment debtor) is subject to the jurisdiction of the Grand Traverse Band Tribal Court with regard to enforcement of said judgment;
(5) proof that the court from which the foreign judgment was issued provides reciprocal enforcement and recognition to the judgments of the Grand Traverse Band Tribal Court with regard to enforcement of said judgment;

(D) a filing fee for registering said foreign judgment.

Rule 10.203 Notice of Registration of Foreign Judgment. Upon the filing of the foreign judgment, attestation, affidavit and filing fee, the clerk of the court shall promptly mail two copies of the notice of the filing of the foreign judgment along with a copy of the foreign judgment, attestation and affidavit referenced in Rule 10.202 to the judgment creditor at the address provided by the judgment creditor and shall make a note of the mailing in the docket and/or complete proof of mailing.

(A) Included in the Notice. The notice shall include the following:

(1) the name and post office address of the judgment holder and the judgment holder's lawyer or lay advocate, if any, in this court; and

(2) a directive that an order entering the enforcement of the foreign judgment shall be entered by the court within twenty-eight (28) days of the same having been served on the judgment debtor unless the judgment debtor files written objections with the court along with a request for a hearing on the same within said twenty-eight (28) day period.

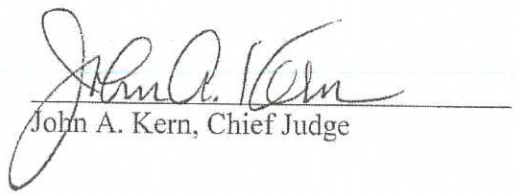
(B) Mailing Notice. It is the sole responsibility of the judgment creditor to mail a notice of the filing along with a copy of the foreign judgment, attestation, and affidavit referenced in Rule 10.202 to the judgment debtor. The judgment creditor shall file proof of mailing with the clerk of the court.

(C) Service of Notice. It is the sole responsibility of the judgment creditor to serve the filing along with a copy of the foreign judgment, attestation, and affidavit referenced in Rule 10.202 on the judgment debtor in a manner consistent with applicable Tribal Court rules. The judgment creditor shall file proof of service with the clerk of the court within 90 calendar days. If proof of service is not received within 90 calendar days, the case will be dismissed by the Tribal Court and the filing fee forfeited.

(D) Satisfaction of Judgment Notice. The judgment creditor must file, within 14 calendar days, a Satisfaction of Judgment with the Tribal Court when the judgment is fully paid.

2. This order shall take effect immediately.

Dated: January 23, 2012



John A. Kern, Chief Judge

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL COURT

John A. Kern, Chief Judge
Cristine Quitugua, Court Administrator
Fred Jacko, Clerk/Bailiff
Aeawosgi Campos, Probation Officer
Trisha Knauf, Drug Court Case Manager/Assistant Probation Officer

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IN THE TRIBAL COURT FOR THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	**PETITION AND AFFIDAVIT FOR RECOGNITION OF FOREIGN JUDGMENT**	CASE NO. CaseNumber

Petitioner name, address and phone number	v.	Respondent's name, address and phone number
Petitioner's attorney/lay advocate name, address and phone number		Respondent's attorney's name, address and phone number

Name of foreign case (i.e. John Doe v. Mary Doe)	Foreign court name and address	Foreign court case number

PETITION AND AFFIDAVIT

STATE OF _____)
COUNTY OF _____) ss.

I, _____, Affiant, hereby depose and state under oath:

1. That I am making this petition and swearing to this affidavit as the:

   □ Petitioner (judgment holder/creditor).

   □ Lawyer or lay advocate for the Petitioner (judgment holder/creditor).

2. That the name and address of the judgment holder/creditor is as stated in the caption above.

3. That the name and last known address of the Respondent (judgment debtor) is as stated in the caption above.

4. That the judgment attached to the Attestation of Clerk/Register and Certification of Records, which accompanies this Petition is final and that there is no appeal pending regarding said judgment.

5. That the judgment attached to the Attestation of Clerk/Register and Certification of Records remains valid, and no subsequent orders vacating, modifying or reversing said judgment has been entered in the jurisdiction which rendered said judgment.

6. That this Court has jurisdiction over the Respondent (judgment debtor) in this matter as a result of the following (check all that apply):

   □ Respondent is a member of the Grand Traverse Band of Ottawa and Chippewa Indians.

- ☐ Respondent resides on land held in trust for the Grand Traverse Band of Ottawa and Chippewa Indians, or land otherwise owned by the Tribe.

- ☐ Other (please specify): _____
_____.

7. That the Court or jurisdiction from which the foreign judgment was issued provides reciprocal full faith and credit to the judgments of the Grand Traverse Band Tribal Court, as follows:

- ☐ a. This judgment is from a court of the State of Michigan, which has adopted MCR 2.615(B) providing reciprocal full faith and credit to the judgments and other orders issued by the Grand Traverse Band Tribal Court in compliance with GTBCR 10.101, OR

- ☐ b. This judgment is from the following court, which has enacted an ordinance, court rule, or other binding measure that obligates the other court to enforce the judgments and other orders and judicial acts of the Grand Traverse Band Tribal Court:
  i. Name of other court: _____.
  ii. The ordinance, court rule, or other binding measure is _____ and is attached to this Petition.

8. WHEREFORE, Petitioner requests the following (check all that apply):

- ☐ That this Court recognize and enforce the foreign judgment attached to the Attestation of Clerk/Register and Certification of records pursuant to GTBCR 10.and give said judgment full faith and credit.

- ☐ That the amount due on that judgment be deducted from the Respondent's next available per capita distribution, and each subsequent distribution until paid in full.

- ☐ Other (specify other relief requested): _____
_____.

FURTHER AFFIANT SAYETH NOT.

Dated: _____

_____
Affiant (Signature)

_____
Name (Type or print legibly)

Subscribed and sworn before me on this _____ day of _____, 20_____, in _____ County, State of _____.

_____
, Notary Public
_____ County, _____.
My commission expires: _____.

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL COURT

John A. Kern, Chief Judge
Cristine Quitugua, Court Administrator
Fred Jacko, Clerk/Bailiff
Aeawosgi Campos, Probation Officer
Trisha Knauf, Drug Court Case Manager/Assistant Probation Officer

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IN THE TRIBAL COURT FOR THE GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS	**ATTESTATION OF CLERK/REGISTER AND CERTIFICATION OF RECORDS**	CASE NO.

Petitioner name, address and phone number	v.	Respondent's name, address and phone number
Petitioner's attorney/lay advocate name, address and phone number		Respondent's attorney's name, address and phone number

Name of foreign case (i.e. John Doe v. Mary Doe)	Foreign court name and address	Foreign court case number

ATTESTATION AND CERTIFICATION OF RECORDS

I hereby attest and certify that:

1. I am the clerk/register for the following court (please specify): _____.
2. I am a custodian of the records the above-referenced court.
3. I have compared the annexed (attached) copies of the judgment and/or other attached documents from the above-referenced court with the originals on file, and I find the copies attached hereto to be true copies of the whole of such original(s).

I verify that the above is true to the best of my knowledge, information and belief.

Dated: _____

_____
Register

_____
Name (type or print legibly)

[Court Seal]

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL COURT

John A. Kern, Chief Judge
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CHAPTER 10
RULES OF ENFORCEMENT AND RECOGNITION OF FOREIGN JUDGMENTS

Subchapter 10.000 Purpose And Definitions

Rule 10.001 Purpose. The purpose of this Chapter is to facilitate, improve and extend by court rule the enforcement and recognition of judgments between the Grand Traverse Band Tribal Court and other courts, whether they be tribal, state or federal.

Rule 10.002 Definitions. When used in this Chapter, unless the content otherwise indicates:
(A) "*Court*" means the Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court.
(B) "*Foreign Court*" means all courts other than the Grand Traverse Band Tribal Court including tribal, state, or federal courts, and courts of foreign countries.
(C) "*Foreign Judgment*" means any judgment, decree, or order by any other tribal court, United States federal court, state court, or a court of a foreign country which is final in the rendering jurisdiction, regardless of whether such judgment is for money, injunctive, declaratory, or other relief
(D) "*Judgment Creditor*" means one who has had a judgment rendered in his/her favor. Judgment creditor is synonymous with the term judgment holder.
(E) "*Judgment Debtor*" means the party against whom a judgment has been rendered.
(F) "*Judgment Holder*" means one whom has had a judgment rendered in his/her favor. Judgment holder is synonymous with the term judgment creditor.
(G) "*Lawyer*" is synonymous with the term "*attorney*."
(H) "*Lay Advocate*" means a person who is a non-lawyer and who has been qualified by this Court to serve as an advocate on behalf of a party.
(I) "*Rendering Jurisdiction*" means the jurisdiction in which the foreign judgment was entered.

Subchapter 10.100 Enforcement And Recognition

Rule 10.101 Michigan State Court Judgments.
(A) The judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of a Michigan State Court are recognized and have the same effect and are subject to the same procedures, defenses, and proceedings as judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the Tribal Court of the Grand Traverse Band, subject to the provisions of this rule.
(B) The recognition described in subrule 10.101(A) applies only if the Michigan State Court:
(1) enacts an ordinance, court rule, or other binding measure that obligates the Michigan State Court to enforce the judgments, orders, warrants, subpoenas, records, and judicial acts of the Tribal Court of The Grand Traverse Band, and
(2) transmits the ordinance, court rule or other measure to the Tribal Court Administrator.
(C) A judgment, decree, order, warrant, subpoena, record, or other judicial act of a Michigan State Court that has taken the actions described in subrule 10.101(B) is presumed to be valid. To overcome that presumption, an objecting party must demonstrate that:
(1) the Michigan State Court lacked personal or subject-matter jurisdiction; or
(2) the judgment, decree, order, warrant, subpoena, record, or other judicial act of the Michigan State Court;
(a) was obtained by fraud, duress, or coercion;
(b) was obtained without fair notice or a fair hearing;
(c) is repugnant to the public policy of the Grand Traverse Band of Ottawa and Chippewa Indians; or
(d) is not final under the laws and procedures of the Michigan State Court.
(D) The recognition described in subrule 10.101(A) applies only if the person seeking recognition and enforcement complies with the conditions and procedures set forth in Rule 10.200 hereunder whenever Michigan State Court judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts are involved.
(E) This rule does not apply to judgments or orders that federal law requires to be given full faith and credit.

Rule 10.102 Tribal Court Judgments. The judgments decrees, orders, warrants, subpoenas, records, and other judicial acts of another tribal court of a federally-recognized tribe are recognized, and have the same effect and are subject to the same procedures, defenses, and proceedings as judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the Tribal Court of the Grand Traverse Band, subject to the provisions of this rule.
(A) The recognition described in subrule 10.102(A) applies only if the other tribal court:

(1) enacts an ordinance, court rule, or other binding measure that obligates the other tribal court to enforce the judgments, orders, warrants, subpoenas, records, and judicial acts of the Tribal Court of The Grand Traverse Band;

(2) transmits the ordinance, court rule or other measure to the Tribal Court Administrator.

(B) A judgment, decree, order, warrant, subpoena, record, or other judicial act of another tribal court that has taken the actions described in subrule 10.102-B is presumed to be valid. To overcome that presumption, an objecting party must demonstrate that:

(1) the other tribal court lacked personal or subject-matter jurisdiction; or

(2) the judgment, decree, order, warrant, subpoena, record, or other judicial act of the other tribal court:

(a) was obtained by fraud, duress, or coercion;

(b) was obtained without fair notice or a fair hearing;

(c) is repugnant to the public policy of the Grand Traverse Band of Ottawa and Chippewa Indians; or

(d) is not final under the laws and procedures of the other tribal court.

(C) The recognition described in subrule 10.102(A) applies only if the person seeking recognition and enforcement complies with the conditions and procedures set forth in Rule 10.200 hereunder whenever other tribal court judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts are involved.

(D) This rule does not apply to judgments or orders that federal law requires to be given full faith and credit.

Rule 10.103 Federal Court and Other State Court Judgments.

(A) Courts Granting Enforcement and Recognition. The judgments decrees, orders, warrants, subpoenas, records, or other judicial acts of a U.S. federal court or other state courts (with the exception of Michigan State Courts wherein Rule 10.101 shall apply) are recognized, and have the same effect and are subject to the same procedures, defenses, and proceedings as judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the Tribal Court of the Grand Traverse Band, subject to the provisions of this rule.

(B) The recognition described in subrule 10.101(A) applies only if the federal or other state court:

(1) enacts an ordinance, court rule, or other binding measure that obligates the federal court or other state court to enforce the judgments, orders, warrants, subpoenas, records, and judicial acts of the Tribal Court of The Grand Traverse Band;

(2) transmits the ordinance, court rule or other measure to the Tribal Court Administrator.

(C) A judgment, decree, order, warrant, subpoena, record, or other judicial act of a federal court or other state court that has taken the actions described in subrule 10.101(B) is presumed to be valid. To overcome that presumption, an objecting party must demonstrate that:

(1) the federal or other state court lacked personal or subject-matter jurisdiction; or

(2) the judgment, decree, order, warrant, subpoena, record, or other judicial act of the federal court or other state court:

(a) was obtained by fraud, duress, or coercion;

(b) was obtained without fair notice or a fair hearing;

(c) is repugnant to the public policy of the Grand Traverse Band of Ottawa and Chippewa Indians; or

(d) is not final under the laws and procedures of the federal court or other state court.

(D) The recognition described in subrule 10.101(A) applies only if the person seeking recognition and enforcement complies with the conditions and procedures set forth in Rule 10.200 hereunder whenever federal court or other state court judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts are involved.

(E) This rule does not apply to judgments or orders that federal law requires to be given full faith and credit.

(F) Courts Granting Full Faith and Credit. If the federal court or other state court does not grant (full faith and credit) to the judgments of the Grand Traverse Band Tribal Court, the Tribal Court shall have full discretion as to whether (full faith and credit) may be granted and shall be guided by the best interests of this Tribe and the parties, provided that the person seeking (full faith and credit) complies with the conditions and procedures set forth in Rule 10.200 hereunder.

Rule 10.104 Court Records and Judgments of a Foreign Country.

(A) Court of a Foreign Country Granting Enforcement and Recognition. The judgments, decrees, orders, warrants, subpoenas, records, or other judicial acts of a foreign court are recognized, and have the same effect and are subject to the same procedures, defenses, and proceedings as judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the Tribal Court of the Grand Traverse Band, subject to the provisions of this rule.

(B) The recognition described in subrule 10.104(A) applies only if the foreign court:

(1) enacts an ordinance, court rule, or other binding measure that obligates the federal court or other state court to enforce the judgments, orders, warrants, subpoenas, records, and judicial acts of the Tribal Court of The Grand Traverse Band;

(2) transmits the ordinance, court rule or other measure to the Tribal Court Administrator.

(C) A judgment, decree, order, warrant, subpoena, record, or other judicial act of a foreign court that has taken the actions described in subrule 10.104(B) is presumed to be valid. To overcome that presumption, an objecting party must demonstrate that:

(1) the foreign court lacked personal or subject-matter jurisdiction; or

(2) the judgment, decree, order, warrant, subpoena, record, or other judicial act of the foreign court:

(a) was obtained by fraud, duress, or coercion;

(b) was obtained without fair notice or a fair hearing;

(c) is repugnant to the public policy of the Grand Traverse Band of Ottawa and Chippewa Indians; or

(d) is not final under the laws and procedures of the foreign court

(D) The recognition described in subrule 10.104(A) applies only if the person seeking recognition and enforcement complies with the conditions and procedures set forth in Rule 10.200 hereunder whenever foreign court judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts are involved.

(E) A Court of a Foreign Country Not Granting Enforcement and Recognition. If the court of a foreign country does not grant enforcement and recognition to the judgments of the Grand Traverse Band Tribal Court, the Tribal Court shall have full discretion as to whether enforcement and recognition may be granted and shall be guided by the best interests of this tribe and the parties, provided that the person seeking enforcement and recognition complies with the conditions and procedures set forth in Rule 10.200 hereunder.

Subchapter 10.200 Recognition and/or Enforcement of Foreign Judgments

Rule 10.201 Application of Enforcement and Recognition to Final and Conclusive Judgments. In accordance with the enforcement and recognition provisions set forth in Rules 10.101 to 10.104, a foreign judgment that is final and conclusive is enforceable in the Grand Traverse Band Tribal Court pursuant to the following Rule.

Rule 10.202 Registration of Foreign Judgment. A person seeking enforcement of a foreign judgment shall file:

(A) a copy of the foreign judgment, which has been authenticated by the clerk or registrar of the foreign court in the following manner:

(1) the clerk or registrar of the foreign court must attest in writing that he/she:

(a) is the clerk or registrar of the subject foreign court;

(b) is the custodian of the records of the subject foreign court; and

(c) has compared an annexed copy of the foreign judgment from the case with the original(s) on file and of record in the foreign court, and has found the copy of the foreign judgment to be a true copy of the whole of such original(s).

(2) upon completing the written attestation referenced in subrule 10.202(A)(1) above, the clerk or registrar of the foreign court must:

(a) sign and date attestation;

(b) affix the seal of the foreign court to said attestation; and

(c) annex a true copy of the foreign judgment to said attestation.

(B) a sworn affidavit by the judgment holder, or his/her lawyer or lay advocate, which includes all of the following:

(1) the name and last known post office address of the judgment debtor and the judgment creditor;

(2) that the judgment is final and that no appeal is pending;

(3) that no subsequent orders vacating, modifying, or reversing the judgment have been entered in the rendering jurisdiction;

(4) proof that the person against whom the foreign judgment has been rendered (i. e., judgment debtor) is subject to the jurisdiction of the Grand Traverse Band Tribal Court with regard to enforcement of said judgment;

(5) proof that the court from which the foreign judgment was issued provides reciprocal enforcement and recognition to the judgments of the Grand Traverse Band Tribal Court with regard to enforcement of said judgment;

(C) a filing fee for registering said foreign judgment in the amount of fifty dollars-($50.00). **[Note: The filing fee for foreign judgment registration is now $100.00 per the current fee schedule.]**

Rule 10.203 Notice of Registration of Foreign Judgment. Upon the filing of the foreign judgment, attestation, affidavit and filing fee, the clerk of the court shall promptly mail notice of the filing of the foreign judgment along with a copy of the foreign judgment, attestation and affidavit referenced in Rule 10.202 to the judgment debtor at the address provided by the judgment creditor and shall make a note of the mailing in the docket and/or complete proof of mailing.

(A) Included in the Notice. The notice shall include the following:

(1) the name and post office address of the judgment holder and the judgment holder's lawyer or lay advocate, if any, in this court; and

(2) a directive that an order entering the enforcement of the foreign judgment shall be entered by the court within twenty-eight (28) days of the same having been served on the judgment debtor unless the judgment debtor files written objections with the court along with a request for a hearing on the same within said twenty-eight (28) day period.

(B) Mailing Notice. The judgment holder shall mail a notice of the filing along with a copy of the foreign judgment, attestation, and affidavit referenced in Rule 10.202 to the judgment debtor and shall file proof of mailing with the clerk of the court. Such notice shall be served on the judgment debtor in a manner consistent with applicable Tribal Court rules.

Rule 10.204 Objections; Hearing; Entry of Order Where Objections. In the event that the judgment debtor files written objections within the twenty-eight (28) day period set forth in Rule 10.203 above along with a request for a hearing, the clerk of the court shall send by first-class mail a copy of said objections to the judgment holder or his/her lawyer. In addition, the clerk of the court shall send by first- class mail a notice of hearing setting forth the date and time of hearing to the judgment holder and judgment debtor, or their respective lawyer(s) or lay advocate(s). The judgment debtor at the hearing will be required to demonstrate cause why the foreign judgment shall not be enforced by this court. At the scheduled hearing, after reviewing all the relevant evidence concerning the foreign judgment, the court shall issue an order either granting or denying enforcement of the foreign judgment.

Rule 10.205 Entry of Order Where No Objections. In the event that the judgment debtor does not file any written objections within the twenty-eight (28) day time period set forth in Rule 10.203 above, an order granting the enforcement of the foreign judgment shall be issued by the court.

Rule 10.206 Not Enforceable or Non-Recognizable Foreign Judgment. A foreign judgment is not enforceable or is non-recognizable if it was entered under the following circumstances, including but not limited to:

(A) Impartiality. The judgment was rendered by a process that does not assure the requisites of an impartial administration of justice including but not limited to due notice and a hearing;

(B) Personal Jurisdiction. The foreign court did not have both the personal jurisdiction over the judgment debtor and jurisdiction over the subject matter;

(C) Fraud. The judgment was obtained by fraud;

(D) Cause of Action. The cause of action on which the judgment is based provides a situation where granting enforcement and recognition would result in a Tribal Court order that is repugnant to Tribal law;

(E) Child Custody. The judgment involves enforcement of child custody provisions and anyone of the following:

(1) The foreign court did not have jurisdiction over the child(ren);

(2) the provisions of the Indian Child Welfare Act [25 USC §§1901-1963], if applicable, were not properly followed;

(3) due process was not provided to all persons participating in the foreign court proceeding; or

(F) Criminal Judgment. The judgment involves enforcement of a criminal judgment wherein the court has the authority to otherwise adjudicate a criminal proceeding against a defendant.

Rule 10.207 Appeal; Stay of Execution; Stay of Proceeding. If the judgment is pending or will be taken, or that a stay of execution has been granted, the court may stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated.

Rule 10.208 Post Judgment Proceedings Regarding Foreign Judgment; No Waiver of Immunity.
(A) A judgment holder of a foreign judgment may proceed to post judgment proceeding even when said tribe is served as a garnishee defendant for the wages or property of an employee who is a judgment debtor.
(B) The Grand Traverse Band does not waive its immunity from suit with regard to the enforcement of a foreign judgment in any post judgment proceedings even when said tribe is served as a garnishee defendant for the wages or property of an employee who is a judgment debtor.

Subchapter 10.300 Construction of Rules

Rule 10.301 Construction of Rules. These rules shall be construed as to effectuate its general purpose to make uniform the law of those jurisdictions which enact it.