

MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS
RECOGNITION AND ENFORCEMENT OF FOREIGN COURT JUDGMENTS

CHAPTER I
TITLE

This Ordinance shall be known as “*Recognition and Enforcement of Foreign Court Judgments.*”

CHAPTER II
RECOGNITION OF FOREIGN JUDGMENTS

The Gun Lake Tribal Court shall enforce the judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the court of Michigan; and such process from the courts of Michigan shall be presumed valid by the Gun Lake Tribal Court unless an objecting party demonstrates that: (1) the state court lacked personal or subject-matter jurisdiction, or (2) the judgment, decree, warrant, subpoena, record, or other judicial act of the 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 Tribe, or (d) is not final under the laws and procedure of the state court. This CHAPTER shall apply as well to the judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of other states, Indian tribes, or foreign countries, provided that the courts of such states, Indian tribes, or foreign countries, in the view of the Gun Lake Tribal Court, have provided or will provide reciprocal enforcement of Gun Lake Tribal Court judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts.

CHAPTER III
FEDERAL COURT ACTIONS EXCLUDED

This *Ordinance* does not apply to judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of Federal Courts. Such matters shall be addressed pursuant to Federal law.

CHAPTER IV
POST-JUDGMENT PROCEEDINGS REGARDING FOREIGN JUDGMENT;
NO WAIVER OF IMMUNITY

A Foreign Judgment Holder may proceed to post-judgment proceedings upon entry of an order enforcing the Foreign Judgment by the Tribal Court. The entry of the order enforcing the Foreign Judgment by the Tribal Court shall entitle the Foreign Judgment Holder to enforce its judgment against the Judgment Debtor in any manner available to Judgment Creditors.

CHAPTER V
SAVINGS CLAUSE

If any CHAPTER, Section, subsection, or clause of this Ordinance is found by the Gun Lake Tribal Court, Gun Lake Tribal Court of Appeals, or any other court of competent jurisdiction to be inconsistent with or in violation of the MBPI governing law or otherwise invalid or unenforceable, such CHAPTER, Section, subsection, or clause will be deemed to be severed and deleted from this Ordinance, which will remain in full force and effect.

CHAPTER VI
MISCELLANEOUS

- A. In construing this Ordinance, the present tense includes the past and future tenses, and the future tense includes the present tense.
- B. When reference is made to any portion of this Ordinance, the reference will apply to all amendments made hereafter.
- C. Section headings will not be used in construing this Ordinance.

CHAPTER VII
NO WAIVER OF SOVEREIGN IMMUNITY

The Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians, including any subordinate Tribal Entity, does not waive its immunity from suit with regard to the recognition and/or enforcement of a Foreign Judgment in any post-judgment proceeding, even when the Tribe or a subordinate Tribal Entity is served as a garnishee-defendant for the wages or property of an employee who is a Judgment Debtor.

CHAPTER VIII
EFFECTIVE DATE; AMENDMENTS

This Ordinance is effective upon the date of enactment, and may be amended only by duly enacted resolution of the Tribal Council.

Legislative History

Adopted by Tribal Council Resolution 09-525 (June 9, 2009)
Amended by Tribal Council Resolution 10-606A (July 8, 2010)
Amended by Tribal Council Resolution 14-869 (September 25, 2014)