

CHAPTER 2-2
FOREIGN JUDGMENT
ENFORCEMENT (11/20/1999)

FOREIGN JUDGMENT ENFORCEMENT

Table of Contents

1.	.....	General Provisions
2.	.....	Recognition, Registration and Enforcement
3.	.....	Notice of Filing
4.	.....	Stay of Enforcement of Judgment
5.	.....	Grounds for Non-Recognition
6.	.....	Other Rights of Enforcement
7.	.....	Filing Fees
8.	.....	Effective Date; Amendment

FOREIGN JUDGMENT ENFORCEMENT

§ 1. General Provisions

1.1. Authority

Enacted by the General Council of the Forest County Potawatomi Community, acting pursuant to the authority vested in it by Article IV, Section 1(d) of the Constitution, to enact, make known and enforce ordinances governing the conduct of persons within the jurisdiction of the Tribe, including the power to establish a Tribal Court and to define its powers, authority and procedures.

1.2. Intent

This Foreign Judgment Enforcement Ordinance (hereafter, “Ordinance”) establishes procedures for recognition and enforcement by the Tribal Court of the Forest County Potawatomi Community of foreign judgments of any tribal, federal or state court of competent jurisdiction. Determinations regarding recognition and enforcement of a foreign judgment pursuant to this Ordinance shall have no effect upon the independent authority of that judgment.

1.3. Definition

As used in this Ordinance, “foreign judgment” means any final judgment, decree, or order of any tribal, federal or state court of competent jurisdiction other than the Tribal Court of the Forest County Potawatomi Community, but does not include a judgment for taxes, a fine or other penalty. A foreign judgment awarding spousal maintenance or child support is within the definition once the debt is past due.

1.4. Applicability

This Ordinance applies to any foreign judgment that is final and enforceable where rendered even though such judgment may be subject to appeal.

§ 2. Recognition, Registration and Enforcement

A foreign judgment may be domesticated in and registered with the Forest County Potawatomi Tribal Court by filing a certified or authenticated copy thereto with the Clerk of the Court. The Clerk shall treat the foreign judgment in the same manner as a judgment of the Tribal Court. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of the Forest County Potawatomi Tribal Court and may be enforced or satisfied in like manner.

§ 3. Notice of Filing

3.1. At the time of the filing of the certified or authenticated copy of the foreign judgment, the judgment creditor shall prepare and file with the Clerk an Affidavit setting forth the name and last known mailing address of the judgment debtor and the judgment creditor, and a statement of the balance due and owing on the judgment.

3.2. Promptly upon the filing of the foreign judgment and the Affidavit, the judgment creditor shall mail to the debtor at the address given a copy of the Judgment and Affidavit, and a copy of a Notice of Filing. The Notice of Filing shall notify the debtor that the foreign judgment has been filed in Tribal Court. The Creditor shall file with the Clerk proof of mailing the Judgment, Affidavit and Notice. The Notice shall include the name and mailing address of the judgment creditor and the judgment creditor's attorney, if any.

§ 4. Stay of Enforcement of Judgment

4.1. No execution, garnishment or other process for enforcement of a foreign judgment shall issue until twenty (20) days after the judgment creditor mails the Notice of Filing of the foreign judgment and files proof of mailing with the Clerk as required under Section 3.

4.2. If the judgment debtor shows the Tribal Court that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted by the foreign court, the Court shall 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.

4.3. If the judgment debtor shows the Tribal Court any additional compelling reason why enforcement of the foreign judgment should be stayed, the Tribal Court may stay enforcement of the foreign judgment for an appropriate period in accordance with rules and procedures adopted by the Court governing stays.

§ 5. Grounds for Non-recognition

5.1. A foreign judgment is not conclusive if:

- (A) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
- (B) the foreign court did not have personal jurisdiction over the defendant;
- (C) the foreign court did not have jurisdiction over the subject matter.

5.2. A foreign judgment need not be recognized if:

- (A) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;
- (B) the judgment was obtained by fraud;
- (C) the cause of action on which the judgment is based is repugnant to the public policy, customs and traditions of the Forest County Potawatomi, or the judgment conflicts with another final judgment;
- (D) the judgment conflicts with another final judgment;

- (E) the proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court;
- (F) the foreign judgment was entered by a court that does not recognize and grant full faith and credit to the judgments of the Forest County Potawatomi Community Tribal Court; and
- (G) it appears to the Tribal Court that the exercise of personal jurisdiction by the foreign court offends to a very significant degree the public policy, customs and traditions of the Forest County Potawatomi Community.

§ 6. Other Rights of Enforcement

The right of a judgment creditor to bring an action to enforce his or her judgment instead of proceeding under this Ordinance remains unimpaired.

§ 7. Filing Fees

Any person filing a foreign judgment shall pay to the Clerk a fee as required by the Tribal Court.

§ 8. Effective Date; Amendment

This Ordinance and any future amendment to it shall become effective thirty (30) days after its enactment by the Tribal General Council.

Legislative History:

11/20/1999 Enacted as the Foreign Judgment Enforcement Ordinance by General Council Resolution No. GC033-99

References in text:

Wis. Stat. § 806.245 sets forth the rules pursuant to which Wisconsin courts will grant full faith and credit to tribal court judgments.

Tribal Court Rules are available through the Tribal Court website, <http://www.fcpotawatomi.com/index.php/Tribal-Court/court.html>