

**CHAPTER 2-4**  
**DEBTS OWED (08/12/2000)**

**DEBTS OWED**

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**DEBTS OWED TO THE  
FOREST COUNTY POTAWATOMI COMMUNITY**

**§ 1. General Provisions**

1.1. Purpose

This Ordinance contains procedures under which the Tribal Court may determine whether debts are owed to the Forest County Potawatomi Community (“Community”) by an enrolled member of the Community.

1.2. Intent

This Ordinance shall be liberally construed and applied so as to accomplish its purpose.

1.3. Jurisdiction

The Tribal Court shall have jurisdiction to decide all matters under this Ordinance.

**§ 2. Procedure**

2.1. Complaint

The Tribal Treasurer, or his or her authorized representative, on behalf of the Community, shall file with the Tribal Court a Complaint to establish that a member owes a debt to the Community. In any case where the debt arose as a result of a loan to a member from the Community, the Treasurer shall file a Complaint on any loan that has remained due and unpaid at the time established by a promissory note, contract, loan agreement, or otherwise, for more than ninety (90) days. In all other situations, the Treasurer shall, after exercising due diligence to collect the debt without success, file a Complaint to collect a debt owed to the Community. The Complaint shall specify:

- (A) The name, mailing address and telephone number of the Tribal member who allegedly owes the debt;
- (B) His or her enrollment number;
- (C) The facts giving rise to the debt;
- (D) The original amount of the debt, the applicable interest rate, if any, amounts paid on the debt to date, if any, and the current balance owed on the debt; and
- (E) The relief requested.

2.2. Service

The original Complaint shall be filed in Tribal Court. A copy of the Complaint shall be hand-delivered or sent certified mail, return receipt requested, to the Defendant named in the Complaint.

### 2.3. Proof of Service

If the Complaint is hand-delivered, the person delivering the Complaint shall file a signed statement with the Tribal Court, indicating the date, time and place where a copy of the Complaint was delivered to the Defendant. If the Complaint is sent certified mail, the return receipt shall be filed with the Tribal Court.

### 2.4. Answer

The Defendant shall have twenty (20) calendar days to file in Tribal Court an Answer to the Complaint. The Defendant shall mail or hand-deliver a copy of the Answer to the officer/employee who signed the Complaint on behalf of the Community. The Answer shall admit or deny all statements in the Complaint, shall specify whether or not the debt is owed and past due, and shall state the amount that is owed, if any. If the debt is not owed, the Defendant shall state the reasons why the debt is not owed.

### 2.5. Hearing

The Tribal Court shall schedule and hold a hearing on the matter within fourteen (14) days after the Answer is filed, and it shall promptly schedule any further proceedings that are necessary for the Court to determine whether or not the debt is owed and, if so, the amount.

### 2.6. Judgment

If the Tribal Court determines that the Defendant owes the Community a debt, it shall enter judgment against the Defendant, specifying the amount owed as of the date of judgment and the rate of interest that is to accrue on the judgment, if any.

### 2.7. Collection/Execution

The Community may collect and execute on the judgment as authorized under applicable law and procedure. The Tribal Court may authorize the Tribal Treasurer, through the Accounting Department, to withhold all or a portion of such member's future payments under the Revenue Allocation Ordinance, as amended, and to deliver such payments for deposit to the Community's general account to satisfy the judgment; provided, however, that no less than seventy-five percent (75%) of such member's future payments shall be withheld until the judgment is satisfied. The Court shall determine the amount to be withheld based on consideration of all relevant facts.

### 2.8. Satisfaction of Judgment

Upon full payment of the judgment, the Tribal Treasurer, or his or her authorized representative, on behalf of the Community, shall prepare and file with the Tribal Court a Satisfaction of Judgment evidencing that the judgment has been paid in full. The Community shall deliver or mail a copy of the Satisfaction to the Defendant at his or her last known address.

### **§ 3. Forms**

The Tribal Court is authorized to prepare forms for use by persons participating in actions under this Ordinance.

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#### **Legislative History:**

08/12/2000      Enacted as “Ordinance to Establish Debts Owed” by General Council Resolution No. GC010-2000

#### **Notes:**

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