

LAC VIEUX DESERT BAND OF LAKE SUPERIOR CHIPPEWA INDIANS  
IN THE  
TRIBAL COURT  
P.O. Box 249, Watersmeet, MI 49969 (906) 358-4577

In the Matter of: )

The amendment of LVD Tribal Court )  
Rule 10.004, as it pertains to foreign )  
court subpoenas. )

Administrative Order  
No. 2013 - 0002

Whereas 2008 LVD Tribal Court Rule 10.004, is silent regarding the procedural requirements for the issuance of foreign court subpoenas, the LVD Tribal Court, in accordance with LVD Const. Art. V, Section 7, hereby amends LVD/2008-10.004 to establish procedures for the recognition and enforcement of foreign court subpoenas.

The procedural rules for the recognition and enforcement of foreign court subpoenas shall be as follows:

**Procedures for the Recognition and Enforcement  
of Foreign Court Subpoenas**

**(A) Recognition of Court Issued Subpoenas.** The LVD Tribal Court will only recognize subpoenas issued by foreign courts. Subpoenas issued by a party or an attorney for a party will not be recognized.

**(B) Tribal Court Order Required Before Service.** Before any foreign court subpoena can be served on any Tribal member, Tribal entity, Tribal employee or person under the jurisdiction of the Tribal Court or custodian of Tribal papers and records, the Tribal Court shall issue an order allowing recognition and enforcement of the subpoena.

**(C) Registration of Foreign Court Subpoena.** Any foreign court subpoena presented to the Tribal Court for recognition and enforcement must be registered with the Tribal Court. To register a foreign court subpoena, the person seeking recognition and enforcement of a foreign court subpoena shall:

1. File a copy of the foreign court subpoena with the Tribal Court. The foreign court subpoena must be authenticated by the clerk, registrar or administrator of the foreign court in the following manner:

a. The clerk, registrar or administrator of the foreign court must attest in writing that:

i. They are the clerk, registrar or administrator of the foreign court;

ii. They are the custodian of the records of the foreign court; and

iii. They have compared the attached copy of the foreign court subpoena with the

original case on file and of record in the foreign court and have found that the foreign court subpoena is made pursuant to a case pending or finalized on file and of record in the foreign court.

iv. The person who signed and issued the subpoena is a sitting judge of the foreign court.

b. Upon completion of the written attestation, as referenced above, the clerk, registrar or administrator must:

i. Sign and date the attestation;

ii. Affix the seal of the foreign court to the attestation; and

iii. Attach a certified copy of the caption page showing the parties' names and file or case number from the original foreign court action to the attestation.

2. Pay the filing fee for registering the foreign court subpoena.

**(D) Notification of Tribal Attorney.** The Tribal Court shall notify the attorney for the Tribe, within three (3) days, when any foreign court subpoena is received requesting papers or records of the Tribe or requesting that any Tribal member, Tribal officer or employee testify.

**(E) Notice of Registration of Foreign Court Subpoena.** Upon the filing of the foreign court subpoena and filing fee, the Tribal Court must within three (3) days mail, by first-class mail, a notice of the filing of the foreign court subpoena along with a copy of the foreign court subpoena to the subpoenaed witness, at the address provided by the party seeking the subpoena, the subpoenaed witness's attorney and Tribal attorney, and complete a proof of service. The notice of the filing of the foreign court subpoena shall include the following:

1. The name and mailing address of the party seeking the subpoena and that party's attorney, if any; and

2. A statement giving notice that an "*Order Granting Recognition of Foreign Court Subpoena*" shall be entered by the Tribal Court unless the subpoenaed witness, the subpoenaed witness's attorney or the Tribal Attorney files a written objection, based upon the grounds set forth in subsection (G) of this rule, with the Tribal Court within seven (7) days from the date of service of the notice for a subpoena of a person or fourteen (14) days from the date of service of the notice for a subpoena for papers or records.

**(F) Notice of Deadline to File Written Objection.**

1. The Tribal Court must mail a notice to the party seeking the subpoena, the subpoenaed witness, the subpoenaed witness's attorney and the Tribal attorney that states the subpoenaed witness, the subpoenaed witness's attorney or the Tribal attorney has seven (7) days from the date of service of the notice for a subpoena of a person or fourteen (14) days from the date of service of the notice for a subpoena for papers and records to file any written objection to the recognition of the foreign court subpoena.

2. Any objection filed must include a statement of the basis for the objection.

3. Entry of Order Absent Objection. In the event that the subpoenaed witness, the subpoenaed witnesses's attorney or the Tribal Attorney does not file any written objection within the seven (7) or fourteen (14) day period set forth in subsection (F) of this rule, an "*Order Granting Recognition of Foreign Court Subpoena*" shall be entered by the Tribal Court.

**(G) Objection.** Only the person subject to the subpoena, their attorney, or the Tribal Attorney may object to the subpoena under the following conditions:

1. Any objection must be filed in writing with the Court within the objection period as set forth in subsection (F).
  2. The objection must set forth the reasons for the objection to the enforcement of the subpoena and may include one or more of the following grounds:
    - a. The foreign court lacks jurisdiction over the person subject to the subpoena;
    - b. The subpoena was obtained by fraud, duress or coercion;
    - c. The subpoena is repugnant to the public policy of the Band; or
    - d. To honor the subpoena would place the person subject to it in reasonable fear of physical harm or injury.
  3. The person filing the objection shall by first-class mail notify the foreign court that issued the subpoena of the objection within seven (7) days of the receipt of the subpoena.
  4. If the subpoena is for papers or records then the Tribal Court shall, upon the receipt of an objection from the custodian of the papers or records:
    - a. Notify the attorney for the Tribe that an objection has been filed; and
    - b. Allow the Tribal attorney to appear on behalf of the custodian.
- (H) Objection Hearing.** The Tribal Court shall schedule a hearing as soon as possible but no later than fourteen (14) days after a written objection is received. The Tribal Court shall:
1. Schedule a hearing on the objection;
  2. Provide notice of the time, date and place of the hearing to the issuing foreign court, the party requesting the subpoena and the person objecting, by first-class mail.
  3. At the hearing the person objecting has the burden of persuasion that the subpoena should not be enforced.
  4. Order. The Tribal Court shall issue an order either granting or denying recognition of the subpoena. The Tribal Court shall enter an order as soon as practicable after the hearing, but no later than seven (7) days.

### **Appeal to the Court of Appeals**

- (A) Appeal of Order Granting Recognition of Foreign Court Subpoena.** The subpoenaed witness, the subpoenaed witness's attorney or the Tribal attorney may appeal an order granting recognition of a foreign court subpoena to the Court of Appeals within seven (7) days of the date of service of the order upon the subpoenaed witness, the subpoenaed witness's attorney or the Tribal Attorney.
- (B) Appeal of Denial of Recognition of Foreign Court Subpoena.** The party seeking the subpoena or the attorney of the party seeking the subpoena may appeal the denial of recognition of a foreign court subpoena to the Court of Appeals within seven (7) days of the date of service of the order denying recognition upon the subpoenaed witness and the subpoenaed witness's attorney.
- (C) Stay of Execution of Tribal Court Order.** If an appeal is filed in an action any party may request a stay of execution from the Tribal Court within seven (7) days after the date of service of an order or ruling of the Tribal Court.

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The rule, as amended, provides procedures for the registration, recognition, and enforcement of both *subpoenas ad testificandum* and *subpoenas duces tecum* from foreign courts; and for quashal of such subpoenas from foreign courts.

**WHEREFORE**, the Chief Judge of the Tribal Court adopts the above rule as an amendment to the LVD Court Rules.

12/27/13

  
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Hon. Mark A. Esqueda

## CHAPTER 10. ENFORCEMENT OF FOREIGN COURT JUDGMENTS

Effective May 16, 1997  
Including Amendments Received Through  
May 5, 2008

*[This Chapter was formally located under Subchapter 1.300 of LVDII/1999]*

### SUBCHAPTER 10.000 GENERAL PROVISIONS

#### RULE 10.001 PURPOSE AND EFFECTIVE DATE.

The purpose of this chapter is to facilitate, improve and extend by reciprocal court rule the enforcement and/or recognition of judgments between the State of Michigan, other States of the United States of America, and the various federally recognized Indian Tribes of the United States of America, as well as to make uniform the law relating thereto. Pursuant to Tribal Council Resolution Number 97-019, this Chapter of the Lac Vieux Desert Tribal Court Rules becomes effective May 16, 1997.

**2008 Comment**

This Rule was formerly located under Rule 9.101 of LVD/2003.

#### RULE 10.002 MONEY JUDGMENTS; ORDER OF PRIORITY.

(A) **Generally.** This rule provides for an order of priority with respect to enforcement of all money judgments rendered by this court or any Foreign Courts so honored, with respect to garnishment of Tribal Income and/or garnishment of Annual Tribal Per Capita and/or Lump Sum payments.

(B) **Order of Priority.** The following shall be the order of priority with respect to garnishments of income and seizures of Annual Tribal Per Capita and Lump Sum Payments:

- (1) Tribal Court Child Support Orders; then,

- (2) Foreign Court Child Support Orders; then,
- (3) All other Tribal Court Money Judgments; then,
- (4) All other Foreign Court Money Judgments.

**2008 Comment**

Rule 10.002 is new and has been adopted effective June 1, 2007. This rule now provides for a reference point as to the order of priority money judgments will be treated.

### **RULE 10.003 DEFINITIONS.**

When used throughout this entire Chapter, unless a particular provision indicates otherwise, the following definitions shall apply herein:

(A) "Code" means the Tribal Code of the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

(B) "Court" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Court.

(C) "Foreign Court" means all other courts including Federal, State, or Tribal Courts of another federally recognized Indian Tribe, and Courts of foreign countries.

(D) "Foreign Judgment" means any judgment, decree, or order by any United States Federal Court, State Court, or other Tribal Court or 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.

(E) "Judgment Creditor" means one who has had a judgment rendered in his or her favor; judgment creditor is synonymous with the term Judgment Holder.

(F) "Judgment Debtor" means the party against whom a judgment has been rendered.

(G) "Judgment Holder" means one who has had a judgment rendered in his or her favor and is synonymous with the term judgment creditor.

(H) "Attorney" means an individual who is a current member of the State Bar of Michigan or any other state. The term "attorney" is synonymous with the term "lawyer".

(I) "Lay Advocate" means a person who is not a licensed attorney but one who has been qualified by the Lac Vieux Desert Tribal Court to serve as an advocate on behalf of a party before the courts of Lac Vieux Desert.

(J) "Rendering Jurisdiction" means the jurisdiction in which the foreign judgment was entered.

(K) "Tribe" means the Lac Vieux Desert Band of Lake Superior Chippewa Indians.

(L) "Tribal Per Capita/ Lump Sum Payment" includes any regular annual Tribal sponsored payment to enrolled individuals, and/or any other Tribal sponsored annuity payments to enrolled members.

**2008 Comment**

This Rule was formerly located under Rule 9.102 of LVD/2003 and prior Court Rules. Subrule (L) herein, "Tribal Per Capita/Lump Sum Payment" is new.

**RULE 10.004 STATE OF MICHIGAN COURT JUDGMENTS.**

The judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of a Michigan State Court, shall 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 courts of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, provided that:

(A) The applicable State of Michigan Court and/or Legislature of Michigan has not declined reciprocal full faith and credit to judgments of the this Tribe; and,

(B) The individual person or entity seeking full faith and credit complies with the procedural requirements as set forth in this chapter.

**1997 Comment**

This rule is consistent with Michigan Court Rule 2.615 "Enforcement of Tribal Judgments", as adopted in 1996, which requires, as an operative, that Tribal Courts enact an "ordiance, court rule, or other binding measure that obligates the tribal court to enforce the judgments, decrees, orders, warrants, subpoenas, records and judicial acts of the courts of Michigan."

**2008 Comment**

This Rule was formerly located under Rule 9.103 of LVD/2003 and prior Court Rules.

**RULE 10.005 JUDGMENTS OF TRIBAL COURTS.**

Judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of any other tribal court of a federally recognized Indian Tribe shall 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 courts of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, provided that:

(A) The applicable Tribal Court of a federally recognized Indian Tribe provides reciprocal full faith and credit to the judgments of the Tribe; and,

(B) The individual person or entity seeking full faith and credit complies with the procedural requierments as set forth in this chapter.

**2008 Comment**

Rule 10.005 was formerly located under rule 9.104 of LVD/2003 and prior Court Rules.

**RULE 10.006 JUDGMENTS FROM ALL OTHER COURTS.**

The judgments of a U.S. Federal Court, Courts in foreign countries, or in a state other than Michigan may have, at the discretion of this court, full faith and credit in the Court of this Tribe, provided that:

(A) The foreign court in which the judgment originated has not declined or refused to accord full faith and credit to the judgments of this court; and,

(B) The individual person or entity seeking full faith and credit complies with the procedures set forth under this chapter.

(C) The discretion of the court is such that in granting full faith and credit it will serve the best interest of the parties and of the Tribe.

**2008 Comment**

This Rule was formerly located under Rule 9.105 of LVD/2003 and prior Court Rules.

**RULE 10.007 APPLICATION OF FULL FAITH AND CREDIT AND CONCLUSIVE JUDGMENTS.**

In accordance with the full faith and credit provisions set forth in this chapter, a foreign judgment that is final and conclusive is presumed to be valid and enforceable in the courts of Lac Vieux Desert.

**2008 Comment**

Rule 10.007 was formerly located under Rule 9.106 of LVD/2003 and prior Court Rules.

**RULE 10.008 NOT ENFORCEABLE OR NON-RECOGNIZABLE FOREIGN JUDGMENTS.**

A foreign judgment which meets the applications of full faith and credit as set forth under this chapter is presumed valid. To overcome that presumption, an objecting party must demonstrate that:

(A) 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) The foreign court lacked personal or subject-matter jurisdiction;

(C) The foreign judgment was obtained by fraud, duress, or coercion;

(D) The cause of action which the judgment is based is repugnant to the public policy or the tribal customs of the Tribe;

(E) The judgment involves enforcement of child custody provisions where:

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

- (2) The provisions of the Indian Child Welfare Act [25 USC 1901-1963] were not properly followed; or
- (3) Due Process was not provided to all interested persons participating in the foreign court proceedings; or
- (4) The foreign court proceeding violated the public policies, customs or common law of the Tribe.

**2008 Comment**  
Rule 10.008 was formerly located under Rule 9.107 of LVD/2003 and former Court Rules.

**RULE 10.009 NOTICE OF REGISTRATION OF FOREIGN JUDGMENT; GENERALLY.**

Upon the filing of the foreign judgment, attestation, affidavit and filing fee, if applicable, the clerk of court shall promptly mail notice of the filing of the foreign judgment along with a copy of the foreign judgment to all named parties at the address provided by the party seeking enforcement of said judgment.

**2001 Comment**  
This rule in its present form blends the corresponding provisions as formerly contained under Rule 1.308 of the Lac Vieux Desert Court Rules of 1999.

**2008 Comment**  
This Rule was formerly located under Rule 9.108 of LVD/2003 and former Court Rules

**RULE 10.010 APPEAL; STAY OF EXECUTION; STAY OF PROCEEDINGS.**

If the objecting party satisfies the Court that an appeal from the foreign 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, or the time for appeal expires, or the stay of execution expires or is vacated.

**2008 Comment**  
Rule 10.010 was formerly located under Rule 9.109 of LVD/2003 and former Court Rules.

**RULE 10.011 POSTJUDGMENT PROCEEDINGS OF ENFORCED FOREIGN JUDGMENT.**

The entry of the order enforcing foreign judgment by this court shall entitle the judgment holder to enforce its judgment in any manner currently available. The judgment holder of an enforced foreign judgment, may have available the following remedies:

- (A) An involuntary payroll withholding of the judgment debtor's Tribal Income until said judgment is satisfied;
- (B) An involuntary withholding up to 25% of the judgment debtor's tribal per-capita or any other tribal annuity settlement to be applied to satisfy said judgment;

(C) Banishment from the lands of Lac Vieux Desert until said judgment is satisfied by the judgment debtor.

**2008 Comment**

Rule 10.011 was formerly located under Rule 9.110 of LVD/2003 and former Court Rules. Subrule (B) now makes reference to the standard in civil judgment withholdings of seizing up to 25% of an individuals annual tribal per capita and/or up to 25% of any lump sum tribal annuity to satisfy money judgments.

**RULE 10.012 SOVEREIGN IMMUNITY.**

The Tribe expressly does not waive its immunity from suit with regard to enforcement of a foreign judgment in any postjudgment proceedings when said Tribe is served as a garnishee defendant for wages or property of an employee or Tribal member who is a judgment debtor.

**2008 Comment**

This Rule was formerly located under Rule 9.111 of LVD/2003 and former Court Rules.

**SUBCHAPTER 10.100 ENFORCEMENT OF FOREIGN COURT CIVIL JUDGMENTS.**

**RULE 10.101 EFFECTIVE DATE; APPLICABILITY.**

The rules in this Subchapter are effective February 5, 2001 and govern procedure for the enforcement of all civil judgments from all courts which have accorded reciprocal full faith and credit with the Lac Vieux Desert Band of Lake Superior Chippewa Indians, for the enforcement of recovery of debts, personal property, or damages arising from any cause.

**2008 Comment**

Rule 10.101 was formerly located under Rule 9.201 of LVD/2003.

**RULE 10.102 REGISTRATION OF CIVIL FOREIGN JUDGMENT.**

Any individual or otherwise entity seeking enforcement of a foreign judgment shall file with the Tribal Court:

(A) A copy of the foreign judgment, which has been authenticated by the clerk or register of the foreign court in a certified manner to prove that the copy is a true and correct copy whole of the original foreign judgment; and,

(B) File a sworn affidavit by the Judgment Creditor, or his/her attorney or lay advocate, including, at a minimum the following information:

- (1) The names and mailing addresses 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) A statement that the person against whom the foreign judgment has been rendered is subject to the jurisdiction of this court with regard to enforcement of said judgment. For the purposes of this provision, "jurisdiction over the person" against whom the foreign judgment has been rendered includes:

- (a) A Tribal member, other Indian person, or non-Indian who is domiciled and/or has property on the Lac Vieux Desert Reservation;
- (b) A Tribal member, other Indian person, or non-Indian or entity who is either employed, contracts with the Tribe, or receives annuity benefits from Lac Vieux Desert regardless of whether that person or entity is domiciled on the Lac Vieux Desert Reservation.

(5) The registrant seeking enforcement of a Foreign Judgment must submit to the Clerk of the Tribal Courts a filing fee in the amount of \$50.00.

**2001 Comment**

This rule corresponds with Rule 1.307 of the Lac Vieux Desert Court Rule of 1999. Sub (5) of this Rule, in its present form, amends the former filing fee of \$25.00 to \$50.00.

**2008 Comment**

Rule 10.102 was formerly located under Rule 9.202 of LVD/2003.

**RULE 10.103 NOTICE OF REGISTRATION OF CIVIL FOREIGN JUDGMENT.**

Upon receipt of the applicable filing fee, foreign judgment, attestation and affidavit, the clerk of court shall promptly mail notice of the filing of foreign judgment to the judgment debtor at the address provided by the judgment creditor and shall make a note of the mailing in the docket calendar. The notice to the judgment debtor shall include the following:

(A) The name and post office address of the judgment creditor and the judgment creditor's lawyer or lay advocate; and,

(B) A directive that an order entering the enforcement of the foreign judgment shall be entered by the Court within twenty-one (21) days of the same unless the judgment debtor files written objections with the court along with a request for a hearing on the same within said twenty-one (21) day period.

**2008 Comment**

Rule 10.103 was formerly located under Rule 9.203 of LVD/2003.

**RULE 10.104 HEARING; ENTRY OF ORDER.**

If the judgment debtor files written objections and/or requests for hearing within the twenty-one day period as prescribed under Rule 10.103, the Clerk of Courts shall send by first-class mail a copy of said objections and/or request for hearing to the judgment holder or his/her attorney or lay advocate. At the same time, or as soon thereafter as practicably possible, the Clerk of Court shall also send by first-class mail a notice of hearing setting forth the date and

time of hearing to the judgment holder applicant and the judgment debtor. The judgment debtor at the hearing will be required to show cause why the foreign judgment should 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.

**2008 Comment**

Rule 10.104 was formerly located under Rule 9.204 of LVD/2003.

**RULE 10.105 NO OBJECTIONS; ENTRY OF ORDER.**

Should the judgment debtor elect to not file any written objections and/or does not request a hearing within the twenty-one day period set forth above, an order granting the enforcement of the foreign judgment shall be issued by the Tribal Court ex-parte.

**2008 Comment**

This Rule was formerly located under Rule 9.205 of LVD/2003.

**RULE 10.106 POST CIVIL FOREIGN JUDGMENT EXECUTION**

A judgment which has been honored in this court from a foreign jurisdiction shall entitle the judgment holder to enforce its judgment against the judgment debtor in the manner available under the jurisdiction of the court which rendered the judgment. This includes, but is not limited to, the application of any Postjudgment Garnishments and/or orders of periodic payments issued by a foreign court. Foreign Court postjudgment orders associated with a Foreign Judgment which have been honored by this court, shall be filed with this court for execution thereon.

**2001 Comment**

Rule 9.206 is new. This rule was promulgated as a means of allowing the judgment holder of an honored foreign judgment an acceptable mechanism by which to obtain relief. It is the responsibility of the judgment holder to provide the tribal court with any applicable post judgment foreign court orders for garnishment, periodic payments and the like.

**2008 Comment**

Rule 10.106 was formerly located under Rule 9.206 of LVD/2003.

**SUBCHAPTER 10.200 ENFORCEMENT OF FOREIGN COURT CHILD SUPPORT ORDERS.**

**RULE 10.201 EFFECTIVE DATE; APPLICABILITY.**

(A) **Effective Date.** These rules contained under this Subchapter becomes effective February 5, 2001.

(B) **APPLICABILITY.** These rules govern all proceedings in actions brought hereunder on or after the effective date, and all of the following further proceedings in actions then pending:

(1) All Foreign Court Orders for Child Support Payments regarding the obligation of payment by a duly enrolled tribal member, any other Native American domiciled on the

reservation or working with the Tribe, or any Non-Native American who is domiciled, employed, or contracts with the Tribe, shall be enforced in the manner prescribed under this Subchapter.

(2) As used in this Subchapter, the terms "minor" or "child" may include children who have reached the age of majority, where outstanding child support obligations are still then pending, and where the payee is still under Foreign Court Order to pay said support.

**2008 Comment**

Rule 10.201 was formerly located under Rule 9.301 of LVD/2003.

**RULE 10.202 REGISTRATION OF CHILD SUPPORT ORDER.**

**(A) Registration of Order by Officer of a Foreign Court.** A Clerk of Court, Friend of the Court, Prosecuting Official, or other duly authorized and recognized officer of a foreign court, or a similar officer of the Lac Vieux Desert Tribal Court, seeking enforcement of a foreign judgment of Child Support shall file with the Lac Vieux Desert Tribal Court a true and correct copy of said judgment.

**(B) Registration of Order other than by Officer of Foreign Court.** Any individual, or otherwise entity, other than a Clerk of Court, Friend of the Court, Prosecuting Official, or other duly authorized and recognized officer of a foreign court, seeking enforcement of a foreign judgment of Child Support with the Lac Vieux Desert Tribal Court shall file:

(1) A copy of the original foreign judgment of child support, which has been authenticated by the clerk or register of the foreign court in a certified manner to prove that the copy is a true and correct copy whole of the original and/or modified judgment of child support; and,

(2) File a statement from an officer of the Court rendering the Foreign Judgment for child support that no subsequent orders vacating, modifying or reversing the judgment of child support has been entered in the rendering jurisdiction.

**2008 Comment**

This Rule was formerly located under Rule 9.302 of LVD/2003.

**RULE 10.203 WAIVER OF REGISTRATION/FILING FEE.**

Any Foreign Court Child Support Order which meets the applicable registration guidelines as set forth under Subrule (A) or (B) of Rule 9.302 of this Subchapter, shall be exempt from the otherwise applicable filing fee for Registrations of Foreign Judgment.

**2008 Comment**

Rule 10.203 was formerly located under Rule 9.303 of LVD/2003

**RULE 10.204 ENTRY OF FOREIGN COURT CHILD SUPPORT ORDER.**

Upon receipt of said Foreign Judgment of Child Support that meets the registration criteria as provided for under the applicable Subrules of Rule 9.302 of this Subchapter, the Tribal Court shall prepare an Order entering the Foreign Judgment of Child Support and transmit a copy

of the same to the individual requesting enforcement of said order, or the court which entered the original order, and to the payee, and to the proper tribal department responsible for garnishing the payee's wages under the enforced Foreign Judgment for Child Support.

**2008 Comment**

Rule 10.204 was formerly located under Rule 9.303 of LVD/2003.

**RULE 10.205 MOTIONS/ ORDERS AFFECTING ANNUAL TRIBAL PER CAPITA  
AND/OR ANY OTHER LUMP SUM PAYMENTS**

**(A) Generally.** All Motions and Orders Seizing and individual's Annual Tribal Per Capita and/or any other Lump Sum Payments due that individual from the Tribe by virtue of his or her membership in the Tribe, shall be effective until the sum total of the money judgment is paid in full.

**(B) Money Disbursement Rank in Priority.** Rule 10.002 of this Subchapter shall govern the order of priority with respect to Orders Freezing and Seizing Annual Tribal Per Capita and/or any other Lump Sum Payments due that individual from the Tribe.

**(C) Allowable Percentages of Monies to be Frozen and Seized.** The following shall be the maximum allowable amounts frozen and seized from an individual's Annual Tribal Per Capita and/or any other Lump Sum Payments for a given year:

(1) Child Support. A maximum of Sixty-five (65%) Percent of the total of the referenced Annual Tribal Per Capita and/or any other Lump Sum Payment to satisfy Child Support Orders so honored.

(2) Civil Judgments and other Money Judgments. A maximum of Twenty-five (25%) Percent of the total of the referenced Annual Tribal Per Capita and/or any other Lump Sum Payment to satisfy Child Support Orders so honored.

**2008 Comment**

This Rule has been adopted effective June 1, 2007. This Rule encompasses the Rank of Order of priority as provided for under Rule 10.002 of this Subchapter, and also sets to form the differentiation of the maximum allowable percentages subject to seizure to satisfy Child Support and Civil Judgments as well as all other Money Judgments.

**SUBCHAPTER 10.300 JUVENILE AND ADULT CRIMINAL FOREIGN  
COURT ORDERS.**

**RULE 10.301 SCOPE AND EFFECT.**

The judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of U.S. Federal Courts, State Courts, and Tribal Courts of a federally recognized Indian Tribes,

shall be given full faith and credit in the courts and jurisdiction of Lac Vieux Desert, provided that:

(A) The foreign court in which the judgment originated has not declined or refused to accord full faith and credit to the judgments of the courts of Lac Vieux Desert; and,

(B) The individual person or otherwise officer of a foreign court seeking full faith and credit complies with the procedures set forth under this Subchapter; and,

(C) The discretion of the court is such that in granting full faith and credit it will serve the best interest of the parties and of the Tribe.

**2008 Comment**

Rule 10.301 was formerly located under Rule 9.401 of LVD/2003.

**RULE 10.302 REGISTRATION OF FOREIGN COURT ORDERS.**

(A) **Registration of Order by Officer of a Foreign Court.** A Clerk of Court, Probation Officer, Prosecuting Official, or any other duly authorized and recognized officer of a foreign court, seeking enforcement of a foreign court order under this Subchapter shall file with the Lac Vieux Desert Tribal Court a true and authenticated copy of said order sought for registration.

(B) **Registration of Order other than by Officer of Foreign Court.** Any individual, or otherwise entity, other than a Clerk of Court, Probation Officer, Prosecuting Official, or any other duly authorized and recognized officer of a foreign court, seeking enforcement of a foreign court judgment under this Subchapter shall file:

(1) A copy of the relevant order, which has been authenticated by the clerk or register of the foreign court in a certified manner to prove that the copy is a true and correct copy whole of the original and/or a copy of the modified order, if applicable; and,

(2) File a statement from an officer of the court rendering the Foreign Judgment under this Subchapter that no subsequent orders vacating, modifying or reversing the judgment has been entered in the rendering jurisdiction.

**2008 Comment**

This Rule was formerly located under Rule 9.402 of LVD/2003.

**RULE 10.303 WAIVER OF REGISTRATION/ FILING FEE**

Any Foreign Court Order associated with this Subchapter which meets the applicable registration guidelines as set forth under Subrule (A) or (B) of Rule 9.402 of this Subchapter, shall be exempt from the otherwise applicable filing fee for Registrations of Foreign Judgments.

**2008 Comment**

Rule 10.303 was formerly located under Rule 9.403 of LVD/2003.

**RULE 10.304 NOT ENFORCEABLE OR NON-RECOGNIZABLE FOREIGN JUDGMENTS.**

A foreign judgment which meets the applications of full faith and credit as forth under this Subchapter is presumed valid. To overcome that presumption, an objecting party must demonstrate that:

- (A) The judgment was rendered by a process that does not assure the requisites of an impartial administration of justice;
- (B) The foreign court lacked personal or subject matter jurisdiction;
- (C) The foreign judgment was obtained by fraud, duress, or coercion;
- (D) The cause of action which the judgment is based is repugnant to the public policy or the tribal customs of the Tribe.

**2008 Comment**

Rule 10.304 was formerly located under Rule 9.404 of LVD/2003.

**RULE 10.305 NOTICE OF ENTRY**

Upon entry of an order enforcing a foreign court order the clerk of courts shall promptly cause to have delivered personally or by first-class mail a copy of the Order Enforcing the Foreign Court Order to the Applicant and the Defendant. In matters concerning Child Support, the Court shall have caused to have forwarded a copy of the Order directly to the Tribal Payroll/Accounting Department. In all other matters, the judgment holder shall be responsible for transmittal of a copy of the same.

**2008 Comment**

Rule 10.305 was formerly located under Rule 9.405 of LVD/2003.

This rule now specifies by former practice, the requirement that in all matters except child support, that the judgment holder be responsible for transmittal of their order to applicable payer of that order.

**RULE 10.306 POST FOREIGN JUDGMENT EXECUTION.**

A judgment which has been honored in the courts of Lac Vieux Desert under this Subchapter is subject to any subsequent orders vacating, modifying or reversing the judgment so honored.

**2008 Comment**

This Rule was formerly located under Rule 9.406 of LVD/2003.