



- 4. Command the process server to serve the writ and to file a proof of service.
- D. Service of Writ. Section 4.113F applies to prejudgment garnishment.
- E. Liability of Garnishee. Section 4.113G applies to prejudgment garnishment except that the earnings of the defendant may not be garnished before judgment.
- F. Disclosure. The garnishee defendant shall file and serve a disclosure as provided in Section 4.113H.
- G. Payment or Deposit into Court. Section 4.113I applies to prejudgment garnishment.
- H. Dissolution of Prejudgment Garnishment. Dissolution of a prejudgment garnishment is governed by the rule for dissolution of attachments.
- I. Proceedings After Judgment.
  - 1. If the garnishment remains in effect until entry of judgment in favor of the plaintiff against the principal defendant, the garnished property or obligation may be applied to the satisfaction of the judgment in the manner provided in Section 4.113L, M, and N.
  - 2. Section 4.113 O and P applies to prejudgment garnishment.
- J. Costs and Fees; Default; Contempt; Judicial Discretion. Section 4.113Q, R, and T apply to prejudgment garnishment.

**Chapter 4.2**  
**Enforcement and Execution of Foreign Money Judgments**

4.201

Definitions.

- A. "Foreign State" means any governmental unit other than the United States, or the Saginaw Chippewa Indian Tribe of Michigan, it refers to any other Tribe, state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the trust territory of the Pacific Islands or the Ryukyu Islands.
- B. "Foreign Judgment" means any judgment of a foreign state granting or denying recovery of a sum of money, including a judgment for support in

matrimonial or family matters, but not including a judgment for taxes, a fine or other penalty.

4.202 Application. This act applies to any foreign judgment that is final and conclusive and enforceable where rendered even though an appeal therefrom is pending or it is subject to appeal.

4.203 Conclusiveness of judgment; enforceability. Except as provided in Section 4.504, a foreign judgment meeting the requirements of Section 5.402 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The foreign judgment is enforceable is entitled to full faith and credit, or after a hearing de novo to determine if there is subject matter jurisdiction and jurisdiction in persona.

4.204 Judgments not conclusive.

A. A foreign judgment is not conclusive if:

1. The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law.
2. The foreign court did not have personal jurisdiction over the defendant.
3. The foreign court did not have jurisdiction over the subject matter.

B. A foreign judgment need not be recognized if:

1. The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend.
2. The judgment was obtained by fraud.
3. The cause of action on which the judgment is based is repugnant to the public policy of the Tribe.
4. The judgment conflicts with another final and conclusive judgment.
5. 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.

6. In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.

4.205

Judgments lacking personal jurisdiction: other basis of jurisdiction.

A. The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:

1. The defendant was served personally in the foreign state.
2. The defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him.
3. The defendant prior to the commencement of the proceedings had agreed to submit to the jurisdiction of the foreign court with respect to the matter involved.
4. The defendant was domiciled in the foreign state when the proceedings were instituted, or, being a body corporate had its principal place of business, was incorporated, or had otherwise acquired corporate status, in the foreign state.
5. The defendant had a business office in the foreign state and the proceedings in the foreign court involved a cause of action arising out of business done by the defendant through that office in the foreign state.
6. The defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

B. The Court may recognize other basis of jurisdiction.

4.206

Stay pending appeal. If the defendant satisfies the court either that an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

- 4.207 Other situations. This Chapter does not prevent the recognition of a foreign judgment in situations not covered by this act.
- 4.208 Construction. This Chapter shall also be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.
- 4.209 Short title. This Chapter shall be known and may be cited as the "uniform foreign judgments recognition act".
- 4.210 Hearings to enforce. In each case where there is an application to recognize and enforce a foreign judgment the Tribal Court shall conduct a show cause hearing to determine if an order shall issue.
- 4.211 Foreign claims; limitations; effective time of amendatory act. An action based upon a cause of action accruing without this Tribe shall not be commenced after the expiration of the statute of limitations of either this Tribe or the place where the cause of action accrued except that where the cause of action accrued in favor of a resident of the Isabella Reservation the statute of limitations of the Tribe shall apply. This amendatory act shall be effective as to all actions hereinafter commenced and all actions heretofore commenced now pending in the trial or appellate court.

### Chapter 4.3

#### Forcible Entry, Detainer and Claim and Delivery

- 4.301 Definitions.
- A. A person is guilty of forcible entry and detainer, or of forcible detainer, as the case may be, if he:
1. Makes an entry into any lands, tenements or other real property, except in cases where entry is authorized by law.
  2. Willfully holds over any lands, tenements or other real property after termination of his right to possession, after demand made in writing for the possession thereof by the person entitled to such possession, or by any other aggrieved party.
- B. A "forcible entry", or an entry where entry is not authorized by law within the meaning of this article, is:
1. An entry without the consent of the person having the actual