

CIVIL PROCEDURE

SUBCHAPTER A

FOREIGN JUDGMENTS

Section 921. Definition

In this Title "foreign judgment" means any judgment, decree, or order of a Court of the United States, any Indian tribe, or of any other Court which is entitled to comity or full faith and credit in the Tribal Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 922. Filing and Status of Foreign Judgments

A copy of any foreign judgment authenticated in accordance with the applicable act of Congress or of the statutes of the Tribe may be filed in the office of the Court Clerk. The clerk shall treat the foreign judgment in the same manner as a judgment of the Tribal District 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 Tribal District Court and may be enforced or satisfied in like manner. Provided, however, that no such filed foreign judgment shall be a lien on real estate of the judgment debtor until a certified copy of the judgment so filed is also filed in the office of the Court Clerk as provided by law in the land track record book.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 923. Grounds for Non-Recognition

- (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; or
 - (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;

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(3) The cause of action on which the judgment is based is repugnant to the public policy of the Tribe;

(4) The judgment conflict 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 then by proceedings in that court; or

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

[History; PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 924. Notice of Filing

(a) At the time of the filing of the foreign judgment, the judgment creditor or his lawyer shall make and file with the clerk of the Court an affidavit setting forth the name and last known post office address of the judgment debtor, and of the judgment creditor.

(b) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the judgment creditor's lawyer, if any. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(c) No execution or other process for enforcement of a foreign judgment filed hereunder shall issue until twenty (20) days after the date the judgment is filed.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 925. Stay of Execution of Foreign Judgment

(a) If the judgment debtor shows the Tribal District 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 shall stay enforcement of the foreign judgment until the appeal is concluded, or until the time for appeal expires, or until the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the law of the jurisdiction in which it was rendered.

(b) If the judgment debtor shows the Tribal District Court any ground upon which enforcement of a judgment of the Tribal Court would be stayed, the Court shall stay enforcement

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of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in the Tribal jurisdiction.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 926. Fees

Any person filing a foreign judgment shall pay to the Court Clerk those fees now and hereafter prescribed by the statute or by authorized Court rule for the filing of an action in the Court. Fees for docketing, transcription, or other enforcement proceedings shall be the same as provided for judgments of the Tribal District Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 927. Optional Procedure

The right of a judgment creditor to bring an action to enforce his judgment instead of proceedings under this subchapter remains unimpaired.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]