

TRIBAL CODE

CHAPTER 88:

GARNISHMENT AFTER JUDGMENT

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HISTORY NOTE:

CURRENT ORDINANCE:

Resolution 97- 9 , adopted February 4, 1997, resinds Resolution 5-20-86, Chapter 7 of the Law and Order Code and enacts Tribal Code Chapter:88 Garnishment After Judgment, effective immediately.

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CHAPTER 88:

GARNISHMENT AFTER JUDGMENT

88.101 Purpose.

The purpose of this Chapter is to establish procedures for obtaining a garnishment order.

88.102 Jurisdiction.

(1) The Sault Ste. Marie Chippewa Tribal Court shall have jurisdiction of actions for garnishment after judgment in all cases in which the garnishee-defendant is within the jurisdiction of the Tribe.

(2) The jurisdiction of the Sault Ste. Marie Chippewa Tribal Court shall extend to all persons domiciled or doing business in:

(a) all land within the limits of the Tribe's reservation, including trust land, fee patented land and rights of way running through the reservation; and

(b) all land outside the boundaries of the Tribe's reservation held in trust by the United States for individual members of the Tribe or for the Tribe; and

(c) all other land considered "Indian country" as defined by 18 U.S.C. 1151 that is associated with the Tribe.

88.103 Michigan Laws and Procedures.

The law and procedures of the State of Michigan governing judgments as presently adopted in MR 3.101 or as hereafter amended are hereby incorporated by reference as if fully set herein.

88.104 SCAO Forms.

The forms prescribed by the Michigan State Court Administrator's Office shall be utilized in Tribal Court, provided that the form shall correctly identify the Tribal Court.

88.105 Fees.

The fee for filing a garnishment action in the Tribal Court shall be set by the Chief Judge of the Tribal Court. Other fees and costs shall be set by the Chief Judge as needed.

88.106 Foreign Judgments.

Judgments from courts other than the Sault Ste. Marie Chippewa Tribal Court shall be evidenced by a certified copy of the judgment which is filed with the application for writ of garnishment.

88.107 Sovereign Immunity.

The Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby waives the sovereign immunity of the Tribe and its instrumentalities to the extent necessary to permit it to be joined to Sault Ste. Marie Chippewa Tribal Court actions as garnishee-defendant pursuant to this Chapter. This provision is to be strictly construed.