

**TURTLE MOUNTAIN TRIBAL COURT
TURTLE MOUNTAIN JURISDICTION**

**CIVIL DIVISION
BELCOURT, NORTH DAKOTA**

**Sandra Ann Poitra, and all Persons
Unknown, claiming any Estate or
Interest In, or Lien or Encumbrance
Former Belcourt Lumber Yard Adjacent
To the One Stop Market,**

CA #: RO-09-1005

Petitioner(s),

**SET ASIDE OF TEMPORARY
RESTRAINING ORDER AND
NOTICE THAT PROCEDURE
EXISTS IN THE TRIBAL CODE
FOR RECOGNITION OF
FOREIGN COURT ORDERS
AND JUDGEMENTS**

vs.

**Darrel Gustafson and Tony Sims in his
Capacity as Rolette County Sheriff,**

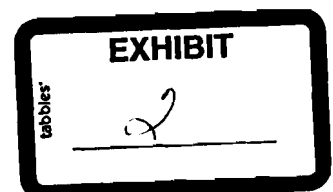
Defendant(s),

PETITIONERS AND DEFENDANTS,

The Turtle Mountain Tribal Code, as amended, Title 4, Judgment and Execution, Section 4.0103, Recognition of Foreign Court Orders and Judgments stipulates:

The judicial orders and judgments of other reservations, and all federal and state courts will be recognized by the Turtle Mountain Tribal Court, unless objected to. These orders or judgments shall have the same effect and are subject to the same procedures, defenses, and proceedings as judgments of the tribal court. If recognition of a judgment is objected to by a party, the tribal court must be satisfied, upon application and proof by the objecting party with respect to Subsections (1) through (5), that the following conditions were present:

1. The foreign court had personal and subject matter jurisdiction;
2. The order or judgment was obtained without fraud, duress, or coercion;
3. The order or judgment was obtained through a process that afforded fair notice and a fair hearing;
4. The order or judgment does not contravene the public policy of the Turtle Mountain Tribe; and
5. The order or judgment is final under the laws and procedures of the rendering foreign court.



Additionally, Section 4.0104, Enforcement and Jurisdiction clearly states:

Any judgment or court order entered by the Turtle Mountain Tribal Court is enforceable within the jurisdiction of the Turtle Mountain Tribal Court. A court order or judgment from another jurisdiction is enforceable if it is recognized by the Tribal court and due process is provided to all involved parties.

In reference to the above and in light of the current circumstances, this Court asserts the following:

1. Regarding service of civil process papers, Tribal Court does not restrict persons from beyond the reservation from serving legal papers. However, a tribal member who objects to service may petition the Court for a hearing as to whether service was proper and whether there is probable cause for the hearing date, which shall be scheduled for no more than 14 days after the petition is filed. The person who files the petition shall serve a notice of the petition hearing by regular and certified mail to the plaintiff or the attorney for the plaintiff. At the hearing, at the Court's discretion, the plaintiff may be required to present probable cause that a valid cause of action exists.
2. Regarding service of regulatory process papers from any state or local government, a tribal member who objects to service may petition the Court for a hearing pursuant to the Turtle Mountain Tribal Code, as amended, Title 4, Judgment and Execution, Section 4.0103, Recognition of Foreign Court Orders and Judgments. The Court shall choose a hearing date, which shall be scheduled for no more than 14 days after the petition is filed. The person who files the petition shall serve a notice of the petition hearing by regular and certified mail to the government official who sent the notice. At the hearing, at the Court's discretion, the governmental entity may be required to present probable cause that a valid cause of action exists for the regulatory action.
3. Any proceeding which will deprive a tribal member of property rights, including repossession of a motor vehicle, eviction from real estate, garnishment of wages, execution of judgment for money award or specific performance, based on judgment from Turtle Mountain Tribal Court or any other tribal state or federal court, or based on a security agreement, shall be brought to Tribal Court by the entity seeking to enforce the claim or judgment in form of a Complaint. The claimant may include in the Complaint an allegation that time is of the essence in enforcing the claim of judgment, in which event the Court will order a hearing within 14 days. This claim will be heard pursuant to the Turtle Mountain Tribal Code, as amended, Title 4, Judgment and Execution, Section 4.0103, Recognition of Foreign Court Orders and Judgments. The Tribal Court will give full faith and credit to such judgment, provided the defendant had notice of the proceedings in which the judgment or claim was obtained, and a fair opportunity to present any defenses. If the claim consists of a security agreement which has not been adjudicated, the Court will hear the claim and any defenses thereto.

In all such instances, the Turtle Mountain Tribal Code, as amended, Title 4, Section 4.0104, Enforcement and Jurisdiction shall apply.

CONCLUSION OF LAW

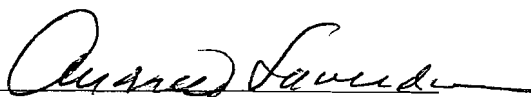
After careful review of the record, and upon consideration of the fact that a process is well established,

IT IS NOW HEREBY THE ORDER OF THIS COURT:

1. That the Temporary Restraining Order, issued by this Court on April 1, 2009 on behalf of Sandra Poitra is hereby set aside and voided.
2. That Notice is hereby given to all parties that there is an existing process that needs to be utilized by all parties when such matters are brought before the Turtle Mountain Tribal Court.

Dated this 28th day of April, 2009.

BY THE COURT:


Andrew Laverdure, Tribal Judge
Turtle Mountain Tribal Court