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# Blackfeet Tribal Law and Order Code

Circa 1999

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## ORDINANCE # 81. BLACKFEET COMMERCIAL CODE - REMEDIES AND ENFORCEMENT OF JUDGMENTS

### Chapter 5

### FULL FAITH AND CREDIT

#### **Section 1. Full Faith and Credit**

Full faith and credit shall be given by the Blackfeet Tribal Court to the judgments of every State and Tribal court in conformity with the provisions of this Title. Notwithstanding any of the provisions in this Chapter, the Blackfeet Tribal Court shall refuse to recognize the judgments of any State or Tribal court which has refused or has clearly indicated it will refuse to honor valid final judgments of the Blackfeet Tribal Court.

#### **Section 2. Procedure for Enforcing State and Tribal Court Judgments**

Any person in whose favor a judgment has been entered by a State or Tribal court may seek enforcement of the judgment in accordance with the following procedures:

##### A. Written Petition

The judgment creditor shall file a petition, accompanied by a verified copy of the State or Tribal court judgment, and ask the Tribal Court to grant full faith and credit to the judgment. The petition shall contain: a concise statement of the nature of the claim and what action the court took on it; a statement indicating the jurisdictional basis, both personal and subject matter, of the judgment; and a statement showing that the defendant received reasonable notice and had a fair opportunity to be heard before entry of judgment. The Court may require additional information, particularly where consumer transactions are involved or where a default judgment was entered. The petition shall be served in accordance with the Rules of Civil Procedure on the person against whom the judgment was entered.

##### B. Written Response

Within twenty (20) days of receipt of the petition, the person against whom the judgment was entered may file a response to the petition containing: any correction of significant facts in the petition; an admission or denial of the specific facts in the petition; an explanation of the facts denied, any other matters which show why the judgment should

not be enforced.

### C. Hearing on the Petition

After reasonable notice to the defendant, the Court shall hold a hearing on the petition. The defendant shall have the burden of showing why the judgment should not be enforced. The Court shall also inquire into the following matters:

1. whether the State or Tribal court had proper subject matter jurisdiction and personal jurisdiction to render the judgment;
2. whether the defendant had fair notice and an opportunity for a hearing; and
3. in the case of consumer transactions, whether any unconscionable acts or practices under Title 2, Chapter 2, were engaged in by the creditor.

### **Section 3. Entry of Judgment**

If the Tribal Court has satisfied itself that the State or Tribal court judgment is entitled to full faith and credit, the Court shall enter a judgment in favor of the petitioner. The judgment may then be enforced through any of the methods allowed by this Code.

[Back to Top](#)