

FURTHER PROCEEDINGS

**FORT PECK COURT OF APPEALS
ASSINIBOINE AND SIOUX TRIBES
FORT PECK INDIAN RESERVATION
POPLAR , MONTANA**

**In Re the Marriage of
THALIA BUCKELK YOUPEE,
Petitioner/Appellee,**

- vs -

APPEAL NO. 231

**LOUIE YOUPEE.
Respondent/Appellant**

STIPULATION FOR REMAND

WHEREAS Thalia Buckelk Youpee obtained a decree of dissolution on April 20, 1995, by default; and

WHEREAS Louie Youpee obtained an ex parte stay of judgment on May 1, 1995; and

WHEREAS Louie Youpee filed his appeal of the default decree on May 8, 1995; and

WHEREAS the parties do not desire to remain married; and

WHEREAS the parties wish to settle their remaining dispute in an expeditious manner.

NOW THEREFORE IT IS STIPULATED AND AGREED:

1. The Fort Peck Court of Appeals may remand this matter to the trial court for the taking of evidence and for making a prompt decision on these two issues:
 - a) Does Louie Youpee have "good cause" to set aside the default decree under **IV CCOJ §302?**
 - b) If the answer to (a) is affirmative, what is a just and equitable division of the marital property under **IV CCOJ §308?**
2. Pending a hearing by the trial court, Thalia Buckelk Youpee shall have use of the vehicle awarded to her on April 20, 1995.
3. Pending a hearing by the trial court, Louie Youpee shall have use of the marital home.
4. Neither party shall harass, annoy, bother, or otherwise disturb the peace of the other party.

5. The trial court shall hold a hearing, if possible, within thirty (30) days of the issuance of the order of remand.
6. If either party should be dissatisfied with the trial court order, that party should be free to request reopening of this appeal.

DATED: August 11 , 1995

**Roxanne Gourneau
Counsel for Appellant**

**Mary Zemyan
Counsel for Appellee**
