

**FORT PECK COURT OF APPEALS
ASSINIBOINE & SIOUX TRIBES
WOLF POINT/POPLAR, MONTANA**

| | | |
|------------------------------|---|-------------------------------|
| NADINE ADAMS, |) | |
| |) | |
| Appellant, |) | Cause No. <u>479</u> |
| |) | |
| -vs- |) | |
| |) | ORDER DENYING PETITION |
| FORT PECK HOUSING AUTHORITY, |) | FOR REVIEW |
| |) | |
| Appellee. |) | |

This matter comes before the Fort Peck Court of Appeals on a Petition for Review stamped as filed July 9, 2007 of an Order of Eviction issued by the Tribal Court. The Appellant appeared pro se. A response of the Appellee, Fort Peck Housing Authority, was timely filed by John Fredericks, III, Attorney for Appellee, FPHA and LaFon Copenhaver, Local Lay Counselor at Law for Appellee, FPHA.

Upon review of the Petition and the file, this Court finds as follows:

1. The Petition for Review was filed on July 9, 2007, from an Order entered on December 15, 2005. The Petition was not timely filed as required by II CCOJ 207 (a).
2. The Appellant has failed to exhaust administrative remedies concerning the claims made in her Petition for Review.
3. The Fort Peck Court of Appeals shall not set aside any factual determinations of the Tribal Court if such determinations are supported by substantial evidence. Title II CCOJ Section 202.

4. The Order of Eviction was based on the Complaint and evidence produced at the hearing on said matter.
5. The factual determinations of the Court are supported by substantial evidence.

BASED UPON THE FOREGOING FINDINGS AND GOOD CAUSE APPEARING:

IT IS NOW, THEREFORE, THE ORDER OF THIS COURT THAT:

The Petition for Review be, and the same is hereby denied.

DATED this 24 day of March, 2008.

FORT PECK COURT OF APPEALS

By: Brenda Desmond by DA
BRENDA DESMOND, Chief Justice

Joe Raiffani
JOE RAFFIANI, Associate Justice

Gerard M. Schuster
GERARD M. SCHUSTER, Associate Justice

Attest
Dana Rube
3-24-08