

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

**RICHARD COURSHENE,
APPELLEE,**

VS. APPEAL No. 140

**PHYLLIS SELLS
APPELLANT.**

ORDER

The above-entitled matter comes before the Appeals Court on a Petition for Review filed by counsel for Appellant Phyllis Sells; and

It appears that a default judgment was entered against Appellant on July 12, 1991 and a Petition for Review filed on July 30, 1991; the Court will accept the Petition for Review as timely filed since the issue of timeliness of filing as not been fully adjudicated by the Court; and

Justice Htelbourne having advised the Court that he is disqualifying himself from hearing the matter of this appeal; and

The Court having considered the matters presented in the Petition for Review finds that said matters have merit;

NOW, THEREFORE, IT IS HEREBY ORDERED that the default judgment entered by the Court on July 12, 1991 be set aside and said matter be, and the same is hereby, remanded to the Fort Peck Tribal Court for hearing on the complaint.

DATED this 31st day of October, 1991.

BY THE COURT OF APPEALS:

Gerard M. Schuster, Chief Justice

Debra A. Johnson, Associate Justice

Gary J. Melbourne, Associate Justice
