

**CHIPPEWA CREE TRIBAL
CREDITOR-DEBTOR RELATIONS
TITLE VII**

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TITLE VII

CREDITOR – DEBTOR RELATIONS

Chapter 1 CREDITOR-DEBOTOR RELATIONS

1.1 Tribal Court Jurisdiction in Personal Property Transactions:

(1) Any transaction in which non-trust personal property is used as security shall be subject to the jurisdiction of the Tribal Court when at least one party to the dispute transaction is a member of the Chippewa-Cree Tribe, or the Tribe itself is a party.

(2) The Tribal Court shall have the authority to provide legal and equitable remedies in claims arising from disputed transactions over which it has jurisdiction.

(3) The Tribal Court shall have the authority to recognize or reject a state court adjudication of a transaction over which the Tribal Court has jurisdiction. Recognition of the state court decision shall have the same effect as would a Tribal Court adjudication of the claim.

1.2 Creditor Rights and Responsibilities:

(1) A creditor shall not repossess personal property held by a debtor on the reservation unless the Tribal Court has adjudicated the claim and determined that repossession is the appropriate remedy, except as provided in Section 1.2, subsection (II).

(2) A debtor may voluntarily surrender, by written consent, the secured personal property to the creditor. The written consent shall be obtained at the time of surrender. All contractual provisions concerning surrender which were executed in advance shall be of no effect.

(3) In the event that any provisions in this Section are violated, the Court may issue and order for the return of the property, or issue any other order which, in the Court's discretion, is appropriate.

1.3 Action to Foreclose Interest in Personal Property:

(1) An action to foreclose a security interest in non-trust personal property shall be commenced by filing a complaint in Tribal Court.

(2) If the debtor does not answer the complaint within the time prescribed by the Rules of Civil Procedure of this Code, the creditor may ask the Court to order the debtor-defendant in default.

(a) If it appears to the satisfaction of the Court that the debtor has failed to appear without excuse, the Court shall order the debtor in default and give judgment to the creditor, either in money damages or by ordering return of the property.

(3) After filing the Complaint, if the creditor reasonably shows the Court that the property is in imminent danger of being concealed, destroyed or removed from the Reservation, the Court may order the debtor to appear and show cause why the property should not be taken into the custody of the Court, or the Court may immediately order the property to be picked up and held until the dispute is resolved.

(a) If the property is taken into the custody of the Court, the debtor may request a hearing, and the Court shall allow the debtor to appear in order to contest the custody of the property. If the debtor satisfactorily demonstrates that the property is in no danger, the Court may release the property with orders that if the property is concealed, destroyed or removed from the Reservation, the debtor may be held on contempt charges.

(4) After a hearing on the merits of the case, the Tribal Court shall render a judgment. If the judgment is in favor of the creditor, it must state specifically whether it is for repossession or money damages.

(5) If return of the property to the creditor appears to the Court to be unjust because of the amount of equity the debtor has in the property, the Court may award money damages to the creditor in the amount which the debtor owes on the property.

(6) If a money judgment is entered for the creditor, the creditor has all the rights and remedies set forth in the Rules of Civil Procedure in this Code, including a Writ of Execution against any of the property of the debtor not exempt.

(a) Ten (10) days after the judgment is rendered, the defendant may submit a Claim of Exemption. The Claim shall be served upon the creditor and the creditor shall have five (5) days in which to protest anything in the claim. If the creditor files a protest against the exemption, a hearing shall be set to determine which, if any, of the property is exempt. Any property which the Court declares to be exempt shall not be executed upon.

(7) A repossession order shall be served on the debtor-defendant. The debtor shall have ten (10) days to comply with the order. If the debtor does not comply, the Court shall order the property to be picked up and held by Tribal law enforcement. If the debtor appeals within the ten (10) day period, the Court may stay the judgment pending appeal.

(8) The creditor or debtor may appeal within ten (10) days following judgment. If the debtor-defendant appeals a judgment rendered against him, the Court shall order that if the property is concealed, destroyed, or removed from the Reservation pending appeal, the debtor may be held on contempt charges.

(a) If the appeal is not heard within six (6) months from the time of the application for appeal, the creditor may proceed to satisfy the judgment.

(9) Assignment shall be recognized when the assignment occurred prior to the filing of the complaint and the assignee has set forth in the complaint the amount paid for the assignment to the original creditor.