



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 20-01

of the

### SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965;

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government;

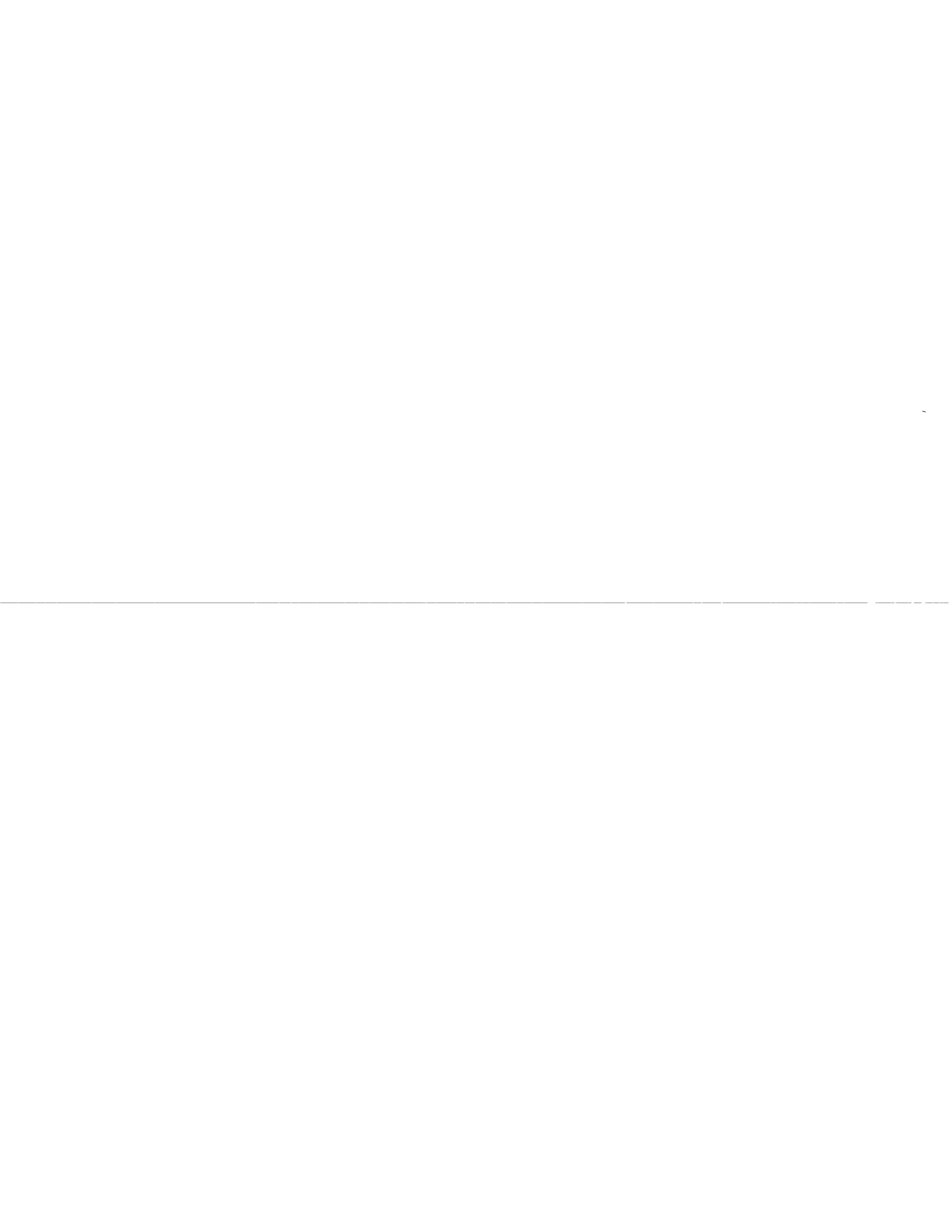
**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe;

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe;

**WHEREAS**, the Squaxin Island Court wishes to adopt a Reciprocity Code acknowledging that the Tribal Court will recognize, honor, and enforce judgements ordered by non-Tribal Courts;

**WHEREAS**, the Squaxin Island Tribal Council believes it is in the best interest of the Tribal Court to achieve a mutual understanding with surrounding District and Superior Courts in the enforcement of court orders to maintain the security and welfare of the Tribe and its community members;

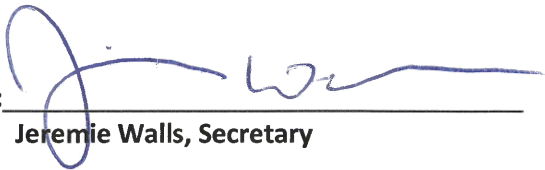
**NOW THEREFORE BE IT RESOLVED**, the Squaxin Island Tribal Council hereby adopts the attached Reciprocity Code, effective immediately.



**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this <sup>9</sup>12th day of <sup>January</sup>~~December~~, <sup>2020</sup>~~2019~~, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

  
Arnold Cooper, Chairman

Attested by:   
Jeremie Walls, Secretary

  
Charlene Krise, Vice Chairman



# DRAFT

## **4.04.150 – Recognition and Enforcement of Foreign Judgments**

- A. The Court shall not recognize or enforce any foreign judgment unless the party who is seeking the foreign judgment be recognized or enforced:
1. Complies with the procedure set forth in Section 4.04.160 or other applicable sections of the Code.
  2. Submits proof, which may be an affidavit:
    - a. that the person against whom the foreign judgment has been rendered is subject to the jurisdiction of the Court;
    - b. that the subject matter is based on valid subject matter jurisdiction; and
    - c. that the foreign judgment is final and that no appeal is pending or available; and
  3. Submits proof that the court from which the foreign judgment was issued provides reciprocal full faith and credit to the order, decrees, and judgments of the Squaxin Island Tribal Court.
- B. The Court shall not recognize or enforce a foreign judgment when to do so would require the Tribe to waive its sovereign immunity or would require the Tribe to act in the role of Garnisher.
- C. The Court shall not recognize a foreign judgment if:
1. The issuing court lacked jurisdiction over a party or the subject matter;
  2. The Defendant in the proceedings in the foreign court did not receive sufficient notice of the proceedings pursuant to the foreign court's rules;
  3. Enforcement of the foreign judgment, decree, or order would violate the Indian Civil Rights Act of 1968;
  4. Recognition or enforcement of the foreign judgment would violate tribal law, custom, or tradition, or would violate applicable federal law.

## **4.04.160 – Procedure for Recognition and Enforcement of Foreign Judgments**

- A. A foreign judgment shall be recognized or enforced provided such judgment is filed by the party seeking its recognition or enforcement within one (1) year from the date of its issuance by the foreign court and any and all appeals have been exhausted.
- B. To properly file a foreign judgment, the party seeking recognition or enforcement shall:



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1. File a petition to recognize or enforce the foreign judgment, including
  - a. The date of entry of the foreign judgment;
  - b. The names and last known addresses of all parties;
  - c. a certified copy of the foreign judgment;
  - d. a record of any subsequent proceedings or entries affecting the foreign judgment;  
and
  - e. an accounting of any partial satisfaction or offsets of the foreign judgment.
2. Within 30 days of the filing of the petition, the party seeking enforcement shall issue a summons and a copy of the petition to all parties. The summons shall inform the parties that any answer or response shall be filed within twenty (20) days.
3. Failure to respond to the motion as directed by the summons shall result in the court recognizing the foreign judgment provided the judgment is otherwise in accordance with Section 4.04.150.
4. After reviewing the motion and response and any other evidence concerning the foreign judgment, the Court shall issue an order granting or denying the motion to recognize and enforce the foreign judgment. The Court may hold a hearing on the Motion in its discretion. Such an order shall be a final judgment.
5. There shall be no right of appeal.

