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2 **IN THE**
3 **HO-CHUNK NATION TRIAL COURT**

4
5
6 _____,
7 Petitioner,
8 v.
9 _____,
10 Respondent.

**AFFIDAVIT AND ORDER TO WAIVE
FEES AND COSTS**

Case No.: _____ - _____ - _____
[Assigned by the Court]

11 After being duly sworn under oath, I declare the following to be true and correct to the best of my
12 knowledge:

- 13 1. I am the plaintiff/petitioner in the above-captioned case. I am eighteen (18) years of age or older
14 and unable to afford the payment of the filing fees and costs in this case due to economic
15 hardship. I request that the Court permit this case to proceed without payment of the filing fee
16 and defer the payment of other costs and fees until settlement or judgment.
- 17 2. I understand that if I prevail or my economic situation improves, the Court may require the
18 payment of the filing fees and costs, if any, out of any proceeds I may recover in this action.
- 19 3. I am unable to make payment of the filing fee because:
- 20 a I am represented by a civil legal services program (*i.e.*, Judicare, Western Wisconsin
21 Legal Services, or Legal Action of Wisconsin)
- 22 b I receive public assistance. The kind of assistance is _____
_____ and the amount per month is \$ _____. I have _____ dependents
23 who must live off this income. [Number]
- 24 c I am unemployed and receive \$ _____ per month in unemployment compensation.
- 25 d I receive insufficient income to adequately sustain my household.¹

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27 ¹ A "household" includes all members of a family, extended family, and others living in the same physical residence.

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(1) My monthly household income is \$ _____ for _____ people.² The source of this income is _____.

(2) I receive \$ _____ in child support/alimony per week/month/quarter.
[circle one]

(3) I do / do not receive a per capita distribution from the Ho-Chunk Nation or other Indian Tribe. The per capita payments are distributed on a _____ basis in the amount of \$ _____.

(4) The following expenses are paid from this household income:
Rent/mortgage in the amount of \$ _____ per month.
Child care and/or child support of \$ _____ per week/month/quarter.
[circle one]
Work expenses of \$ _____ per week.

(5) Please also consider these additional expenses: *(list the amount and frequency)*

4. There are other extraordinary circumstances which support my request for waiver of the filing fee and deferment of other costs as noted below (*e.g.*, emergencies, medical expenses, pending divorce, separation). *(attach any supporting documentation)*

5. The *Complaint* or *Petition* to be filed in this action is attached.

² This total should include not only petitioner's own income, but the income of every person living in the household.

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RESPECTFULLY SUBMITTED this _____ day of _____, 20____.

Month

Year

Signature: _____

Signature of Counsel (if any): _____

Address of Counsel: _____
Street address or P.O. Box

City State Zip Code

Phone Number of Counsel: (____) _____

Fax Number of Counsel: (____) _____

Ho-Chunk Bar Number of Counsel: _____

If not a member of the Ho-Chunk bar, a *Motion to Appear Pro Hac Vice* has been attached in accordance with *Ho-Chunk Nation Rules of Civil Procedure*, Rule 16(B),³ and/or I have applied for membership in the Ho-Chunk bar in accordance with the *Ho-Chunk Nation Rules for Admission to Practice*.

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20____

at _____
City State

Notary Public for _____
State

My commission expires: _____

³ Parties can obtain a copy of the *Ho-Chunk Nation Rules of Civil Procedure* by contacting the Ho-Chunk Nation Judiciary at (715) 284-2722 or (800) 434-4070 or visiting the judicial website at [http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20\(08-17-06%20version\).pdf](http://www.ho-chunknation.com/UserFiles/Civ%20Pro%20(08-17-06%20version).pdf).

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ORDER

Based on the above affidavit and any sworn testimony given at a hearing in this case, the Court finds that the petitioner has shown that it would be an economic hardship to pay the filing fee. The plaintiff/petitioner requested that the Court allow him/her to proceed without payment of the filing fee and defer the payment of other court costs and fees pending resolution of the case.

IT IS THEREFORE ORDERED that the *Petition to Waive Filing Fee and Costs* is granted and the payment of other court costs and fees are deferred until the time of settlement or judgment in this action.

Entered this _____ day of _____, 20_____.

Judge of the Trial Court