

INSTRUCTIONS TO REGISTER AND ENFORCE A FOREIGN JUDGMENT

These instructions are only intended to provide information on how to fill out this form. It is not intended to substitute legal advice. There may be additional documents and procedures for your particular type of civil action. If you have any legal questions regarding the specific facts of your case, please consult with an attorney.

For other questions, you may contact the Trial Court at (715) 284-2722. In addition, copies of the applicable law can be found on the Nation's website located at <https://ho-chunknation.com/government/legislative-branch/ho-chunk-nation-laws/> or by contacting the Ho-Chunk Nation Legislature at (715) 284-9343 or (800) 294-9343.

Do not include these instruction sheets when you file the completed form.

Petition:

A petition is an initial pleading that starts an action and states the basis for the court's jurisdiction, the basis for the petitioner's claim, and the demand for relief.

The petitioner is the party who brings the action to court - the person who fills out the petition.

The respondent is the party being sued in the action - the person who the petition is brought against.

Instructions:

- **Page 1, Lines 1-8:** Enter your full, legal name on the petitioner line. There can be more than one petitioner. Enter in the respondent's full, legal name on the respondent line. There can be more than one respondent. You do not need to write a case number. A case number will be assigned by the Court.
- **Page 1, Lines 10-16:** A cause of action is a factual situation that entitles one person to obtain a remedy in court from another person. Write the State, County, and Case Number, or the Tribal Court, and Case Number of the order you are filing to have enforced.
- **Page 1, Lines 18-28:** Enter the applicable information as it relates to the petitioner.
- **Page 2, Lines 1-23:** Enter the applicable information as it relates to the respondent.
- **Page 2, Lines 24-28 – Page 3, Lines 1-3:** Jurisdiction is the court's power to exercise authority over all persons and things within its territory and to hear and decide a case or issue in dispute. The petitioner must show that the Ho-Chunk Nation Trial Court has jurisdiction over the action and the parties in the action.

INSTRUCTIONS TO REGISTER AND ENFORCE A FOREIGN JUDGMENT

- **Page 3, Lines 4-10:** Check the appropriate boxes under the Request for Relief section and affirm whether relief is sought against the wages of the respondent named on the Foreign Order or against the wages of the respondent's spouse.
- **Page 3, Line 11:** Enter the total amount of the judgment that is within the certified copy of the foreign judgment.
- **Page 3, Line 12:** Enter the total cost of the garnishment related activities (ex: filing fees).
- **Page 3, Line 13:** Enter the total amount of post-judgment interest that is being sought pursuant to Wis. Stat. § 807.01(4), 814.04(5), and 815.05(8).
- **Page 3, Line 14:** Note the total amount of payments that the respondent made on the debt.
- **Page 3, Line 15:** Add up the total amount of the judgment, the garnishment-related costs, and the post judgment interest, subtracting the total amount of the payments made.
- **Page 3, Lines 16-20:** Supply the name and address where the wage garnishment checks should be sent.
- **Page 3, Lines 21-24:** The prayer for relief is a request addressed to the court and appearing at the end of a pleading; it is a request for specific relief or damages.
- **Page 3, Lines 25-27:** A certified copy of the foreign judgment must be attached to the petition. Check the first box reflecting that the certified copy of the foreign judgment is included. Check the second box if a certified record of payments made is being filed with the petition.
- **Page 4, Line 2:** Enter the number of additional pages that are being included with the petition, including the number of pages of the foreign judgment.
- **Page 4, Lines 2-21:** Be sure to read the statement that avows you are filing the petition in good faith and without fraud. Note that you may be held in contempt of court for any fraudulent entries.
- **Page 5, Lines 2-4:** Do not sign the document with your signature until you sign it before a notary. The court employs notarizes for the convenience of the public. Sign this page in the presence of a notary and note the date of the signature.
- **Page 5, Lines 6-12:** Your attorney should fill out this section if you have secured an attorney.
- **Page 5, Lines 16-22:** The notary fills out this section after you sign the document in front of him/her.

1
2
3
4
5
6
7
8
9

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

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

_____,
Petitioner,
v.
_____,
Respondent.

**PETITION TO REGISTER AND ENFORCE
A FOREIGN JUDGMENT OR ORDER**

Case No.: CG 0____ - _____
[assigned by the Court]

I. CAUSE OF ACTION

The petitioner files this action requesting relief against the named respondent. A **certified copy of the existing foreign Judgment or Order is attached** as evidence of an adjudication of the respondent's obligation. The petitioner comes now to *Register and Enforce the Judgment or Order* of the State of _____, County of _____, Case No.: _____ or _____ Tribal Court, Case No.: _____. The petitioner pleads the following facts:

The following information relates to the **PETITIONER**:

PETITIONER'S INFORMATION

1. Name: _____
2. Maiden name (if applicable): _____
3. Address: _____
(state physical address also if P.O. Box is listed)

City State Zip Code
4. Phone: (____) _____ (____) _____
Home Work
5. Facsimile Number (if available): (____) _____
6. E-mail Address: _____
7. I am a member of the Ho-Chunk Nation: Yes or No.
Tribal Enrollment Number: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPONDENT'S INFORMATION

The following information relates to the **RESPONDENT**

- 1. Name: _____
- 2. Maiden name (if applicable): _____
- 3. Address (last known): _____
(state physical address also if P.O. Box is listed)

City State Zip Code
- 4. Phone: (_____) _____ (_____) _____
Home Work
- 5. Facsimile Number (if available): _____
- 6. Social Security Number: _____ - ____ - _____
- 7. E-mail address: _____
- 8. If the defendant cannot be located at the above address listed in (3), a possible alternative place to locate him/her is at the following location:

_____.
- 9. The respondent is a member of the Ho-Chunk Nation: **Yes** or **No**.
If yes, the respondent's enrollment number is: 439A00 _____.
(four numbers)
- 10. The respondent is employed by the Ho-Chunk Nation: **Yes** or **No**.
- 11. I am aware of these judgments, other than the one at issue in this petition, against the respondent: *(provide the name of the other petitioner(s), if known)* _____.

II. JURISDICTION:

This Court has original jurisdiction over this case pursuant to the "cases and controversy" clause of the HO-CHUNK NATION CONSTITUTION, ART. VII, § 5(a), providing that the Trial Court shall have "original jurisdiction over all cases and controversies," in law and equity arising under the CONSTITUTION, laws, customs, and traditions of the Ho-Chunk Nation. This Court may have personal jurisdiction over parties who are not members if they work for the Nation, reside on the Nation's lands, or consent to such jurisdiction. In addition, this Court is authorized under the *Ho-*

1 *Chunk Nation Rules of Civil Procedure, Rule 73 to extend full faith and credit and comity to the*
2 *orders and judgments of foreign courts.*

3
4 **III. REQUEST FOR RELIEF**

5 I, or We, request that the Court recognize the validity of the attached *Foreign Order*
6 and enforce the *Order* against the respondent. The attached *Order* is a valid *Judgment* rendered in
7 a competent court of record. This *Petition* is respectfully submitted to the HCN Trial Court
8 requesting that an *Order* garnishing and/or attaching any wages, income and/or an *Order* seizing
9 or imposing liens upon property owned by the respondent located on trust lands of the Ho-Chunk
Nation, in part or in whole, to satisfy the above *Order* or *Judgment* for the amount owed.

10 Balance due

11 Judgment(s): _____

12 Garnishment-related costs: _____

13 Post-judgment interest: _____

14 Payments made: _____

15 Total: _____

16 If granted, the Ho-Chunk Nation Department of Treasury shall direct payments to:

17 Name: _____

18 Mailing Address: _____

19
20 _____
City State Zip Code

21
22 **IV. PRAYER FOR RELIEF**

23 For the stated reasons above and according to the attached documentation, the petitioner
24 requests the Court enter a *Judgment* against the respondent and grant the relief sought by petitioner.

25 THE FOLLOWING DOCUMENTS HAVE BEEN ATTACHED FOR USE IN THIS CASE:

26 A certified copy of the foreign judgment

27 A certified record of payments made pursuant to the judgment

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NUMBER OF ADDITIONAL PAGES USED: _____

By affixing my signature below, I swear that I have provided the above information in good faith and with the belief that each statement represents a true and accurate account of the facts based upon adequate research and investigation. I recognize that the Ho-Chunk Nation Judiciary may impose sanctions if it determines that I have made statements in bad faith, including intentional misstatements or statements made upon inadequate research or investigation. I also recognize that the foregoing admonition extends to include the omission of material facts or law, which I knew, or should have reasonably known, would impact or prove relevant to the action.

I file this petition of my own free will and absent threats, intimidation or coercion of any kind. I understand that any decision reached by the Ho-Chunk Nation Trial Court is binding and that if I disagree with the findings or conclusions or remedies of the Trial Court, I may file an appeal with the Ho-Chunk Nation Supreme Court. I further acknowledge that since I am submitting myself to the jurisdiction of the Ho-Chunk Nation Judiciary, I am subject to its determinations, including those relating to contempt of court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED BY PETITIONER,

Signature: _____

Date: _____, 20 _____

Signature of counsel (if any): _____

Mailing address of counsel: _____

E-mail address of counsel: _____

Telephone number of counsel: _____

Facsimile 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),¹ and/or I have applied for membership in the Ho-Chunk Nation 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: _____

¹ 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/government/judiciary/judicial-rules.aspx>.