

**IN THE CHOCTAW SUPREME COURT OF THE  
MISSISSIPPI BAND OF CHOCTAW INDIANS**

**MARY J. BURNS**

*SC 2012-03*  
**APPELLANT**

**V.**

**CAUSE NO. 2012-235-CV**

**MBCI DBA CHOCTAW SHOPPING  
CENTER ENTERPRISE, JOHN HENDRIX,  
GENERAL MANAGER**

**APPELLEES**

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**AMENDED NOTICE OF APPEAL**

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**TO:** Ms. Jane Charles  
Clerk of the Choctaw Supreme Court  
Choctaw Supreme Court  
125 River Ridge Circle  
Choctaw, Mississippi 39350

**MARY J. BURNS**

**APPELLANT**

**MBCI DBA CHOCTAW SHOPPING  
CENTER ENTERPRISE, JOHN HENDRIX,  
GENERAL MANAGER**

**APPELLEES**

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**YOU ARE HEREBY GIVEN NOTICE**, pursuant to the Choctaw Rules of Appellate Procedure, that Appellant Petitioner, Mary J. Burns, (hereinafter referred to as "***Appellant Burns***"), by and through counsel, being aggrieved at the decisions rendered by the Choctaw Civil Tribal Court in Cause No. 2012-235-cv, hereby appeals to the Choctaw Supreme Court this cause of action filed by her against Appellees, Defendants, Mississippi Band of Choctaw Indians d/b/a Choctaw Shopping Center Enterprise and John Hendrix, General Manager (hereinafter referred to as "***Appellees MBCI***") in Choctaw Civil Tribal Court, Cause No. 2012-235-cv.

**APPELLANT BURNS** cause of action that is being appealed relates to the seizing of Appellant Burns leased premises and property by the ***Appellees MBCI*** without due process of law; and the ***Appellees MBCI*** failure to comply with the orders and directives of the Choctaw Civil Tribal Court in Cause No. 2012-235-cv; and the adverse decisions rendered by the Choctaw Civil Tribal Court in Cause No. 2012-235-cv from which Appellant Burns seeks an appeal and for which she hereby ***amends*** her Notice of Appeal of ***July 11, 2012*** in this cause.

**APPELLANT BURNS** hereby appeals to the Choctaw Supreme Court the ***Memorandum Opinion and Order of June 12, 2012***, in which the Choctaw Tribal Civil Court of the Mississippi Band of Choctaw Indians, *inter alia*, denied her claim for relief against the Appellees, Mississippi Band of Choctaw Indians d/b/a Choctaw Shopping Center Enterprise and John Hendrix, General Manager, for due process violations; and held that the ***Appellee MBCI*** acted pursuant to the terms of a valid and binding ***business lease agreement*** when Appellant

Burns was evicted on *February 10, 2012* and furthermore finding that the *Appellees MBCI* did not act unlawfully when seizing her property without due process of law on *February 10, 2012*.

**APPELLANT BURNS** further appeals the Choctaw Tribal Civil Court's ruling that dismissed the contempt action of Petitioner Burns against the *Appellees MBCI* for the failure and refusal of the Appellees, Mississippi Band of Choctaw Indians d/b/a Choctaw Shopping Center Enterprise and John Hendrix, General Manager to comply with the orders and directives of the Choctaw Tribal Civil Court in Cause No. 2012-235-cv, and in particular, the orders and directives set forth in the *Order of March 8, 2012*.

**APPELLANT BURNS** would show unto the Court that she *amends* her appeal to include the Choctaw Tribal Court ruling that was entered on *August 7, 2012* regarding relief sought by Appellant as provided under Rule 60 and 62 of the Mississippi Band of Choctaw Indians Rules of Civil Procedure.

**APPELLANT BURNS** would further show that she *amends* her appeal to include the adverse ruling that was entered on *August 7, 2012* by the Choctaw Tribal Court that awarded a judgment to the Mississippi Band of Choctaw Indians in the amount of *\$44,873.25*, being \$32,426 for the past due rental payments and the amount of *\$12,477.12* for the entrepreneurial loan delinquency.

**APPELLANT BURNS** would show unto the Court that the *Memorandum Opinion and Order* entered on *June 12, 2012*, is on file and of record in the Choctaw Civil Tribal Court in Cause No. 2012-235-cv and that a copy of the *Memorandum Opinion and Order* entered on *June 12, 2012*, from which an appeal is sought is attached as *Exhibit "A"* to the original *Notice of Appeal* in this action and it is incorporated herein by reference.

**APPELLANT BURNS** would further show that a copy of the *Order of March 8, 2012* granting the preliminary injunction as referenced in the *Opinion and Order of June 12, 2012* is

on file and of record in Choctaw Civil Tribal Court Cause No. 2012-235-cv and a copy of the *Order of March 8, 2012*, from which an appeal is sought is attached as *Exhibit "B"* to the original *Notice of Appeal* in this action and it is incorporated herein by reference.

APPELLANT BURNS would further show that as to the amending of the appeal, that a copy of the *Order of August 7, 2012* Motion for Relief from Judgment is denied, as referenced in the *Memorandum Opinion and Order of August 7, 2012* is on file and of record in Choctaw Civil Tribal Court Cause No. 2012-235-cv and a copy of the *Order of August 7, 2012* and the *Memorandum Opinion and Order of August 7, 2012* are attached as *Exhibit "C"* and *Exhibit "D"* respectfully and both are incorporated herein by reference to this Amended Notice of Appeal.

**RESPECTFULLY SUBMITTED**, this the 7<sup>th</sup> day of September, 2012.

**MARY J. BURNS, APPELLANT**

BY:

  
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**JOHN M. MOONEY, JR.**  
**ATTORNEY FOR APPELLANT**

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**CERTIFICATE OF SERVICE**

I, John M. Mooney, Jr., do hereby certify that I have this day mailed a true and correct copy of the *Amended Notice of Appeal* by email and by U. S. Mail, postage prepaid, to the following:

Honorable Donald L. Kilgore  
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Honorable Judge Jeff Webb  
Tribal Court Judge  
P.O. Box 6012  
Philadelphia, MS 39350  
Email: webblaw@bellsouth.net

**DATED**, this the 7<sup>th</sup> day of September, 2012.

  
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**JOHN M. MOONEY, JR.**