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IN THE SUPREME COURT
MISSISSIPPI BAND OF CHOCTAW INDIANS

CHOCTAW SUPREME COURT
BY: Maechalk
COURT CLERK

DALTON J. HENRY

APPELLANT

VS.

CAUSE NO. SC2015-05

VIRGIE LEE BEARD HENRY

APPELLEE

ORDER STAYING LOWER COURT ORDER IN PART, DENYING STAY IN
PART, AND DIRECTING CERTAIN PAYMENTS BE MADE INTO
ESCROW PENDING OUTCOME OF APPEAL

This consolidated matter comes on before this Court on Appellant Dalton J. Henry's Motion to Stay Lower Court Order filed June 05, 2015 pursuant to Choctaw Tribal Code §7-1-5 (3). Appellant's stay motion agrees to the continuing payment of the \$1,500.00 monthly alimony payments to Appellee Virgie Lee Beard Henry as they become due. Appellant's motion further alleges that manifest injustice would not occur by staying the lower court's judgment in this matter.

The court determines, however, that the granting of an otherwise blanket stay of the lower court's order may well facilitate manifest injustice in that it would, pending final outcome of appeal, materially alter financially the relative status as it currently exists between the respective parties and may endanger Appellee's health if Appellant no longer maintained her health care insurance coverage,

Further, the court finds that the avoidance of any manifest injustice would better be served by instead maintaining in force and effect all of the lower court's December 31, 2014, order except those portions of ordered payments relating to the disputed remaining \$500.00 monthly payments directly to Virgie Lee Beard Henry towards the \$3,500.00 in attorney's fees awarded, and payment directly to Appellee of the then ordered monthly federal retirement benefit monies of \$1,979.50.

The court instead grants stay of the ordered direct payments of those attorney fee and federal retirement benefit monies to Appellee *pendent lite*; however, in order to preserve the ongoing accrual of these disputed payment amounts, to become immediately disbursable in their entirety as finally determined on appeal, a separate escrow account is ordered established and those remaining attorney fees and monthly federal retirement benefit funds are ordered to be paid into escrow so that the prevailing party may gain immediate reinstatement out of that account in conformity with and at the time of the final court order.

The court instructs that the escrow account will be structured as follows:

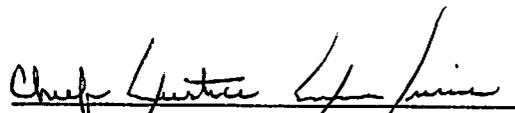
The Mississippi Band of Choctaw Indians' Office of Finance is hereby directed to open an interest bearing account in one of the tribally authorized depositories; account to be in the name of the Mississippi Band of Choctaw Indians for the benefit of the party litigants in the case styled Dalton J. Henry vs. Virgie Lee Beard Henry, Cause No. SC2015-05; all escrowed funds to be held until a subsequent disbursement order by the court is ordered. Any and all bank fees assessed as a result of this account are to be borne by the Appellant, subject to possible ordered repayment by Appellee as part of the ordered outcome at the case's conclusion on appeal.

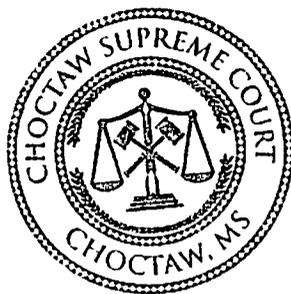
The Appellant will remit into this escrow account the remaining ordered \$500.00 monthly payment(s) of attorney's fees and the ordered monthly retirement benefits of \$1,979.50 on the same schedule set forth in the December 31, 2014, lower court order. Said payments shall be in cashier's check or money order made payable through the Choctaw Tribal Court Clerk.

Appellant shall continue to maintain all existing life insurance policies in place at time of December 31, 2014 lower court order using the referenced funds from the retirement payment and Virgie shall continue to be listed as a 50% beneficiary on all life insurance.

Stay of any ordered monthly payments of attorneys fees and the \$1,979.50 monthly federal retirement monies directly to Appellee shall be of prospective effect only and this order in nowise relieves Appellant from payment of all previously ordered payments to Appellee which have become due and payable prior to the date of this order, nor of any enforcement actions thereon.

SO ORDERED, ADJUDGED AND DECREED, this the 16th day of June, 2015.


Kevin J. Briscoe, Chief Justice



CERTIFICATE OF SERVICE

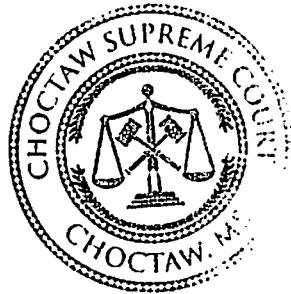
I do hereby certify that I have this, the 16th day of June, 2015 caused to be forwarded by the United States Mail and Hand Delivered, a true and correct copy of the above and foregoing document to the below listed counsel of record.

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Jane Charles, Clerk of Court
Choctaw Tribal Supreme Court