

**TITLE XVIII**

**ENFORCEMENT AND RECOGNITION OF  
FOREIGN MONEY JUDGMENTS**

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## **CHAPTER 1. ENFORCEMENT OF JUDGMENT**

### **§18-1-1 Definitions**

As used in this title:

- (1) “Foreign Country” means any governmental unit other than the Mississippi Band of Choctaw Indians.
- (2) “Foreign Judgment” means any judgment of a foreign country granting or denying recovery of a sum of money, other than a judgment for taxes, a fine or other penalty or a judgment for support in matrimonial or family matters.

### **§18-1-2 Applicability**

This title applies to any foreign judgment that is final and conclusive and enforceable where rendered, even though an appeal there from is pending or is subject to appeal.

### **§18-1-3 Recognition and Enforcement**

Except as provided in §18-1-8, a foreign judgment that is filed with notice given pursuant to §18-1-5 or §18-1-6, that meets the requirements of §18-1-2, and that is not refused recognition under §18-1-7 is conclusive between the parties to the extent that it grants or denies recovery of a sum of money. The judgment is enforceable in the same manner as a judgment of the court in which the foreign judgment is filed. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment rendered by the Tribal Court of the Mississippi Band of Choctaw Indians and may be enforced or satisfied in like manner.

### **§18-1-4 Filing**

A copy of a foreign judgment authenticated in accordance with an Act of Congress, an ordinance or resolution of the Mississippi Band of Choctaw Indians, or a treaty or other international convention to which the United States is a party may be filed in the Office of the Clerk of the Tribal Court or in any other court of competent jurisdiction as allowed by the laws of the Mississippi Band of Choctaw Indians.

### **§18-1-5 Affidavit, Notice of Filing, Execution**

- (1) At the time a foreign judgment is filed, the party seeking recognition of the judgment or the party’s attorney shall file, with the Clerk of the Tribal Court, an affidavit showing the name and last known post office address of the judgment debtor and the judgment creditor.
- (2) The clerk shall promptly mail notice of the filing of the foreign judgment to the party against whom recognition is sought at the address given and shall note the mailing in the docket.

- (3) The notice must include the name and post office address of the party seeking recognition and that party's attorney, if any.
- (4) No execution of other process for enforcement of a foreign judgment filed hereunder shall issue until thirty (30) days after the date of service of the notice of filing.

**§18-1-6 Alternate Notice of Filing**

- (1) The party seeking recognition may mail a notice of the filing of the foreign judgment to the other party and may file proof of mailing with the clerk.
- (2) A clerk's lack of mailing of the notice of filing does not affect the conclusive recognition of the foreign judgment under this title if proof of mailing by the party seeking recognition has been filed.

**§18-1-7 Contesting Recognition**

- (1) A party against whom recognition of a foreign judgment is sought may contest recognition of the judgment if, not later than the 30<sup>th</sup> day after the date of service of the notice of filing, the party files with the court and serves the opposing party with a copy of, a motion for non-recognition of the judgment on the basis of one or more grounds under §18-1-8.
- (2) The party filing the motion for non-recognition shall include with the motion all supporting affidavits, briefs and other documentation.
- (3) A party opposing the motion must file any response, including supporting affidavits, briefs and other documentation no later than the twentieth (20<sup>th</sup>) day after the date of service on that party of a copy of the motion for non-recognition.
- (4) The court may, on motion and notice, grant an extension of time, not to exceed twenty (20) days, unless good cause is shown, for the filing of a response or any document that is required to establish a ground for non-recognition but that is not available within the time for filing the document.
- (5) A party filing a motion for non-recognition or responding to the motion may request an evidentiary hearing that the court may allow in its discretion.
- (6) The court may at any time permit or require the submission of argument, authorities or supporting material in addition to that provided for by this section.
- (7) The court may refuse recognition of the foreign judgment if the motions, affidavits, briefs and other evidence before it establish grounds for non-recognition as specified in §18-1-8, but the court may not, under any circumstances, review the foreign judgment in relation to any matter not specified in §18-1-8.

**§18-1-8 Grounds for Non-Recognition**

- (1) A foreign judgment is not conclusive if:

- (a) the judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law;
  - (b) the foreign court did not have personal jurisdiction over the defendant; or
  - (c) the foreign court did not have jurisdiction over the subject matter.
- (2) A foreign judgment need not be recognized if:
- (a) the defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend;
  - (b) the judgment was obtained by fraud;
  - (c) the cause of action on which the judgment is based is repugnant to the public policy of the Mississippi Band of Choctaw Indians;
  - (d) the judgment conflicts with another final and conclusive judgment;
  - (e) the proceeding in the foreign court was contrary to an agreement between the parties under which the disputing question was to be settled otherwise and by proceeding in that court;
  - (f) in the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action; or
  - (g) it is established that the foreign country in which the judgment was rendered does not recognize judgments rendered by the Tribal Court of the Mississippi Band of Choctaw Indians.

**§18-1-9 Personal Jurisdiction**

- (1) The foreign judgment shall not be refused recognition for lack of personal jurisdiction if:
- (a) the defendant was served personally in the foreign state;
  - (b) the defendant voluntarily appeared in the proceedings, other than for the purpose of protecting property seized or threatened with seizure in the proceedings or of contesting the jurisdiction of the court over him;
  - (c) the defendant prior to commencement of the proceedings has agreed to submit to the jurisdiction of the foreign court with respect to the subject matter involved;
  - (d) the defendant was domiciled in the foreign state when the proceedings were instituted or being a body corporate, had its principal place of business, was incorporated or had otherwise acquired corporate status, in the foreign state, or
  - (e) the defendant operated a motor vehicle or airplane in the foreign state and the proceedings involved a cause of action arising out of such operation.

- (2) The Tribal Court of the Mississippi Band of Choctaw Indians may recognize other bases of jurisdiction.

**§18-1-10 Stay in Case of Appeal**

If the defendant satisfies the Tribal Court that either than an appeal is pending or that he is entitled and intends to appeal from the foreign judgment, the Court may stay the proceedings until the appeal has been determined or until the expiration of a period of time sufficient to enable the defendant to prosecute the appeal.

**§18-1-11 Situations Outside This Title**

This title does not prevent the recognition of a foreign judgment in situations not covered by this title.

**§18-1-12 Constitutionality**

If any provision of this title or the application thereof to any circumstances is held invalid, such invalidity shall not affect other provisions or applications of this title which can be given effect without the invalid provisions or applications and to this end the provisions of this title are declared to be severable.