

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS CIVIL DIVISION OF  
TRIBAL COURT**



Robert Kenton Brill,

Petitioner

v

Case No. C-087-0510

Tara Lynn Brill,

Respondent

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**DECREE OF DISSOLUTION OF MARRIAGE  
FINAL ORDER**

**Facts:**

1. Petitioner filed a Petition for Dissolution of Marriage on May 28, 2010. The Petitioner served the Respondent on May 28, 2010. The Respondent filed a response on June 24, 2010. A hearing was held on July 15, 2010 and the Court entered an interim Court Order that was consistent with the stipulated child custody arrangement that was agreed upon by the parties. The Court held a hearing on August 24, 2010.
2. Respondent resides at 323 ½ E. Mitchell St., Petoskey, Michigan which is located within the jurisdictional boundaries as described in WOS #2008-007 and Respondent has resided in the Tribal Jurisdiction at least 180 days prior to the filing of this petition.
3. The parties were married on June 12, 1999 in the city of Charlevoix, Michigan in Charlevoix County.
4. The parties stopped living together as husband and wife on or about February 2010.
5. There has been a break down of the marital relationship and there remains no reasonable likelihood that the marriage can be preserved.
6. There are three (3) minor children from this marriage. They are six (6) years old, eight (8) years old, and eleven (11) years old.

**Findings:**

7. Petitioner, Robert Kenton Brill, filed a petition as an action for divorce. Respondent, Tara Lynn Brill, filed a response.
8. The parties stipulated to a temporary custody arrangement and request that it become part of the final divorce decree.
9. The parties do not have any real property to be distributed. The parties have stipulated to the distribution of the personal property. Arrangements have been made to dispose of the remaining personal property.
10. Neither party is requesting alimony.
11. Neither party is requesting child support.
12. Respondent, Tara Lynn Brill, has requested that her last name be changed to Tara Lynn Otto-Brill.

**Conclusions of Law:**

13. Waganakising Odawak Statute # 2008-007 Dissolution of Marriage Section III. Jurisdiction states, *"the Court shall have jurisdiction over divorce proceedings for the dissolution of marriage, including issues of child custody, child support, division of property, or alimony where at least one (1) party to the proceedings is a Tribal Citizen of the Little Traverse Bay Bands of Odawa Indians and has been a bona fide resident of the Tribal Jurisdiction for a period of at least 180 days prior to the filing of the action."*
14. Jurisdiction is defined in WOS# 2008-007, Section II. Definitions, 2. *"Territorial Jurisdiction of the Little Traverse Bay Bands of Odawa Indians" means "areas referenced in the Public Law 103-324, 25 USC Section 1300k-2(b)(2)(A) as the boundaries of the reservations for the Little Traverse Bay Bands as set out in Article I, paragraphs 'third and fourth' of the Treaty of 1855, 11 Stat. 621." Little Traverse Bay Bands Constitution, Article V (A)(1)(a). See WOS#2008-007.*
15. WOS# 2008-007, Dissolution of Marriage. Section V. 1. states, *"a decree of dissolution of marriage shall be granted without regard to the fault of the parties and upon a finding that the marriage has broken down irretrievably, and that there remains no reasonable likelihood that the marriage can be preserved; or the parties have mutually and voluntarily lived separate and apart without cohabitation for a period of at least one (1) year immediately prior to the filing of the petition for divorce."*
16. WOS #2008-007, Section VI. Division of Property states, *"When a divorce is granted, the Court shall order distribution of all real and personal property in an equitable fashion and shall allocate the marital financial obligation of the parties, in whole to either party, or partially to each party."*
17. WOS #2008-007, Section VII. Alimony 1. states, *"After the equitable distribution of assets and liabilities, the Court may grant alimony to either party, in a lump sum payment or in periodic payments or both."*
18. WOS #2008-007, Section VIII. Child Custody, Visitation and Support states, *"In any action for divorce, the Court shall have the authority to determine the custody of any children under eighteen (18) years of age. The Court shall have jurisdiction to award custody of the minor children of the marriage to one of the parties or to a third person."*

**IT IS SO ORDERED:**

1. The Court shall grant the decree of dissolution of marriage between Robert Kenton Brill and Tara Lynn Brill.
2. Tara Lynn Brill's name shall be changed to Tara Lynn Otto-Brill.
3. There is no real property to distribute.
4. There is no personal property to distribute. The parties have stipulated to the distribution of the personal property.
5. Neither party is requesting alimony therefore the Court will not grant alimony.
6. Robert Kenton Brill and Tara Lynn Otto-Brill shall have joint custody of the three (3) minor children of the marriage.
7. Neither party is requesting child support at this time therefore the Court will not order child support. The statute provides that either party may petition the Court concerning care, custody, support, or visitation rights.
8. Robert Kenton Brill and Tara Lynn Otto- Brill shall have equal parenting time. The parties have stipulated to the following arrangement: beginning August 30, 2010, the minor children will be at the residence of their mother, Tara Brill, for one week. On September 6, 2010, the minor children will be at the residence of their father, Robert Brill, for one week. This parenting time schedule shall continue indefinitely unless this Court orders otherwise.
9. According to the parenting time schedule, the parent who has physical custody of the children shall be financially responsible for their care. This arrangement includes but is not limited to food, clothing, shelter, school lunches, medical needs, etc.
10. The minor children will be with their mother, Tara Brill, for the following holidays: New Years Eve, Mother's Day, Memorial Day, Easter, 4<sup>th</sup> of July, Halloween, Thanksgiving, Christmas Eve, and Christmas Day of every year.
11. The minor children will spend the day with their parent on their birthday.
12. Robert Kenton Brill and Tara Lynn Otto-Brill shall each be responsible for half of the cost of health insurance and half of any other medical bill or prescriptions not covered by health insurance.
13. Court approval is required should one parent want to move out-side of LTBB Tribal Territorial Jurisdiction.
14. Both parents shall notify the Court of any changes in domicile or residence. A letter may be mailed to the Court with the proper information.
15. When either party to a divorce proceeding shall fail willfully to comply with an order of the Tribal Court, the other party may file a petition with the Court.
16. This is a final order of the Little Traverse Bay Bands of Odawa Indians Tribal Court.

11/01/10  
Date

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JoAbde Gasco, LTBB Chief Judge