

LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS TRIBAL COURT
7500 Odawa Circle ~ Harbor Springs, MI 49740 ~ (231) 242-1462

Stone Creek Financial, Petitioner,

V.

Case No. FC-214-0911
Hon. Jenny Lee Kronk

Katherine Hinmon, Respondent.

Daniel E. Best, Attorney for Petitioner
Weltman, Weinberg & Ries Co., L.P.A.
2155 Butterfield Drive, Suite 200-S
Troy, MI 48084

Katherine Hinmon
In pro per
317 Jackson Street, Apt. 1
Petoskey, MI 49770

OPINION AND ORDER

On September 20, 2011, the Petitioner, Stone Creek Financial, through its attorney, filed a petition with the Little Traverse Bay Bands of Odawa Indians (LTBB) Tribal Court, requesting recognition and enforcement of the July 16, 2008 judgment the petitioner secured against the Respondent, Katherine Hinmon, in Michigan's 90-2 District Court.

On September 30, 2011, the Respondent filed an objection to the recognition and enforcement of the judgment. On October 20, 2011, the Honorable Jenny Lee Kronk, LTBB Associate Judge, presided at an objection hearing in this matter.

Findings of Fact

Mrs. Hinmon testified that she was eighteen (18) years old when she signed the contract for picture enhancement but subsequently realized she could not afford it and canceled the contract. She has never received any goods or services under the contract and has already had \$1368 taken from her Michigan income tax proceeds. Mrs. Hinmon admitted that she received the default judgment but failed to contest it within the twenty-

one days as indicated on the order, because she thought she had to contest the default within 21 business days.

Conclusions of Law

Tribal law requires the Court to give full faith and credit to foreign judgments unless the foreign court lacked jurisdiction or the judgment:


- a) was obtained by fraud, duress or coercion;
- b) was obtained without fair notice or a fair hearing;
- c) is repugnant to the public policy of the LTBB Tribe; or
- d) is not final under the laws and procedures of the foreign court.

See, the LTBB Tribal Court Rule, Recognition and Enforcement of Foreign Court Judgment, Adopted 6/13/1999, § 4.201 (C) (1) and (2).

Mrs. Hinmon failed to provide any evidence that the 90-2 District Court of Michigan did not have jurisdiction in this matter or that the judgment was obtained by fraud, duress or coercion or without fair notice or fair hearing, or that the judgment is repugnant to the public policy of the Tribe or is not final. Although the Court is sympathetic to the situation Mrs. Hinmon finds herself in, the proper venue to contest enforcement of the contract was in the state court three years ago when the judgment was obtained. Regrettably, however, the Respondent has failed to convince the Court that any legal basis exists to deny recognition and enforcement of this foreign judgment in Tribal Court.

Therefore, it is **ORDERED** that the Respondent Katherine Hinmon's Objection to the Recognition and Enforcement of the July 16, 2008 judgment against her is **DENIED**. The Tribal Court will give full faith and credit to the Michigan's 90-2 District Court judgment and it shall be enforced.

October 21, 2011
October 21, 2011


Hon. Jenny Lee Kronk, LTBB Associate Judge