

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

CAPITAL ONE BANK,
Petitioner,

V.

DAVID L. HEINZ,
Respondent.

Case No. FC-215-0911
Hon. Jenny Lee Kronk

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

David L. Heinz
In pro per
8943 Mink Road
Harbor Springs, MI 49740

OPINION AND ORDER

On September 26, 2011, the Petitioner, Capital One Bank, through its attorney, filed a petition with the Little Traverse Bay Bands of Odawa Indians (LTBB) Tribal Court, requesting recognition and enforcement of the November 2, 2007 judgment the petitioner secured against the Respondent, David L. Heinz, in Michigan's 90-2 District Court.

On October 3, 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

Mr. Heinz did not deny that he owed a credit card debt to the Petitioner. However, he said he has tried everything he can think of to settle this debt and has already paid more than the original debt. Mr. Heinz also indicated that he had reached a settlement agreement with the bank, but it wanted access to his 401K account but he was advised by the HR Department at the Odawa Casino not to do it.

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.

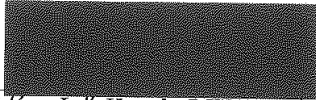
See, the LTBB Tribal Court Rule, Recognition and Enforcement of Foreign Court Judgment, Adopted 6/13/1999, § 4.201 (C) (1) and (2).

Mr. Heinz 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 Mr. Heinz finds himself in, he 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 David L. Heinz's Objection to the Recognition and Enforcement of the Michigan 90-2 District Court's November 2, 2007 judgment against him is **DENIED**.

The Little Traverse Bay Bands of Odawa Indians Tribal Court will recognize and give full faith and credit to Michigan's 90-2 District Court November 2, 2007 judgment against David L. Heinz and it shall be enforced.

October 21, 2011
October 21, 2011


Hon. Jenny Lee Kronk, LTBB Associate Judge