CHAPTER 626D

RECOGNITION AND ENFORCEMENT OF TRIBAL COURT CIVIL JUDGMENTS

Referred to in **§624.24**

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626D.1 Title.

This chapter shall be cited as the *"Recognition and Enforcement of Tribal Court Civil Judgments Act"*.

2007 Acts, ch 192, §4

626D.2 Definitions.

As used in this chapter:

1. *"Tribal court"* means any court of any Indian or Alaska native tribe, band, nation, pueblo, village, or community that the United States secretary of the interior recognizes as an Indian tribe.

2. *"Tribal judgment"* means a written, civil judgment, order, or decree of a tribal court of record duly authenticated in accordance with the laws and procedures of the tribe or tribal court of record and in accordance with this chapter. For purposes of this subsection, a *"tribal court of record"* is considered a court of record if the court maintains a permanent record of the tribal court's proceedings, maintains either a transcript or electronic record of the tribal court's proceedings, and provides that a final judgment of a tribal court is reviewable on appeal.

2007 Acts, ch 192, §5

626D.3 Filing procedures.

1. A copy of any tribal judgment may be filed in the office of the clerk of court in any county in this state.

2. The person filing the tribal judgment shall make and file with the clerk of court an affidavit setting forth the name and last known address of the party seeking enforcement and the responding party. Upon the filing of the tribal judgment and accompanying affidavit, the enforcing party shall serve upon the responding party a notice of filing of the tribal judgment together with a copy of the tribal judgment in accordance with Iowa **rule of civil procedure 1.442**. The enforcing party shall file proof of service or mailing with the clerk of court. The notice of filing shall include the name and address of the enforcing party and the enforcing party's attorney, if any, and shall include the text contained in sections 626D.4 and 626D.5.

3. The filing of a tribal judgment shall not create a lien upon any real estate until such time as all challenges, if any, to the recognition and enforcement of the tribal judgment are concluded pursuant to sections 626D.4 and 626D.5. Upon a final and conclusive determination of enforceability of the tribal judgment, the judgment shall constitute a lien upon real estate pursuant to section 624.24.

4. The clerk of the district court shall collect a fee as provided in section 602.8105, subsection 1, for filing a tribal judgment.

2007 Acts, ch 192, §6; 2010 Acts, ch 1061, §76; 2010 Acts, ch 1159, §12

Referred to in **§626D.7**

626D.4 Responses.

Any objection to the enforcement of a tribal judgment shall be filed within thirty days of receipt of the mailing of the notice of filing the tribal judgment. If an objection is filed within

such time period, the court shall set a time period for a formal response to the objection and may set the matter for hearing.

2007 Acts, ch 192, §7

Referred to in §626D.3, §626D.5

626D.5 Recognition and enforcement of tribal judgments.

1. Unless objected to pursuant to section 626D.4, a tribal judgment shall be recognized and enforced by the courts of this state to the same extent and with the same effect as any judgment, order, or decree of a court of this state.

2. If no objections are timely filed, the clerk shall issue a certification that no objections were timely filed and the tribal judgment shall be enforceable in the same manner as if issued by a valid court of this state.

3. A tribal judgment shall not be recognized and enforced if the objecting party demonstrates by a preponderance of the evidence at least one of the following:

a. The tribal court did not have personal or subject matter jurisdiction.

b. A party was not afforded due process.

4. The court may decline to recognize and enforce a tribal judgment on equitable grounds for any of the following reasons:

a. The tribal judgment was obtained by extrinsic fraud.

b. The tribal judgment conflicts with another filed judgment that is entitled to recognition in this state.

c. The tribal judgment is inconsistent with the parties' contractual choice of forum provided the contractual choice of forum issue was timely raised in the tribal court.

d. The tribal court does not recognize and enforce judgments of the courts of this state under standards similar to those provided in this chapter.

e. The cause of action or defense upon which the tribal judgment is based is repugnant to the fundamental public policy of the United States or this state.

2007 Acts, ch 192, §8; 2011 Acts, ch 34, §137

Referred to in §626D.3, §626D.7

626D.6 Stay — bond requirement on appeal.

1. If the objecting party demonstrates to the court that an appeal from the tribal judgment is pending or will be taken or that a stay of execution has been granted, the court may stay enforcement of the tribal judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated.

2. If a party appeals a district court's ruling on the recognition and enforcement of a tribal judgment, the court, upon application of the opposing party, shall require the same security for satisfaction of the judgment which is required in this state.

2007 Acts, ch 192, §9

626D.7 Contacting courts.

The district court, after notice to the parties, may attempt to resolve any issues raised regarding a tribal judgment pursuant to section 626D.3 or 626D.5, by contacting the tribal court judge who issued the judgment.

2007 Acts, ch 192, §10

626D.8 Applicability.

This chapter shall govern the procedures for the recognition and enforcement by the courts of this state of a civil judgment, order, or decree issued by a tribal court of any federally recognized Indian tribe emanating from a cause of action that accrued on or after July 1, 2007. The date that a cause of action accrues shall be determined under the appropriate laws of this state. This chapter does not impair the right of a party to seek enforcement under any other existing laws or procedures.

2007 Acts, ch 192, §11