



CHESTER J. CULVER  
GOVERNOR

**OFFICE OF THE GOVERNOR**

PATTY JUDGE  
LT. GOVERNOR

May 25, 2007

The Honorable Michael Mauro  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:

**Senate File 430**, an Act relating to a civil judgment, decree, or order of a court of a federally recognized Indian tribe and including an applicability provision.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver".

Chester J. Culver  
Governor

CJC:bdj

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 430

AN ACT

RELATING TO A CIVIL JUDGMENT, DECREE, OR ORDER OF A COURT  
OF A FEDERALLY RECOGNIZED INDIAN TRIBE AND INCLUDING AN  
APPLICABILITY PROVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 624.24, Code 2007, is amended to read  
as follows:

624.24 WHEN JUDGMENT LIEN ATTACHES.

When the real estate lies in the county wherein the judgment of the district court of this state or of the circuit or district courts of the United States was entered in the judgment docket and lien index kept by the clerk of the court having jurisdiction, the lien shall attach from the date of such entry of judgment, but if in another it will not attach until an attested copy of the judgment is filed in the office of the clerk of the district court of the county in which the real estate lies except for foreign judgments pursuant to chapters 626A and 626B and tribal judgments as defined in section 626D.2, which shall not attach until an appeal is concluded, the time for the appeal has expired, or the stay of execution has expired or was vacated pursuant to section 626A.4, 626B.3, 626B.5, or 626D.7. In such cases, the lien shall attach on the date the clerk of court files an attested copy of the judgment in the office of the clerk of the district court of the county in which the real estate lies in any of the following circumstances:

1. The foreign or tribal judgment has not been appealed and the time for filing an appeal has expired.

2. The foreign or tribal judgment has been appealed and the judgment has been affirmed on appeal and is not subject to further appeal.

3. An appeal from a foreign or tribal judgment has been filed and a stay from such judgment has not been granted by the district court to the appealing party.

Sec. 2. Section 626A.3, Code 2007, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The filing of a foreign judgment under this chapter shall not create a lien upon any real estate until after the expiration of the time provided for in this chapter for challenging the conclusiveness of the foreign judgment and pursuant to section 624.24.

Sec. 3. Section 626B.6, Code 2007, is amended to read as follows:

626B.6 OTHER FOREIGN JUDGMENTS.

1. This chapter does not prevent the recognition of a foreign judgment by a court of this state in a situation not specifically covered in this chapter.

2. The filing of a foreign judgment shall not create a lien upon any real estate until all challenges, if any, to the conclusiveness of the foreign judgment are concluded pursuant to section 626B.3. Upon final determination of the conclusiveness of the foreign judgment, such judgment shall constitute a lien on real estate pursuant to section 624.24.

Sec. 4. NEW SECTION. 626D.1 TITLE.

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

Sec. 5. NEW SECTION. 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.

Sec. 6. NEW SECTION. 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 rule 1.442 of the Iowa rules of civil procedure. 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.

Sec. 7. NEW SECTION. 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.

Sec. 8. NEW SECTION. 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 recognize and enforce or 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.

Sec. 9. NEW SECTION. 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.

Sec. 10. NEW SECTION. 626D.7 CONTACTING COURTS.



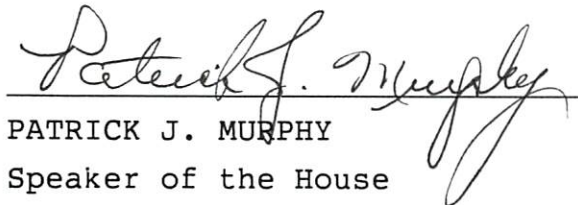
The district court, after notice to the parties, may attempt to resolve any issues raised regarding a tribal judgment pursuant to section 626D.3 or 626D.5, by contacting the tribal court judge who issued the judgment.

Sec. 11. NEW SECTION. 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 the effective date of this Act. 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.



JOHN P. KIBBIE  
President of the Senate



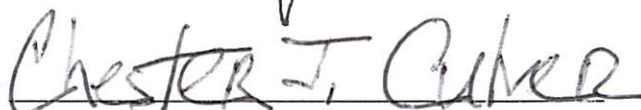
PATRICK J. MURPHY  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 430, Eighty-second General Assembly.



MICHAEL E. MARSHALL  
Secretary of the Senate

Approved May 25<sup>th</sup>, 2007



CHESTER J. CULVER  
Governor