



**TRIBAL COUNCIL RESOLUTION NO. 2016 - 07**

**APPROVAL OF AMENDMENTS TO TITLE IV & TITLE VI  
OF TRIBAL CODES, ADOPTION OF TITLE XV RULES OF  
CIVIL PROCEDURE**

WHEREAS, the Pueblo of Jemez, a federally recognized Indian tribe, has powers of self-government by reason of its original tribal sovereignty, and

WHEREAS, pursuant to Tribal Council Resolution 95-13, the Pueblo of Jemez Tribal Council adopted the Jemez Pueblo Tribal Law and Order Code subject to future amendments as provided for in the Code; and

WHEREAS, the Pueblo of Jemez Tribal Council exercises the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and

WHEREAS, the Pueblo of Jemez Tribal Council has determined that Titles IV, VI, XV the Pueblo of Jemez Tribal Code, adopted in 1995, are in need of amendments; and

WHEREAS, the Tribal Council has determined that these amendments to the "Pueblo of Jemez Tribal Code" will continue to strengthen our tribal sovereignty, protect our land and resources of our Pueblo for ourselves and our children, contribute to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and

WHEREAS, amending the Pueblo of Jemez Tribal Code does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.

NOW THEREFORE BE IT RESOLVED that Titles IV and VI, of the "Pueblo of Jemez Tribal Code" are hereby amended and Title XV Rules of Civil Procedure are hereby adopted.

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***Office of the Governor***

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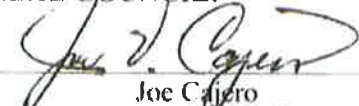
**CERTIFICATION**

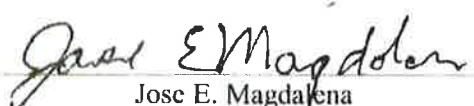
I, THE UNDERSIGNED, as Governor of Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting which was convened and held on the 29th day of January 2016, at Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 12 voted for and 0 opposed and 0 abstained.

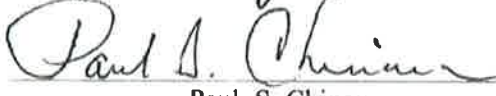
  
David R. Yepa, Governor

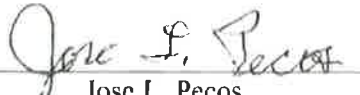
ATTEST:   
Lieutenant Governor

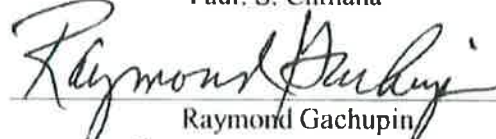
**TRIBAL COUNCIL:**

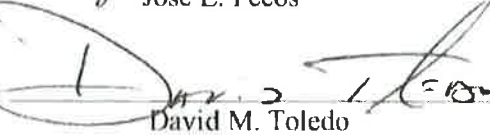
  
Joe Cajero

  
Jose E. Magdalena


  
Paul S. Chinana

  
Jose L. Pecos

  
Raymond Gachupin

  
David M. Toledo

  
Frank Loretto

  
Jose Toledo

  
J. Leonard Loretto

  
Michael Toledo, Jr.

  
Raymond Loretto, DVM

  
Paul Tosa

James Roger Madalena

Vincent A. Toya, Sr.

Joshua Madalena



**Office of the Governor**



RESOLUTION NO. 95-13

- WHEREAS, The Pueblo of Jemez, a federally recognized Indian Tribe, has the powers of self-government by reason of its original tribal sovereignty, and
- WHEREAS, by virtue of the Pueblo's original tribal sovereignty, the Pueblo of Jemez Tribal Council possesses the power to exercise legislative powers over the activities of all persons, Indian and Non-Indian alike, to protect tribal interests within the lands of Jemez Pueblo, and
- WHEREAS, the Pueblo of Jemez Tribal Council is exercising the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and
- WHEREAS, the Pueblo of Jemez Tribal Council has considered the benefits, impacts, disadvantages, and advantages to enacting the Pueblo of Jemez Tribal Law & Order Code which also includes "Exclusion & Removal of Persons", "Wildlife Conservation Code and Hunting, Fishing, & Trapping Regulations", "Repossession of Property", "Traffic Code", and "Real Estate",
- WHEREAS, the Tribal Council proclaims that adopting the Pueblo of Jemez Tribal Law & Order Code along with its specific titles as our tribal laws further strengthens our Tribal Sovereignty, protects our land and resources of our Pueblo for ourselves and our children, contributes to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and
- WHEREAS, adopting the Pueblo of Jemez Tribal Law & Order Code with its Titles does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.
- NOW THEREFORE BE IT RESOLVED that the Pueblo of Jemez Law & Order Code with comprised sections from Title I through Title VIII is hereby adopted as the tribal laws of the Pueblo of Jemez, subject to future amendments as provided in the Code, and
- BE IT FURTHER RESOLVED that the Pueblo of Jemez Law & Order Code with its Titles will become effective on August 23, 1995.

*Office Of The Governors*

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C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Jemez do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council on the 23rd day of February, 1995, in which 6 voted for and 0 voted against.

Paul S. Chinana  
Paul S. Chinana, Governor  
Pueblo of Jemez

ATTEST: Vincent A. Toye

Joe Talado  
Councilman

Rosendo Pacheco  
Councilman

Joe V. Coyne  
Councilman

\_\_\_\_\_  
Councilman

Paul [Signature]  
Councilman

Paul [Signature]  
Councilman

Jose L. Becor  
Councilman

\_\_\_\_\_  
Councilman

**TITLE VI**

**PROCEDURES FOR REPOSSESSION OF PROPERTY**

**LOCATED WITHIN THE LANDS OF THE PUEBLO OF JEMEZ**

**CHAPTER 1 TRIBAL JURISDICTION OVER REPOSSESSIONS**

**SECTION 6-1-1 JURISDICTION OVER PERSONAL PROPERTY OF**

**DEBTORS**

1. The Pueblo of Jemez possesses exclusive jurisdiction over the repossession of any personal property that is located within the exterior boundaries of the lands of the Pueblo of Jemez that is held by or belongs to any person. Such personal property shall not be taken from any lands within the exterior boundaries of the lands of the Pueblo of Jemez except in strict compliance with the procedures set forth in this Title.

**SECTION 6-1-2 ELECTION OF REMEDIES; NO DEFICIENCY AFTER**

**REPOSSESSION.**

1. Every creditor seeking the remedy of repossession of personal property under Title VI located within the Jemez Pueblo jurisdiction shall be conclusively barred from collecting any deficiency on the underlying debt. Language in any security agreement or promissory note to the contrary shall be void as contrary to the strong public policy of the Pueblo of Jemez.

**SECTION 6-1-3 PERSONAL SERVICE OF PROCESS OUTSIDE PUEBLO**

1. Any person, whether or not a citizen or resident of this Pueblo, who in person or through an agent does any of the acts enumerated in this subsection thereby submits himself or his personal representative to the jurisdiction of the courts of this Pueblo as to any cause of action arising from:

- a. The transaction of any business within this Pueblo;
- b. The operation of a motor vehicle upon the highways of this Pueblo;
- c. The commission of a tortious act within this Pueblo;
- d. The contracting to insure any person, property or risk located within this Pueblo at the time of contracting;

e. With respect to actions for separate maintenance or annulment, the circumstance of living in the marital relationship within the Pueblo, notwithstanding subsequent departure from the Pueblo, as to all obligations arising from alimony, child support or real or personal property settlements if one party to the marital relationship continues to reside in the Pueblo.

2. Service of process may be made upon any person subject to the jurisdiction of the courts of this Pueblo under this Section by personally serving the summons upon the Defendant outside this Pueblo and such service has the same force and effect as though service had been personally made within this Pueblo.

3. Only causes of action arising from acts enumerated in this Section may be asserted against a Defendant in an action in which jurisdiction is based upon this Section.

4. Nothing contained in this Section limits or affects the right to serve any process in any other matter now or hereafter provided by law.

### **CHAPTER 3 PROCEDURES FOR COURT ORDER AGAINST DEBTORS**

#### **SECTION 6-3-1 PROCEDURE.**

1. A creditor may seek an order of repossession against a debtor in accordance with the following procedures:

- a. Written Petition by Creditor. The creditor shall file a written petition with the Clerk of the Jemez Pueblo Tribal Court, accompanied by a verified copy of the contract or other

document entitling the creditor to repossess the personal property of the debtor. The petition shall contain a short statement of the creditor's claim against the debtor, and it may contain such additional information as required by the Jemez Pueblo Tribal Court. The petition shall be served upon the debtor in the same manner as authorized by the Law and Order Code of the Jemez Pueblo Tribe for service of other civil process.

b. **Written Answer by Debtor.** The debtor may file with the Clerk a written answer or a response to creditors' petition within ten (10) business days at any time prior to hearing on the petition. The contents of the written answer shall contain facts or information disputing creditors statements in the petition. A copy of the Answer must be provided to the Creditor within three (3) business days.

c. **Hearing on Petition.** After reasonable notice to the creditor and debtor, a hearing shall be held on the petition for repossession. Both the creditor and debtor may present evidence and witnesses relevant to the contract or debt dispute which forms the basis for the repossession request. The court may apply any relevant common law or ordinances of the Jemez Pueblo Tribe in determining whether to grant the petition, as well as any relevant federal or state laws which are not in conflict with Tribal laws. The timing of the hearing on a petition for repossession may be expedited by the Court if:

i. The petition contains verified specific facts showing reasonable cause to believe that the personal property involved may be lost, damaged or removed off the Pueblo of Jemez lands prior to a regularly scheduled hearing; and

ii. An expedited hearing can be held without substantially prejudicing the ability of the debtor to present any good faith defenses to the petition for repossession.

d. Contents of Court Order. If after a hearing the Court determines that repossession is justified, the Court shall issue an Order authorizing the creditor to repossess the personal property involved in the proceeding. Every such order may direct that a creditor shall repossess the property of the debtor only when accompanied by a Tribal Law Enforcement Officer. An order shall contain this directive if the debtor has failed to appear at the hearing despite reasonable notice, and the Court has therefore entered the possession order in the absence of the debtor. The Court Order becomes final ten (10) business days after a signature by the Judge. Repossession can occur after that, in compliance with this Title. Until the Order becomes final, the debtor may bring current payments owed up to date of the Order, and the Order can be voided upon proof of such payment.

## **CHAPTER 4 REMEDIES FOR VIOLATION OF THIS TITLE**

### **SECTION 6-4-1 EXCLUSION FROM RESERVATION**

1. Any nonmember of the Jemez Pueblo Tribe, except persons authorized by Federal law to be present on the Jemez Pueblo Reservation, may be excluded from the Reservation in accordance with procedures set forth in Title IV of the Jemez Pueblo Law and Order Code if such nonmember is found to be in deliberate and willful violation of this Title.

### **SECTION 6-4-2 DENIAL OF BUSINESS PRIVILEGES**

1. Any creditor and any agents or employees of any creditor who are found by the Tribal Court to be in deliberate and willful violation of this Title may be denied the privilege of doing business within the Jemez Pueblo Reservation. The Tribal Court may afford any creditor fair notice and opportunity for a hearing prior to denial of any business privileges on the Reservation.

### **SECTION 6-4-3 TORTIOUS ACT**

1. Any creditor violating this Title of the Jemez Pueblo Code shall be conclusively deemed to have committed a tortious act.

**SECTION 6-4-4 EMERGENCY ACTION ALLOWED**

1. When the public health, safety, or welfare of the Pueblo requires, the Governor and tribal police are authorized to immediately exclude anyone and suspend business privileges for a period not to exceed ten (10) business days, during which time the Tribal Court will provide notice and hearing.

**SECTION 6-4-5 CIVIL DAMAGE LIABILITY**

1. Any person who violates this Title and any creditor whose agents or employees violate this Title shall be deemed to have breached the peace of the Pueblo of Jemez, and they shall be civilly liable for damages, including attorneys' fees and costs caused by the deliberate or negligent failure to comply with the provisions of the Title.

**SECTION 6-4-6 CIVIL DAMAGE PENALTY**

1. Civil penalties shall be not less than Five Hundred Dollars (\$500.00) payable to Pueblo of Jemez, and attorney fees of party of parties successfully proving in any court a violation of this law.