

General Information and Instructions for Comity Petition and Comity Application for Service of Process

GENERAL INFORMATION

The Community Court may extend comity for two purposes: 1) service of process and 2) enforcement of orders and final judgments. In granting comity for the purpose of service, the Community Court is not authorizing the action in the other federal, state, or tribal court. Rather, the Community Court is permitting and providing service of process in accordance with Community law. The person who is served must raise any defenses or objections to service in the court where the action was commenced. On the other hand, if the Community Court grants comity for the purpose of enforcement of orders and final judgments of another tribal, state or federal court, the court may set a hearing and/or enter orders to assist the judgment holder in seizing the assets of the judgment debtor or by forcing a party to comply with court orders. The person seeking (Petitioner) enforcement of a foreign judgment or order, must file a Petition for Comity. In turn, the responding person (Respondent) will have 20 calendar days to object to the petition for comity pursuant to Rule 5-25.1(b)(3). If an objection is filed, the Community Court may set a time period for the Petitioner to reply and/or set a date for a hearing. If the Respondent was served and no objection was filed, the Community Court may, in its discretion, grant comity after the period for raising an objection has expired. However, a judge may decline to grant comity, and the most common reasons are: the judgment is invalid for lack of jurisdiction; the judgment was obtained by fraud; or its enforcement conflicts with or undermines the laws, principles or customs of the Community.

HOW TO COMPLETE THE FORMS – Please print and do not leave any space blank.

Petition for Comity

- 1) The Petitioner is the individual or entity seeking recognition and enforcement (comity) of another court's final written judgment, order or decree. The Respondent is the individual against whom the enforcement of the judgment is sought.
- 2) In Paragraph 1, check all boxes that apply to the court having jurisdiction over the respondent. Jurisdiction means the court's authority over the respondent to grant the requested relief. Fill in all applicable information.
- 3) For Paragraph 2, identify the judgment date, case name and number of the civil case and name of court that granted the final judgment.
- 4) For Paragraph 3, you must attach to the *Petition for Comity* an original or certified copy of the judgment order and the Affidavit.
- 5) For Paragraph 4, you must serve by certified mail, return receipt requested and restricted delivery to the Respondent, a copy of the *Petition for Comity*, the *Affidavit* and *Notice of Filing*. Check the box verifying that you have completed this requirement and attach a copy of the certified mail receipt as proof of mailing. If you want the court to provide mail service, please see the clerk for further instructions. Check the appropriate box.
- 6) Sign the petition before a Community Court clerk or notary public. By signing the petition you are attesting that you made (have read) the statements and know the facts stated in the petition to be true and correct based on your personal knowledge and belief.

Affidavit - must be signed before a notary public

- 1) Provide your name and address. Update the court of any changes. All court notices and documents will be sent to this address.
- 2) Provide the judgment date, case number, case name and name of court where you obtained the final judgment.
- 3) Provide the Respondent's name and address. You must include the address otherwise your petition may be declined.
- 4) Sign the *Affidavit* before a notary public. By signing the *Affidavit* you are attesting that you made (have read) the statements and know the facts stated in the affidavit to be true, under penalty of perjury.

Notice of Filing Comity Petition

To the right of "TO:" fill in the Respondent's name and address. To the right of "FROM:" fill in your name and address. The *Notice*, *Petition for Comity* and *Affidavit* must be served by certified mail, return receipt requested and restricted delivery to the Respondent. The court will not take any action or set a hearing to enforce the final judgment until this requirement has been fulfilled. If you serve the documents yourself, attach a copy of the certified mail receipt to *Petition for Comity* and once you receive the postcard that confirms delivery of the documents to the Respondent, file a copy of it with the court. The Respondent has 20 days from the date of signing for the restricted delivery to respond to the petition. In the meantime, after you file a copy of the postcard confirming delivery, the court will determine what to do next in accordance with Community law. If you want the court to provide mail service, please see the clerk for further instructions.

Application for Comity of Service of Process

- 1) Fill in the name of the person or persons to be served.
- 2) Fill in the person's address and/or location. If this is a business and you want service during the person's workday, check the box, identify the business name, and provide the person's work days and work hours. For example, Casino Arizona, work days M-F during the hours of 10 am to 10 pm.
- 3) List the names or titles of all the documents you want served. Include number of pages of each type.
- 4) Include any special instructions upon completion of service of process. For example, "Call me at 480-XXX-XXX when served."
- 5) Sign the Application before a Community Court clerk or notary public. By signing the application you are attesting that you read the statements and know the facts stated in the application to be true and correct based on your personal knowledge and belief.

Your Name _____
Your Address _____
Your City, Zip Code _____
Your Telephone No. _____
Represent [] Self or [] Counsel for: _____
State Bar No. (if applicable) _____



**In the Community Court
of the
Salt River Pima-Maricopa Indian Community**

In Re: Comity of a Final Judgment

Case No.: _____

Petitioner/Plaintiff

v.

Respondent/Defendant

Petition for Comity

COMES NOW, Petitioner _____ requesting this court to grant comity to a final written judgment, decree or order of another court, and in support, alleges:

1. This court has authority to hear and decide whether to grant comity because: (check all that apply)

☐ The Respondent resides or resided in the Salt River Pima-Maricopa Indian Community (SRPMIC) at: _____

☐ The Respondent is a tribal member of the SRPMIC whose enrollment number is: _____

☐ The events, actions or debts subject of the final judgment occurred in the SRPMIC.

☐ Other reason: _____

2. On _____, I obtained a final judgment in Case Name _____,
Case Number _____, in the _____ Court.

☐ The Respondent was present when the court gave its judgment.

☐ The court entered the judgment by default against the Respondent.

3. ☐ The original or a certified copy of the judgment and an *Affidavit* identifying the parties' names and addresses are attached hereto and incorporated herein by reference for this court's consideration.

4. Pursuant to the notice requirements of Rule 5-25.1(b)(2), the *Notice*, a copy of the final judgment order, the *Petition for Comity*, and the *Affidavit* must be served to the Respondent by certified mail, return receipt requested and restricted delivery to the Respondent's last known address and ☐ I served the documents (attached is a copy of the certified mail receipt as proof) or ☐ I request the court to serve the documents.

WHEREFORE, the Petitioner requests this court to grant comity to the other court's final judgment and to recognize and enforce the judgment to the same extent and effect as if issued by the Community Court.

I affirm and attest by my signature below that I am the petitioner in this matter and have read the foregoing statements and know the facts stated herein to be true and correct based on my personal knowledge and belief.

Petitioner's Signature

Date

Signed and Sworn to or affirmed before me this ____ day of _____, 20____

SEAL

Court Clerk or Notary Public



**In the Community Court
of the
Salt River Pima-Maricopa Indian Community**

In Re: Comity of a Final Judgment

Case No.: _____

_____,
Petitioner/Plaintiff

v.

_____,
Respondent/Defendant

**AFFIDAVIT SETTING FORTH
PARTIES' NAMES and ADDRESSES
SR-RCivP Rule 5-25.1(b)(1)**

STATE OF ARIZONA)
County of Maricopa)ss.

I am familiar with the facts stated in this *Affidavit*, and I make this *Affidavit* to set forth the name and address of the party seeking enforcement of the final judgment, and the name and address of the responding party, pursuant to Salt River Pima-Maricopa Indian Community Rules of Civil Procedure, Rule 5-25.1(b)(1).

1. I am the party seeking enforcement of the final judgment, my name is: _____

My address is: _____

2. On _____, I obtained a final judgment in Case Number _____,

Case Name _____, in the
_____ Court.

3. The name of the responding party is: _____

The address of the responding party is: _____

4. By signing below, I state to the court that I have read this document and that the information provided is true and correct, under penalty of perjury.

Date

Signature

Sworn to or Affirmed on _____

Date

by _____

Printed Name

Signed and Sworn to or Affirmed before me this ____ day of _____, 20____

My Commission Expires _____

Or Seal below

Notary Public



**In the Community Court
of the
Salt River Pima-Maricopa Indian Community**

In Re: Comity of a Final Judgment

Petitioner/Plaintiff

v.

Respondent/Defendant

Case No.: _____

**NOTICE of FILING
(Petition for Comity)**

TO: _____

YOU ARE HEREBY NOTIFIED that I filed a *Petition for Comity* requesting the Salt River Pima-Maricopa Indian Community Court to recognize and enforce the attached final judgment of another court against you.

YOU ARE FURTHER NOTIFIED that any objection to the enforcement of the final judgment must be in writing and filed within twenty (20) calendar days after receiving this notice, petition and affidavit.

- On the date you receive this *Notice* and the accompanying documents, service is complete. The twenty (20) day objection period begins to run the day after.
- If you want to object to the enforcement of the final judgment, you must file a written objection with the Salt River Pima-Maricopa Indian Community Court located at 10040 East Osborn Road, Scottsdale, Arizona 85256.
- If you file an objection to the enforcement of the final judgment, the court may, in its discretion, set a deadline by which I am permitted to reply and/or set the matter for a hearing.
- If you do not file a written objection to the enforcement of the final judgment, the court may recognize the final judgment and issue an order to enforce the judgment against you in accordance with Community law.

FROM: _____

