

## **CIVIL COMPLAINT**

**PURPOSE: This form is used to initiate a court action to seek relief in non-criminal matters.**

The Plaintiff or their advocate prepares a civil complaint that contains:

1. A short statement of the grounds upon which the court has jurisdiction to hear this case.
2. A short statement of the claim showing that the plaintiff is entitled to relief; and
3. A demand for judgement for the relief that the plaintiff deems entitled. (State the amount of money or property that you believe you are owed).
4. Filing fee \$40.00 per complaint.
5. Refer to Title 30 of the Tribal Code at [www.kbic-nsn.gov](http://www.kbic-nsn.gov) then go to Tribal Governance then Tribal Code.

*PERSONAL SERVICE IS AVAILABLE THROUGH THE COURT FOR AN ADDITIONAL \$40.00 FEE PER RESPONDENT. OTHER OPTIONS FOR SERVICE ARE AVAILABLE, SEE CLERK.*

**KEWEENAW BAY INDIAN COMMUNITY TRIBAL COURT  
TRIAL DIVISION  
L'ANSE INDIAN RESERVATION  
472 N. SUPERIOR AVENUE  
BARAGA, MICHIGAN 49908**

\_\_\_\_\_  
**Plaintiff**

-vs-

**File No.** \_\_\_\_\_

\_\_\_\_\_  
**Defendant**

CIVIL COMPLAINT

1. Plaintiff claims from Defendant \_\_\_\_\_  
the amount of \$ \_\_\_\_\_ and costs of this action.

OR

Plaintiff claims from Defendant \_\_\_\_\_  
(real) or personal) property of the approximate value of \$ \_\_\_\_\_ and which is described as

2. Plaintiff's claim results from Defendant's wrongful or negligent actions which were \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. Plaintiff and Defendant is **(are)** resident(s) of the L'Anse Indian Reservation.

4. Trial by Jury **is or is not** requested.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Plaintiff or Attorney

\_\_\_\_\_  
Address

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_, Acting in \_\_\_\_\_ County,

Subscribed and sworn to before me this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, My Comm. Expires \_\_\_\_\_

**KEWEENAW BAY INDIAN COMMUNITY TRIBAL COURT  
TRIAL DIVISION  
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472 N. SUPERIOR AVENUE  
BARAGA, MICHIGAN 49908**

**PERSONAL INFORMATION SHEET**

PLEASE FILL OUT THIS PAGE COMPLETELY SO WE MAY SERVE YOU BETTER

PETITIONER'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_

PHONE HOME/WORK: \_\_\_\_\_

TRIBAL AFFILIATION: \_\_\_\_\_

(IF YES, PLEASE SPECIFY WHICH TRIBE)

-VS-

RESPONDENT'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_

PHONE HOME/WORK: \_\_\_\_\_

TRIBAL AFFILIATION: \_\_\_\_\_

(IF YES, PLEASE SPECIFY WHICH TRIBE)

Below are ways that you can serve a civil complaint upon another individual.

1. Certified mail. When you receive the green card back in the mail, the Court will need a copy of this. This will ensure proof of the date of service.
  - a. However, if the Defendant does not pick up the certified mail and it is returned to you, you will need to find another way to serve the civil complaint upon the individual.
2. Court Officer service. This is a service that requires an additional \$40 fee. Please provide the Court with an accurate address for the Defendant. The Court Officer will make attempts to serve until the Defendant is served. Once they are served, the Clerks will provide you a copy of the service via US Mail.
3. You may serve the Defendant personally with a witness who witnesses you serve the Defendant. This witness must be at least 18 years of age. This witness is to provide an affidavit of what they witnessed. Blank affidavits are available at the Court and are also available on our website. *Note that affidavits are to be notarized.*
4. You may have two other individuals serve your civil complaint on your behalf. One individual serves it and the other individual witnesses it being served. Both need to be at least 18 years of age and both need to provide an affidavit of these facts. *Note that affidavits are to be notarized.*

If the Defendant answers your civil complaint, they will provide the answer to the Court. The Clerks will make two copies, one for your records, and one copy to serve upon the Defendant. The Defendant will be required to serve you upon their answer in one of the above mentioned scenarios.

Once you receive your answer:

- If you are dissatisfied with your answer, you can call the Court to schedule your Court hearing.
- If you are satisfied with your answer –
  - You can either write to the Court your desire to close the proceeds, or
  - You can hold off on requesting a Court hearing until a later date.
    - (Perhaps they agreed to pay you within a certain time period. If they do not comply with that agreed upon arrangement, then you may request a Court hearing at that time).

If you do not receive an answer within 21 days from date of service (if served on the reservation) or 28 days from date of service (if served off the reservation or if served by certified mail), you may contact the Court and submit an Affidavit of Default. Once the Affidavit of Default is filed with the Court, the Clerk will prepare an Order of Default and a notice of hearing which will be scheduled at least fourteen days from the date you submit the Affidavit.

Please feel free to contact the Court if you have any questions.

**KEWEENAW BAY INDIAN COMMUNITY TRIBAL COURT  
TRIAL DIVISION  
L'ANSE INDIAN RESERVATION  
472 N. SUPERIOR AVENUE  
BARAGA, MICHIGAN 49908**

\_\_\_\_\_  
**PLAINTIFF,**

-VS-

\_\_\_\_\_  
**DEFENDANT,**

\_\_\_\_\_  
**CASE NO.**

**AFFIDAVIT OF DEFAULT**

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_,

\_\_\_\_\_, being first duly sworn, deposes and says:

1. That Affiant is the Plaintiff in the above-entitled cause.
2. The defendant, \_\_\_\_\_, was served with Plaintiff's Summons and Complaint on the \_\_\_\_ day of \_\_\_\_\_, as evidenced by the Acknowledgement of Service on file with this Honorable Court.
3. That said Defendant has not filed nor served an answer, or taken such other action as may be permitted by law, although more than \_\_\_\_ days have elapsed since the date of service.
4. That the Plaintiff's Complaint filed in the above-entitled cause is hereby taken as confessed.
5. Further, Affiant sayeth not.

\_\_\_\_\_  
Signature of Plaintiff

Subscribed and sworn to before me on this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_, COUNTY, STATE OF \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

"Acting in \_\_\_\_\_ County"