

Appellate Court  
Fort Peck Indian Reservation  
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**FILED**  
**NOV 15 2023**  
FORT PECK  
TRIBAL COURT OF APPEALS

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ASSINIBOINE AND SIOUX TRIBES  
FORT PECK INDIAN RESERVATION  
POPLAR, MONTANA

<p>Rayette Lambert Appellant,</p> <p>v.</p> <p>Fort Peck Housing Authority, Appellee.</p>	<p>CASE NO. AP # 850</p> <p>ORDER REMANDING TO TRIBAL COURT FOR CONSIDERATION OF LACHES DEFENSE</p>
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Appeal from the Fort Peck Tribal Court, Judge Lonnie Headdress, Presiding.  
Appellant Lambert appearing pro se.  
Appellee Housing Authority appearing by and through Peter Breuer  
BEFORE CHIEF JUSTICE SHANLEY AND ASSOCIATE JUSTICES JONES AND  
GRIJALVA

¶ 1 This matter comes before us on Ms. Lambert's Notice of Appeal filed on March 22, 2023, requesting review of the Tribal Court's Amended Order of Eviction issued on September 23, 2022. Although the Tribal code requires an appeal in a civil matter to be filed within 15 days of the final order, 2 CCOJ §207(a), Appellant submits that she did not receive service of the Amended Order of Eviction until March 20, 2023. Appellant submits that the Tribal Court's initial Order of Eviction contained an incorrect address and was not signed by a Judge. Appellant also seeks in this Court a stay pending appeal. The Tribal Court denied Appellant's motion for stay, and

Appellant does not challenge that decision. We understand that Appellant may already have been evicted from the dwelling.

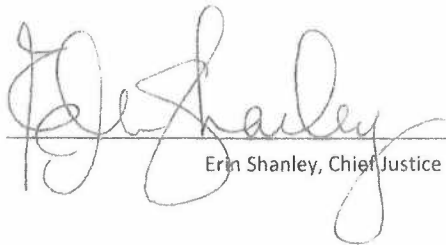
¶ 2 The Fort Peck Court of Appeals reviews final orders from the Fort Peck Tribal Court. 2 CCOJ §202.

¶ 3 Appellee Housing Authority correctly argues that orders of eviction are not required to be served instantly. *FPHA v. Adams*, FPCA Case No. 511. And eviction orders do not have explicit expiration dates and would be subject to the standard rule that a judgment is enforceable for twenty years. However, actions sounding in unlawful detainer are equitable actions and thus equitable defenses and principles can be applied by the Tribal Court. For example, Several Tribal Courts have held that the neglect of a party to assert a right or claim, which combined with the passage of time, causes prejudice to the adverse party may bar that party from enforcing a court order under the doctrine of laches. See *Funmaker v. Jones*, 1997 Ho-Chunk Tribal LEXIS 5 (Nov 26, 1997); *Watson v. Watson*, 2010 Navajo Sup. LEXIS 18 (Jan. 21, 2010); *Crocker v. Tribal Council of the Grand Ronde Cmty of Or.*, 2015 Grand Ronde Trib. LEXIS 6 (Aug. 1, 2015). Fairness and reasonableness suggest that these kinds of orders in particular should not languish without efforts to enforce them. Not only was the order enforced some six months after its original issue, this eviction action rests solely on lease violations *from 2014*.

¶ 4 Appellee Housing Authority offers no explanation for these delays in enforcing the lease violations. We remand to the Tribal Court for considerations of laches, and whether such considerations have consequences for the current relations between the parties.

SO ORDERED this 17th day of October 2023.

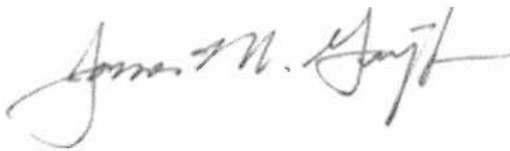
FORT PECK COURT OF APPEALS



Erin Shanley, Chief Justice



B.J. Jones, Associate Justice



James Grijalva, Associate Justice