

**INSTRUCTIONS FOR REQUESTING A
PER CAPITA ATTACHMENT HEARING
ONEIDA JUDICIARY**

1. This packet explains the Per Capita Attachment process at the Oneida Judiciary and contains the necessary forms for requesting a Per Capita Attachment hearing.
2. Fill out the enclosed Petition and file with the Court. A few things to remember:
 - a. You must provide a copy of the final notice of indebtedness with intent to attach.
 - b. You must pay the \$50 filing fee.
 - c. Per Capita Attachments are governed by Chapter 123 of the Oneida Code of Laws. Read Chapter 123 so you are aware of the Tribe's laws.
 - d. **You MUST appear at your hearing date.**
3. The Per Capita Attachment Hearing Form and Summons must be served on the other party (Respondent) as well as the Oneida Nation's Secretary's Office. **You may not personally serve the court papers yourself!**
 - a. The Per Capita Attachment Form and Summons must be served within 30 days after they are filed.
 - b. Proof of service must be delivered to the Court within ten (10) days of service upon the Respondent. Proof of service is an Affidavit of Service, Certified Mail Return Receipt (Green Card) or a copy of each newspaper publishing.
4. Please reference below the types of service in order of preference:
 - a. Personal Service: Personal service shall consist of delivering to the party a copy of the paper being served by a law enforcement officer or other person, who is not a party to the action and who is at least eighteen (18) years of age.
 - i. If the Respondent lives on the Oneida Reservation, OPD will serve upon request. OPD will fill out an affidavit of service which needs to be filed as proof of service.
 - b. Mail Service (if personal service is not possible): Service of any and all papers, when made by mail must be by certified mail, with return receipt (green card). The green card must be filed for proof of service.
 - c. Service of Publication: Must be requested to the Court. Must be published in the Kalihwisaks **OR** in a newspaper in the area of the party's last known address. (Service by publication is a last resort and can only be used if personal and mail service is unsuccessful).
5. **This petition must be submitted to the Judiciary within thirty (30) calendar days from the date of the final notice of indebtedness with intent to attach.**

Any questions, call the Clerk of Court at 920-496-7200.

ONEIDA JUDICIARY

Case No. _____

Petitioner/Debtor:

Enter the name, address and daytime phone number of the petitioner/debtor from the final notice of indebtedness.

First name	Middle name	Last name	
Current Mailing Address	Social Security Number	Enrollment Number	
City	State	Zip	Daytime Phone Number

vs.

Respondent/Creditor:

Enter the name, address, and daytime phone number of the respondent/creditor from the final notice of indebtedness.

Tribal Department	Contact Person: First Name	Last name	
Current Mailing Address			
City	State	Zip	Daytime Phone Number

PETITION FOR PER CAPITA ATTACHMENT HEARING

Pursuant to Chapter 123 of the Oneida Code of Laws, the Petitioner/Debtor files this Petition for a Per Capita Attachment hearing and alleges as follows:

I am the Petitioner/Debtor in this action.

1. Explain why you are contesting the validity of the debt:

Explain why the debt is not yours and/or why you should not have to pay it.

SEE ATTACHED.

2. Included is a copy of the final notice of indebtedness with intent to attach.

3. Date of the final notice of indebtedness: _____.
4. Summary of amounts owed:

Debt amount:	
Filing Fee: (If waived)	\$50.00 (0.00)
TOTAL:	

Dated this ____ day of _____, 20 ____

BY: Petitioner or Petitioner's Attorney/Advocate

Signature

Printed

Phone #

ONEIDA JUDICIARY

_____,
Petitioner(s)

Case No: _____

v.

_____,
Respondent(s)

SUMMONS

To the person named above as Respondent:

A Per Capita Attachment Complaint was filed and is attached to this summons.

You are summoned to appear for hearing before the court on:

Date: _____

Time: _____

Location: 2630 W. Mason Street, Green Bay, WI 54303

A failure to appear and defend may result in a default judgment against the Respondent for the relief demanded in the Complaint.

BY THE CLERK:

Signature (Clerk)

Date

Signature (Petitioner or Petitioner's Attorney/Advocate)

AFFIDAVIT OF SERVICE

Case No. _____

Petitioner

v.

Respondent

I, _____, swear that on _____, I personally served
Date

the Per Capita Attachment Hearing Request on the ONEIDA NATION'S SECRETARY'S OFFICE.

Date:

Time:

Location:

To the best of my knowledge, _____, is present in the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

Signature of Person serving other party

AFFIDAVIT OF SERVICE

Case No. _____

Petitioner

v.

Respondent

I, _____, swear that on _____, I personally served
Date

the Per Capita Attachment Hearing Request on the following Oneida Nation

Entity/Department: _____

Date:

Time:

Location:

To the best of my knowledge, _____, is present in the
community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20____.

Signature of Person serving other party