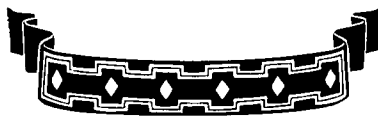


Oneida Appeals Commission

Onlayote 7 a-ka Tsi7 Shakotiya7 Tolé hte

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Post Office Box 19
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Trial Court

Wells Fargo Financial Acceptance,
Petitioner

Docket No. 07-TC-032

v.

Date: March 28, 2007

Rick J. and Carolyn J. Wasielewski,
Respondents

Decision

This case is now before the Oneida Tribal Judicial System, Trial Court. Judicial Officers, Mary Adams, Robert Christjohn and Gerald Cornelius, presiding.

I History

On February 26, 2007 Petitioner, Wells Fargo Financial Acceptance, filed a complaint for repossession against Respondents, Rick J. and Carolyn J. Wasielewski. Petitioner claims Respondents breached their contract agreement to purchase a 2002 Ford motor vehicle. Petitioner requests this court to issue a repossession order and direct the Oneida Police Department to take possession of the property and deliver it to Petitioner. A hearing was scheduled for March 27, 2007 at 2:00 pm.

On March 19, 2007 Respondents filed a Motion and Order of Dismissal based on their claim that the Oneida Tribe lacks jurisdiction in this matter because Respondents are not members of the Oneida Tribe.

On March 27, 2007 Petitioner filed a Motion to Appear Telephonically because Petitioner's counsel is located in Texas. The motion was granted and counselor appeared by phone.

II Analysis

Petitioner seeks a judgement against Respondents who allegedly defaulted on a loan obligation. In the past, this court has issued judgement orders when the creditor proves a loan obligation was breached. This case is similar to, Joseph Dery v. Alan King, 7/19/06, Docket 06-TC-062, where Dery claimed King owed \$2,800.00 for rent on an office rental. Both cases involve a contract agreement where the debtor defaulted on his obligation.

In, Wells Fargo Financial Acceptance v. James Younger, 06/26/06, Docket 06-TC-037, the court dismissed the matter because they did not find a basis for asserting jurisdiction. The court wrote, "there is no tribal law that permits original actions for repossession of a vehicle." Again, this court has the authority to issue judgment claims. However, there is no tribal law that we are aware of that permits original actions for repossession of vehicles.

At the March 27th hearing Petitioner entered a Motion to Dismiss based on the Wells Fargo Financial Acceptance v Leo and Sheri Menchenski, Docket 07-TC-013, 3/2/07, opinion. In the Menchenski opinion the court explained there is no Oneida Tribal law that permits original actions for repossession of a vehicle. Respondents did not appear.

Respondent's Motion to Dismiss is a moot issue due to Petitioner's Motion to Dismiss.

III Decision

The motion to appear telephonically was granted. Petitioner's Motion to Dismiss is granted. This case is dismissed.