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IN THE TRIBAL COURT OF THE
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY
LYNNEA A. FERCELLO
CLERK OF COURT
STATE OF MINNESOTA

COUNTY OF SCOTT

In re the Matter of:

Randolph Scott Gast,
n/k/a Randolph Scott Crooks,

Case No. 558-06

FINDINGS OF FACT AND ORDER

Petitioner,

and

Suzette Jeanenne Gast,

Respondent.

The above-entitled matter came before this Court on January 10, 2007, pursuant to motions filed by Petitioner Randolph Scott Crooks, formerly known as Randolph Scott Gast. The Petitioner appeared personally and with his attorney of record, Gary A. Debele, Esq. of Walling, Berg & Debele, P.A., 121 South Eighth Street, Suite 1100, Minneapolis, MN 55402. Neither Respondent Suzette Jeanenne Gast nor any attorney on her behalf appeared at this hearing, nor did the Respondent or an attorney on her behalf file any written submissions with the Court addressing the Petitioner's motions.

Because there was no appearance by the Respondent or an attorney on her behalf, the Court enters the following Findings of Fact and Order as a default determination based upon argument of Petitioner's counsel, the written submissions of the Petitioner, and upon the files and proceedings herein.

FINDINGS OF FACT

1. That Petitioner Randolph Scott Crooks, formerly known as Randolph Scott Gast, obtained a name change order from Scott County District Court in the State of Minnesota on May 18, 2005, formally changing his name to Randolph Scott Crooks. The Petitioner was born on January 20, 1961. The Petitioner is an enrolled member of the Shakopee Mdewakanton Sioux (Dakota) Community,

and currently resides on land of this Community, with an address of: 15195 Dakota Trail East, Prior Lake, MN 55372.

2. Respondent Suzette Jeanenne Gast was born September 1, 1962. While her current address and exact whereabouts are unknown to the Court, she has a last known address in the State of Texas of 10709 Cow Creek Road, Marble Falls, TX 78654, and also, upon Petitioner's information and belief, maintains a residence in the State of Hawaii at 71-1717 Puu Napoo Drive #36, Kailua-Kona, HI 96740. Notices of proceedings of this Court have been sent to both of these known addresses, as well as her last attorneys of record located in the State of Colorado, known as Carlson, Carlson and Dunkelmann, LLC., Drake Landing, 975 North 10 Mile Drive, P.O. Box 1829, Frisco, Colorado 80443. Neither the Respondent nor these attorneys have responded to any of these notices.

3. The Petitioner and the Respondent were divorced in Summit County in the State of Colorado on May 11, 2000 pursuant to a Decree of Dissolution of Marriage filed on that date, file number 99-DR-78, Division R.

4. The Petitioner appeared before this Court and filed a Petition requesting that this Colorado Court Decree be registered with this Court and that this Court exercise subject matter jurisdiction over this divorce proceeding so as to address the Petitioner's post-decree issues.

5. On October 27, 2006, this Court issued an Order indicating that the Petitioner's service of the registration petition and related documents upon the last known addresses of the Respondent, as well as upon her last attorneys of record in the State of Colorado, constituted sufficient service of process for this matter to go forward before this Court. This Court interpreted the Rules of Civil Procedure of this Court and determined that as to Petitioner's requested post-decree relief, there was no requirement of personal service upon either of the parties, but rather, service by mail, as established by the Affidavits of

Service on file with this Court, was sufficient for service of process for these proceedings now before this Court.

6. The parties are the parents of two adult children, Brandon Gast and Cody Gast. Both of the children are enrolled members of this Community.

7. This Court finds that the uncontroverted evidence is that neither the Petitioner nor the Respondent continues to reside in the State of Colorado, where the original divorce decree in this matter was issued. While this Court is not bound by the terms of the Uniform Child Custody Jurisdiction and Enforcement Act, which is a statute currently in effect in the State of Colorado, under that statute, the state in which an original divorce decree was issued may lose jurisdiction over that matter to another Court with sufficient ties to one of the parties to the original marriage dissolution proceeding if neither party continues to reside in the state which issued the original divorce decree. Because neither the Petitioner nor the Respondent continue to reside in the State of Colorado, and because this Court finds that the Respondent had ample opportunity to either proceed with her own motion in the State of Colorado, initiate a motion in the state where she now resides, or, submit to the jurisdiction of this Court and submit a substantive response to the Petitioner's motion, it is appropriate to now register the Colorado divorce decree with this Court and for this Court to assume subject matter jurisdiction over the post-decree issues now being raised by the Petitioner.

8. Further, because the Respondent has not filed any response whatsoever to Petitioner's motion papers and request for registration, the Court finds that the Respondent is now in default on those issues and this Court shall grant the relief requested by the Petitioner.

9. That the Petitioner served upon the Respondent at her last known address and at the address of her last known attorneys of record written Interrogatories and Requests for Production of Documents pursuant to this Court's Rules of Civil Procedure. These discovery requests were dated

November 21, 2006. As of the date of this hearing, no response to these discovery requests has been provided by the Respondent or any attorney on her behalf.

10. That under the Colorado Divorce Decree, the Petitioner was ordered to pay the sum of \$10,001.30 per month for child support as to his son Cody Gast. Petitioner was ordered to pay this sum until January 24, 2006, if Cody was not enrolled in school, or, until January 24, 2009, if Cody was enrolled in school. The Colorado Divorce Decree is silent as to the meaning of "enrolled in school." Furthermore, the Petitioner no longer has any access to his two sons of this marriage, he has no way of communicating directly with them, nor has the Respondent herself provided any of the information verifying Cody's enrollment status requested by the Petitioner. As an enrolled adult member of this Community, Cody is now receiving his own substantial per capita payments and other benefits resulting from that enrollment. Therefore, the Court finds it appropriate to consider the Petitioner's motion to terminate any ongoing child support obligation as to his son Cody. Based on the information supplied to this Court, Cody Gast is no longer "enrolled in school" and the Petitioner's child support obligation for Cody Gast should be terminated retroactive to the date of Cody's 18th birthday when he presumably began receiving his per capita payments and other benefits from this Community.

11. In the Colorado divorce decree, the Petitioner was ordered to pay permanent spousal maintenance to the Respondent in the amount of \$10,000 per month. The Petitioner has continued to make those payments through a direct bank deposit from his own funds into an account set up by the Respondent. In his post-decree motion before this Court, the Petitioner is asking this Court to review the appropriateness of that ongoing spousal maintenance obligation, both as to duration and as to amount. The Petitioner requested information from the Respondent's as to her current financial circumstances, including her income and living expenses. The Petitioner suspects the Respondent is living a comfortable lifestyle with the support of Cody and Brandon Gast who, as enrolled members of

this Community, receive significant per capita payments as a result of their enrollment status. Because Respondent has failed to provide the Petitioner with reasonably requested information and has refused to participate in any way with these post-decree proceedings, in the interest of equity and fairness, this Court finds it appropriate to suspend the Petitioner's spousal maintenance obligation as to the Respondent, effective February 1, 2007.

12. Under the terms of the Colorado divorce decree, the Petitioner is required to provide medical and dental insurance through this Community for the benefit of the Respondent for so long as such benefits are available and then to pay for alternative medical and dental insurance coverage. In his discovery, the Petitioner requested information as to Respondent's current medical and dental insurance coverage, and again, no response was forthcoming from the Respondent. Therefore, the Petitioner is without knowledge as to whether the Respondent has secured her own medical and dental insurance. Petitioner has stated in his written submissions that he has never received any bill or premium statement indicating a request to pay for said coverage. Until such time as Respondent provides the requested information to the Petitioner and this Court through a duly noticed motion, this Court believes it fair and equitable to suspend the Petitioner's obligation to provide medical and dental insurance for the Respondent or to pay for any of Respondent's uninsured medical or dental expenses, retroactive to the date that the COBRA coverage as to the medical and dental insurance provide by this Community expired.

13. In his motion papers, the Petitioner requested that the Court clarify several aspects of the property disposition as set forth in the Colorado divorce decree. In particular, the parties were directed to equally divide their 1999 federal income tax refund, which Petitioner believes was in excess of \$50,000; Petitioner believes the refund was sent to the Respondent. In his sworn affidavits, Petitioner indicates he never received his half of that refund. Similarly, the Petitioner was entitled to receive one-

half of the proceeds from the sale of the parties' marital home located on Cedar Lake in New Prague, Minnesota. Again, the Petitioner has advised this Court in sworn documents that he never has received any of his proceeds from the sale of that home.

14. The Petitioner advises the Court that the Respondent herself raised several post-decree issues in correspondence sent by her attorney in the spring of 2006. She requested a quit claim deed transferring any interest Petitioner had in the parties' Florida time share condominium to her, which was awarded to her in the Colorado divorce decree. She has also requested the title to the motor home which was awarded to her in the Colorado divorce decree; the motor home allegedly remains in the Respondent's possession.

15. Based on sworn submissions by the Petitioner, this Court finds that the Petitioner has provided to Respondent's Colorado attorneys a signed and fully executed quit claim deed as to the time share property which he signed on April 25, 2006. The Respondent has the ability to contact the Minnesota Department of Motor Vehicles and obtain a duplicate title to her motor home. The Petitioner has indicated a willingness to cooperate with the Respondent if she chooses to contact that office.

Based upon the above Findings of Fact, the Court enters the following as its Order:

ORDER

1. That the Colorado Divorce Decree, dated May 11, 2000, and entered in Summit County District Court, File Number 99-DR-78, Division R, is hereby registered with this Court, and this Court does hereby assert subject matter jurisdiction over all post-decree issues raised as to that decree.

2. That Petitioner's obligation to pay spousal maintenance to the Respondent pursuant to the Colorado divorce decree is hereby suspended effective February 1, 2007, and shall remain suspended until such time as the Respondent submits a formal motion to this Court requesting review of the issue

of spousal maintenance and provides verification that she has responded to the Petitioner's Interrogatories and Requests for Production of Documents.

3. That the Petitioner is relieved of his obligation to provide medical and dental insurance coverage for the Respondent, to pay for any medical and dental insurance premiums for insurance secured by the Respondent, or to pay any uninsured medical or dental expenses incurred by the Respondent retroactive to the date when this Community stopped providing medical and dental insurance for the Respondent. If the Respondent wishes to have this issue reviewed, she must file a formal motion with this Court and provide written verification that she has responded to the Petitioner's Interrogatories and Requests for Production of Documents.

4. That the Petitioner's obligation to pay ongoing child support for Cody Gast is hereby terminated retroactive to Cody Gast's 18th birthday. Any obligation requiring the Petitioner to provide medical or dental insurance coverage for Cody Gast, or to pay for any of his uninsured medical or dental expenses is hereby terminated retroactive to that same date.

5. That the Respondent shall immediately provide verification to the Petitioner and to this Court that she has provided the Petitioner with one-half of the 1999 federal income tax refund, or if she has not done so, she shall immediately provide to the Petitioner the sums due and owing to him pursuant to the Colorado divorce decree.

6. That the Respondent shall immediately provide an accounting to the Petitioner and this Court of the receipt of any and all proceeds from the sale of the parties' Cedar Lake home, located in New Prague, Minnesota, and provide verification that she has paid to the Petitioner his one-half of those proceeds, or if she has not done so, immediately provide said proceeds to the Petitioner.

7. That all obligations by the Petitioner to transfer his ownership interest in the Florida time share condominium have been satisfied.

8. That the Respondent shall take whatever steps are necessary, if she so desires, to obtain a replacement title to the motor home which she was awarded in the parties Colorado divorce decree. If requested by Respondent, the Petitioner shall cooperate as necessary if the Respondent seeks to obtain a new title to this motor home.

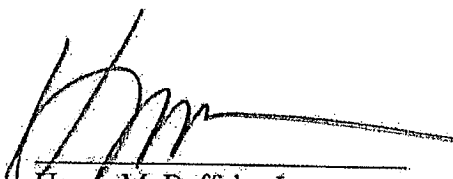
9. That so long as Petitioner continues to reside on the lands of this Community, and until such time as the Respondent appears before this Court to successfully challenge the subject matter jurisdiction of this Court over post-decree matters relating to the Colorado marriage dissolution between the parties, this Court shall continue to have subject matter jurisdiction over this divorce proceeding and any and all post-decree motions.

10. A copy of these Findings of Fact and Order shall be served upon the Respondent at her last known mailing addresses and upon the address of her last known attorneys of record. An Affidavit of Service by mail shall be provided to the Court and such service shall be deemed good and proper service.

11. All other provisions of the Colorado divorce decree not modified by these Findings of Fact and this Order shall remain in full force and effect.

Dated:

3/8/07


Henry M. Buffalo, Jr.
Judge of Tribal Court