

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL APPELLATE COURT**

2605 N. West Bay Shore Drive, Peshawbestown, MI 49682
(231)-534-7050, Main ** (231)-534-7051, Fax ** tribalcourt@gtb-nsn.gov

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT TRIBAL COURT OF APPEALS	OPINION AFTER ORAL ARGUMENT	CASE NO. 2023-38-AP (Lower Case # 2023-3398-CV-EV)
--	--	--

Court Address 2605 N. West Bay Shore Dr., Peshawbestown, MI 49682	Email tribalcourt@gtb-nsn.gov	Telephone No. (231) 534-7050	Fax No. (231) 534-7051
Appellant Name, Mailing Address and Phone Stephanie Perrault 2655 Beems- Kwa-Mah Mi Kun Peshawbestown, MI 49682	V.	Appellee Name, Mailing Address and Phone GTB Housing 2605 N. West Bayshore Dr. Peshawbestown, MI 49682	
Attorney's Mailing Address, Phone, Email In Pro Per		Attorney's Mailing Address, Phone, Email GTB Legal Department John Petoskey (P41499) 2605 N. West Bayshore Dr. Peshawbestown, MI 49682 (231) 534-7978	

Opinion after Oral Argument

On July 5, 2023, the Grand Traverse Band trial court granted judgment to the Grand Traverse Band Housing Department (“GTB Housing”) over Stephanie Perrault. GTB Housing sought eviction of Ms. Perrault from 2655 Beems-Kawa-Mah Mi-Kun, Peshawbestown, MI. The trial court gave Ms. Perrault 30 days to vacate the premises. The trial court further awarded GTB Housing \$2,401.52.

On August 3, 2023, Ms. Perrault filed an appeal. On August 5, 2023, the trial court granted a stay on the judgment pending appeal. Ms. Perrault did not file an opening brief. On December 12, 2023, GTB Housing filed a brief.

This court held oral argument on December 13, 2023. After review of the record and the arguments of the parties, we AFFIRM.

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL APPELLATE COURT

2605 N. West Bay Shore Drive, Peshawbestown, MI 49682
(231)-534-7050, Main ** (231)-534-7051, Fax ** tribalcourt@gtb-nsn.gov

Standard of Review

GTB Court Rule 9.401 dictates the standard of review for appeals. This court must sustain trial court findings of fact unless the finding was clearly erroneous. GTB Court Rule 9.401(A).¹ This court does not have to defer to trial court conclusions of law, however, and reviews those conclusions *de novo*. GTB Court Rule 9.401(E).

Discussion

We affirm the trial court judgment because there is nothing in the record and no argument presented to us that rises to a sustainable challenge to the judgment.

The trial court sustained the allegations made by GTB Housing, allegations that were proven by the tribe's submission of evidence below. Ms. Perrault effectively conceded at trial and throughout this appeal conceded that she has not paid rent for a long time. There is no indication that the trial court's findings of fact were clearly erroneous.

The primary argument made by Ms. Perrault both in the notice of appeal and during oral argument is that Ms. Perrault hopes to gather adequate resources to repay the housing department. Ms. Perrault offered no evidence that this was so, and even if she had, the time for repaying the housing department had long run out. There is no argument presented that the trial court incorrectly interpreted and applied the law.

Like the tribe, we are empathetic and sympathetic to Ms. Perrault's plight, but there is nothing in the law that allows this court to do anything but affirm the judgment.

Date: 1/11/2024



Hon. Matthew L.M. Fletcher

¹ We note subsection (A) is labeled "Judge Finding of Fact," but the text of the rule references findings of fact "by a jury." Subsection (B) is labeled "Jury Finding of Fact," with the text of that rule again referencing findings of fact "by a jury." We assume for purposes of this appeal that subsection (A) involves judicial findings of fact.

**GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS
TRIBAL APPELLATE COURT**

2605 N. West Bay Shore Drive, Peshawbestown, MI 49682
(231)-534-7050, Main ** (231)-534-7051, Fax ** tribalcourt@gtb-nsn.gov

GRAND TRAVERSE BAND OF OTTAWA AND CHIPPEWA INDIANS TRIBAL COURT TRIBAL COURT OF APPEALS	PROOF OF SERVICE	CASE NO. 2023-38-AP (Lower Case # 2023-3398-CV-EV)
--	-------------------------	--

Court Address 2605 N. West Bay Shore Dr., Peshawbestown, MI 49682	Email tribalcourt@gtb-nsn.gov	Telephone No. (231) 534-7050	Fax No. (231) 534-7051
Appellant Name, Mailing Address and Phone Stephanie Perrault 2655 Beems- Kwa-Mah Mi Kun Peshawbestown, MI 49682	v.	Appellee Name, Mailing Address and Phone GTB Housing 2605 N. West Bayshore Dr. Peshawbestown, MI 49682	
Attorney's Mailing Address, Phone, Email In Pro Per		Attorney's Mailing Address, Phone, Email GTB Legal Department John Petoskey (P41499) 2605 N. West Bayshore Dr. Peshawbestown, MI 49682 (231) 534-7978	

PROOF OF SERVICE

I, Lauren Parzych, being duly sworn, deposes and states that on the date below I sent by:

- first class mail
 inter-office mail
 email
 fax
 personal service/hand delivered
 log book
 other:

the documents listed below to the individuals identified below by placing a copy of the same with the United States Postal Service in Suttons Bay Michigan and/or as indicated below (see Method of Service).

Documents enclosed: **Opinion after Oral Argument**

Served To:

Court File
Stephanie Perrault
GTB Housing
GTB Legal Department
Judge JoAnne Cook
Judge Matthew Fletcher
Judge Matthew Massey

Method of Service:

Original
2655 Beems-Kwa-Ma Mi-Kun, Peshawbestown, MI 49682
Inter-Office Mail
Email
Email and Address on File
Email and Address on File
Email and Address on File

I declare the statements above are true to the best of my information, knowledge, and belief.

Date: 1/16/2024



Lauren Parzych, Clerk of the Court