SAULT STE. MARIE CHIPPEWA TRIBAL COURT OF APPEALS

ENTERED on

1/30/2026 tls
in the SSM Chippewa Tribal Court of Appeals

MICHAEL BUGGY,
Appellant,

vs.

SAULT TRIBE HOUSING AUTHORITY,
Appellee.
_____/

CASE NO. APP-2025-04
Lower Court Case No. LT-2025-65

ORDER DENYING APPELLEE'S MOTION TO VACATE ORDER OF STAY *and* ORDER DENYING APPELLEE'S MOTION TO DISMISS

For the reasons explained below, Appellee Sault Tribe Housing Authority's Motion to Vacate Order of Stay and Motion to Dismiss are denied.

FACTS AND PROCEDURAL HISTORY

Defendant/Appellant Michael Buggy was a tenant of Sault Tribe Housing Authority (*"STHA").*

On September 20, 2025, the Sault Tribe Housing Authority (*"STHA"*), Appellee, filed a Landlord-Tenant Complaint (*"Complaint"*) against Michael R. Buggy, Appellant, with the Sault Ste. Marie Tribal Court (*"Tribal Court"*) seeking a money judgment in the amount of $964.20.

On October 30, 2025, the *Tribal Court* issued a Landlord Tenant Judgment (*"Default Judgment"*) in favor of the Appellee in the amount of $981.00 for outstanding rent ($769.40) and utilities ($181.60) plus $30.00 in court costs giving Appellant ten (10) days to rectify the conditions, which included paying the *Default Judgment* in full. On October 30, 2025, the *Default Judgment* was served on the Appellant by ordinary mail as indicated in the Certificate of Mailing contained within the same.

On November 25, 2025, Appellee signed an application for a Writ of Restitution (*"Writ"*) declaring that the Appellant had failed to comply with the *Default Judgment*, which was filed with Court on December 1, 2025.

On December 1, 2025, a *Writ* issued directing the "Sault Ste. Marie Tribal Department of Public Safety…. to remove the above-named [Appellant] and other occupants from the premises…"

On December 10, 2025 Gerry Brow, *STHA* Collections Specialist**,** advised Appellant in a letter, in pertinent part, as follows:

> The Housing Authority is taking possession of the unit at N6312 Na Me Guss Court, Wetmore, MI 49895 per Sault Tribe court Judgement LT-2025-65. You have 30 days to contact the Housing Authority to make arrangements to collect your personal belongings.

On December 10, 2025, the *Writ* was served on the Appellant.

On December 30, 2025, Appellant Buggy filed a Notice of Appeal ("*Notice of Appeal"*), requesting that he and his son be allowed to stay in their home, citing:

> 5. An appeal of this case is requested under Chapter 82 of the Tribal Code, Appeals, for the following limited reasons:
> (b) Irregularities or improprieties in the proceedings, or by the Tribal Court, the jury, any witnesses, or any party substantially prejudicial to the rights of the plaintiff/defendant, or other.
> (c) Any ruling, order, decision or abuse of discretion which prevented a fair hearing or trial.
> (d) Insufficient evidence to support the verdict, decision, order or judgment of the jury or Tribal Court.
> (e) An error of law substantially prejudicial to the rights of the appellant.

Appellant also indicated in his *Notice of Appeal*, as follows:

> 6. Brief Statement for appeal: Sault Tribe Housing Aurthority (sic) had been notified of unemployment (sic). Adjustment had not been made to rent.

On January 5, 2026, the Tribal Court Administrator reached out to counsel for Appellee to inquire if the *Writ* in this matter had been executed as no Writ Return (*"Return"*) had been filed with the Court. In response to that request, the *Return* was submitted via email by the Appellee to the Court Clerk on the same day at 3:58pm.

On January 6, 2026, the Notice of Preparation (*"Notice of Preparation"*) was prepared, filed and served which included the time period of September 30, 2025 through December 30, 2025, the date of filing of the *Notice of Appeal*.

On January 8, 2026, this Court sua sponte issued an Order of Stay (*"Stay"*). At that time, this Court was not apprised of the filing of the *Return* with the Clerk.

On January 9, 2026, Appellee filed a Motion to Vacate Order to Stay ("*Motion to Vacate*"). The *Return* was an attachment to the *Motion to Vacate* but contained no date stamp documenting filing of the *Return* with the Court.

On January 12, 2026, this Court was advised that the *Return* had been filed on January 5, 2026.

No response to the *Motion to Vacate* was filed by the Appellant.

On January 15, 2026, this Court was apprised that the Appellant contacted the Court Administrator to report that, pursuant to this Court's *Stay*, he tried to get back in his residence at N6312 Na Me Guss Court, Wetmore, Michigan 49895 and was advised by "Mary" at *STHA* that he was not allowed to go in as the *STHA* attorney had overturned the *Stay*.

Also, on January 15, 2026, this Court reached out to General Counsel Ryan Mills, supervisor of Appellee's counsel, to request that he advise Appellee's Counsel that the Court's *Stay* is a valid Order that must be followed. No return call was ever received.

On Friday, January 16, 2026, the Appellee filed a Motion to Dismiss *("Motion to Dismiss"*).

On Monday, January 19, 2026, this Court was apprised that Appellant had left a message with the Court Administrator "trying to figure out if he is allowed back into his house" but filed no other response to the Motion to Dismiss.

At present, a single father and his son remain displaced from their home, despite the Court ordered *Stay*.

MOTION TO STAY

Law

STC §82.108(4) provides as follows:

> 82.108 **Court of Appeals**.
>
> (4) Substantive Law. The Court shall apply the substantive law of the Tribe, as well as applicable federal law.

STC §82.125 sets forth:

> **82.125 Issues Preserved on Appeal**.
> In deciding an appeal, the Court of Appeals shall consider issues in accordance with the following requirements:
>
> **(1) Unless a miscarriage of justice would result, the Court of Appeals will not consider issues that were not raised before the Tribal Court (emphasis added)**.

STC §83.104 provides:

> **83.104 Relation to Other Laws.**
> (1) Applicable Law: Unless affected or displaced by this Chapter, principles of law and equity in the common law of the Tribe and tribal customs and traditions are applicable…

STC §83.704 sets forth:

83.704 <u>Evidence</u>.
Evidence in proceedings under this Chapter shall be according to the following provisions:
<u>(4) Evidence of customs and traditions of the Tribe shall be freely admitted (emphasis added).</u>

In *Payment v. The Election Committee of the Sault Ste Marie Tribe of Chippewa Indians*, APP-2022-02 at 4 (2022), this Court held:

> As Anishinaabe people, and in carrying out duties delegated from one authority to another, we would be remiss if we did not seek out our Ojibway teachings to inform this Court's due process jurisprudence. Indeed, the notion of due process emanates from the concept of achieving harmony in life, to live in balance with all of creation, otherwise known to the Anishinaabe as *mino-bimaadiziwin*. (Cholewka v. Grand Traverse Band of Ottawa and Chippewa Indians Tribal Council, No. 2013- 16-AP (Grand Traverse Band of Ottawa and Chippewa Indians App. Ct. 2014). There is no doubt that the Appellant is a tribal member cloaked with the protections of Article VIII [of the Tribe's Constitution] and that this Court has been granted jurisdiction to hear and decide such matters pursuant to Chapter 82 of the Sault Tribe Code. In doing so, this Court is keenly aware that "an Indian Tribal Court's interpretation of due process represents the unique tribal sovereign, its distinctive culture and mores." (Alexander v. Conf'd Tribes of Grand Ronde, 13 Am. Tribal Law 353 (Ct. of App. of the Confederated Tribes of the Grand Ronde Cmty. 2016)(quoting Synowski v. Conf'd Tribes of Grand Ronde, 4. Am. Tribal Law 122, 125 n. 4 (Grand Ronde Ct. App. 2003)). Our Anishinaabe teachings of *nibwaakaawin* (wisdom-use of good sense), *zaagi'idiwin* (practice absolute kindness), *minadendmowin*, (respect – act without harm) as well as *ayaangwaamizi* (careful and cautious consideration) must guide this Court's decision-making.
>
> This Court is further informed by our Elders that the Anishinaabe achieve wisdom through their understanding of the "ordinances of creation."

In *The People of the Sault Ste. Marie Tribe of Chippewa Indians v. Lori Lee*, APP-06-01 at 5 (2006), this Court affirmed that:

> Chapter 82.125 of the Tribal Code **<u>grants the Appellate Court authority to raise issues sua sponte</u>** if a 'miscarriage of justice would result (**<u>emphasis added</u>**)."

In that case, Defendant-Appellant appealed a Tribal Court Order that granted Plaintiff-Appellee possession of the rental unit on land held in trust for the Sault Tribe where Appellant was a tenant. The lease contained a provision of zero tolerance for possession of illegal drugs. The Housing Authority alleged Appellant violated that clause of the lease and sought eviction. The Tribal Court entered judgment in favor of the Appellee but deferred enforcement of the Order pending successful completion by Appellant's son of the drug court program. A Gwaiak Review Order subsequently found that Appellant's son failed to complete the drug program. Appellant filed an appeal alleging that she should not be evicted for the conduct of her son as no charges were filed against her.

Citing STC §83.702(7) providing that the Tribal Court should consider "any other material or relevant fact the tenant might present that may explain why his eviction is unjust or unfair," the Appellate Court found that the Appellant, who appeared *in pro per* was not apprised of her right to an attorney pursuant to MCR 4.201 (F)(2). Importantly, the Court noted at p. 5:

> **We cannot assume that the Appellant waived or forfeited a right to which she was not aware of.** Had Appellant elected to retain counsel it is almost certain the outcome of the trial would have been different (**emphasis added**).

The issue of Appellant's right to an attorney was not raised by the parties; instead, this Court raised the issue sua sponte citing STC §82.125, as follows:

> **In light of the facts of this case**, common law that requires litigants be held to the same standards as attorneys, that parties be informed of right to counsel in criminal and certain civil cases, and MCR 4. 201(f)(2), **we find that a miscarriage of justice would result unless reviewed by this Court. (emphasis added)**

Solely on the basis of the issue identified sua sponte by the Appellate Court, the decision of the Tribal Court was reversed:

> "Accordingly, the failure of the Tribal Court to inform the Appellant of her right to an attorney pursuant to MCR 4.201(F)(2) constituted a miscarriage of justice contemplated in the Tribal Code that requires reversal and remand for a new trial."

Applicable federal law also addresses these *substantive issues*; indeed, the US Supreme Court has held that it may be appropriate for an appellate court to consider a new issue that is "antecedent" to, or "fairly included" within, an issue that actually was presented by the parties. *See Arcadia v. Ohio Power Co*., 498 U.S. 73, 77 (1990); *Caspari v. Bohlen*, 510 U.S. 383, 388–89 (1994). Supreme Court Rule 14.1(a) expressly provides that the question presented in any petition for a writ of certiorari will be deemed to "comprise every subsidiary question fairly included therein," and the Court will consider all such questions. SUP. CT. R. 14.1(a).

Discussion

In support of its *Motion to Vacate*, Appellee argues that STC §82.108(4) requires this Court to "apply the substantive law of the Tribe." We agree.

The substantive law of the Tribe makes clear that **case law of this Court** is applicable to all matters that come before this body. See STC §83.104. To be sure, the exercise of sua sponte action by this Court on the present facts is supported by both the Sault Tribal Code, Sault Ste. Marie Chippewa Tribal Court of Appeals case law and applicable federal law. See *Lori Lee,* APP-06-01 at 5.

In affirmation of that obligation, pursuant to STC § 83.704, this Court has held that, as an essential adjunct to the foregoing, in all cases, but most particularly in cases involving Tribal citizens utilizing the Tribal court system *in pro per* in Landlord Tenant matters, this Court will always ensure the application of the Anishinaabe teachings of *nibwaajaawin* (wisdom-use of

good sense), *minadendmowin*, (respect – act without harm) as well as *ayaangwaanizi* (careful and cautious consideration) in addition to the remaining Seven Grandfather Teachings. See also *Payment*, *supra*.

Generally, *in pro pe*r Tribal citizens will be treated the same as represented parties regarding procedural rules and substantive law; however, applying these *Anishinaabe* teachings informs this Court that it has the discretion to grant some procedural allowances to ensure fairness as long as the integrity of the proceedings is not compromised. To be sure, we strive to apply those teachings in all matters before this Court and have consistently upheld them as a model for our community members and those who serve them.

In accord with the foregoing, Appellee's assertion in its *Motion to Vacate* that "the code is clear and allows the Court of Appeals to grant a stay **only** in the instance where the **appellant** requests a stay, and in no form grants the authority for the Court of Appeals to take such Sua Sponte action" is without merit. Similarly, Appellee's assertion that this Court has ignored "the written law of the tribe" or broadened "its defined authority by leaning on a broad and undefined citation to tribal teachings" is also without foundation.

As set forth above, this Court in *Lori Lee*, *supra,* **reversed** a Tribal Court decision based upon a **substantive** issue **raised sua sponte** by the Court as authorized by STC §82.125. On the present facts, the *Stay* granted sua sponte by this Court does not reach a substantive outcome but simply preserves the status quo pending appellate decision making. Here, this Court has sua sponte raised a matter that is "antecedent" to, or "fairly included" within the subject matter of this appeal, which was not otherwise brought forth by the Appellant who appears *in pro per*. As in *Lori Lee*, where the Appellant also appeared *in pro per*, this Court "**cannot assume that the Appellant waived or forfeited a right to which (he) was not aware of (emphasis added).**"

Additionally, Appellee submits that "the removal from the premises has already occurred, so there is no irreversible harm to prevent." To the contrary, absent a stay, a miscarriage of justice will clearly result on the present facts as, not only have Appellant Buggy and his son been removed from their home but, as the oral argument established in *Emery v. Sault Tribal Housing Authority*, APP 2025-01 (2025), there is an extended wait time for replacement housing putting the family in an untenable situation during the pendency of this case and following should this Court ultimately find in Appellant's favor. In *Emery*, the *STHA* properly observed the issuance of a *Stay* by the Tribal Court and returned the Appellant and her children to their home post eviction pending the outcome of the appeal. The facts of this case require the same.

Minadendmowin, (respect – act without harm), one of the Seven Grandfather Teachings, is an inherent responsibility of each member, department, agency, agent, and leader of the Tribal community and is essential to Tribal community wellbeing. *Emery*, *supra* at 12. In following this guidance, this Court is assured that Appellee will model the compliance it requires of Tribal citizens by consistently complying with Orders of this Court along with the substantive law of the Tribe. This law is found both in the Sault Tribe Code as well as in case law, otherwise known as common law, as developed by this Court pursuant to its grant of jurisdiction under the law.

MOTION TO DISMISS

Law

STC §82.111 provides, in pertinent part, as follows

> **82.111 Subject of Appeal.**
> **An appeal is properly before the Court of Appeals if it concerns:**
> (1) a final judgment **or order of the Tribal Court (emphasis added)**;

The scope of this Court's review is defined, in relevant part, in the following Code provision:

> **STC 82.112 Scope of Court's Review.**
> In reviewing a matter on appeal, the Court of Appeals may:
> (2) affirm, modify, vacate, set aside or reverse **any** judgment, decree or **order of the Tribal Court (emphasis added);**

As referenced in paragraph 4 of the *Default Judgment* in this matter, a *Writ* is an **order** of eviction:

> "An **order** evicting you will be issued unless you comply with the lease or move out on or before 10 days from the certificate of mailing (**emphasis added**)."

The Code further provides the following with regarding to the execution of the *Writ*:

> **83.708 Execution of Judgment**.
> Any judgment may be immediately executed, and the judgments and orders of the Court must be enforced by a duly-authorized law enforcement officer or officer of the Court, appointed by the Court for such a purpose. **Any law enforcement officer must, upon receipt of an order of the Court, execute the** judgment or **order made by it within five (5) calendar days of the date of the** judgment or **order and make a report to the Court on what was done to enforce it.** Any law enforcement officer to whom judgment order is given for enforcement who fails or refuses to execute it shall be subject to dismissal from employment and the payment of reasonable damages, costs and expenses to a party for failure to execute the judgment. This section shall also apply to any judgment on behalf of a tenant obtained under the general tribal civil procedure. Chapter (**emphasis added**).

The time period to appeal is set forth in the Code, in relevant part, as follows

> **82.113 Time Period to Appeal.**
>
> (1) Civil Cases. An appeal to the Court of Appeals in civil cases **shall be made not later than thirty (30) days after the entry of the** written judgment or **order of the Tribal Court**.

The Sault Ste. Marie Chippewa Tribal Court Rules of Court provide in pertinent part as follows, regarding the computation of time

> **Rule 1.05 – Computation of Time**.

In computing a period of time prescribed or allowed by these rules, by court order, or **Tribal Code, the following rules apply**:

> (A) The day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, legal holiday, or day on which the court is closed pursuant to court order; in that event the period runs until the end of the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is closed pursuant to court order.

Discussion

Contrary to Appellee's arguments in its *Motion to Dismiss*, Appellant's appeal is properly before this Court pursuant to STC §82.111 as an appeal of the *Writ*, issued by the Tribal Court, and also known as an Order of Eviction as the *Default Judgment* in this matters references. Further, pursuant to STC §82.112, it is within the purview of this Court to "affirm, modify, vacate, set aside or reverse any judgment, decree or order of the Tribal Court." Applying the computation of time parameters set forth in Sault Ste. Marie Chippewa Tribal Court Rule ("*ST Court Rule'*) 1.05, Appellant's filing of the appeal of the *Writ* on December 30, 2025 was within the thirty (30) days permitted by STC §82.113. Specifically, omitting day one (December 1, 2025) and the Tribal closures on December 24, 2025 and December 25, 2025, as required by the rule, Appellant's filing was 27 days post issuance of the *Writ* and timely.

Conversely, this Court notes that the execution of the Writ by the Appellee was not timely and did not otherwise comply with the Sault Tribal Code. Specifically, although the *Tribal Court* issued a *Default Judgment* on October 30, 2025, the *Writ* required to execute that *Default Judgment* was not entered until December 1, 2025 and was not executed until December 10, 2025. As such, pursuant to the terms of STC §83.708, the Writ was not timely executed. By its terms, STC §83.708 requires, in relevant part:

> **…Any law enforcement officer must,** upon receipt of an order of the Court, **execute the** judgment or **order made by it within five (5) calendar days of the date of the** judgment or **order and make a report to the Court on what was done to enforce it.**

Applying the computation of time parameters set forth in *Court Rule* 1.05, the *Writ* was not executed within five (5) calendar days of the December 1, 2025 *Writ*. Instead, per Court Rule 1.05, the Writ was executed nine (9) calendars after the entry of the *Writ.* As such, the execution of the Writ and the eviction of the Appellant on December 10, 2025 **were in violation of the Tribal Code**. Therefore, to use the inapt language of Appellee's counsel in a Tribal and legal context, the *Writ* was "dead on arrival."

To further muddle the process, on December 10, 2025, Gerry Brow, STHA Collections Specialist advised Appellant in a letter, in pertinent part, as follows:

> The Housing Authority is taking possession of the unit at N6312 Na Me Guss Court, Wetmore, MI 49895 per Sault Tribe court Judgement LT-2025-65. You have 30 days to contact the Housing Authority to make arrangements to collect your personal belongings.

Additionally, the *Return* was not filed with the Court pursuant to the mandate of STC §83.708 until January 5, 2026 when counsel for Appellee was prompted by the Court Administrator to do so.

Consistent with the foregoing, it should be noted that, Appellant, in his *Notice of Appeal*, in relevant part, alleges "Irregularities or improprieties in the proceedings…substantially prejudicial to the rights of plaintiff/defendant, or other."

Given the execution of the *Writ* in this matter in violation of the Sault Tribal Code, a miscarriage of justice per STC §82.125 and the "(i)rregularities or improprieties in the proceedings…" alleged by the Appellant on the present facts are no longer speculative but have been established. Further, this Court notes that the actions of the Appellee in the present matter could not have been informed by this Court's decision in *Emery, supra,* given the entry of that decision on December 16, 2026.

Analogous to *Emery*, *supra,* the present matter involves a *Default Judgment* in the context of tribal housing and execution of a *Writ* in violation of the Sault Tribal Code. This raises the possibility that the procedural and legal violations identified in *Emery*, beyond those identified in the present Order, may not have informed Appellee's actions on the present facts and speaks to the merit in the alleged grounds for appeal in this case. As such, on the unique facts of this case and as determined in *Lori Lee*, *supra*, we find that a further miscarriage of justice would result absent appellate review by this Court of the allegations contained in Appellant's *Notice of Appeal*. Therefore, sua sponte, we waive any requirement by the Appellant to further demonstrate good cause by motion, by Affidavit and/or any other affirmative showing as a prerequisite for this Court to consider the substance of the *Notice of Appeal* as to the *Default Judgment*.

Also, as in *Emery*, *supra,* there is an injustice here. Absent this Court allowing an appeal of the *Writ* by an Appellant *in pro per*, he and his son would have been evicted from their home based upon a *Writ* executed in violation of the Code without remedy. Absent retaining jurisdiction, sua sponte, to consider the balance of issues raised on appeal of the *Default Judgment*, other injustices could potentially remain invisible and unaddressed, without remedy.

Respectfully, this Court advises Appellee and its counsel to attend as zealously to its own compliance with the Code and the Seven Grandfather Teachings as it does to pursuing allegations of lack of compliance by Tribal community members. Absent such compliance by those who lead, the credibility of the Appellee and its counsel in the community are diminished to the detriment of the Tribal community as a whole.

Further, traditional Tribal teachings of *Nibwaakaawin* (wisdom), *Zaagi'idiwin* (love), *Minaadendamowin* (respect), *Aakode'ewin* (bravery/courage), *Gwayakwaadiziwin* (honesty/integrity), *Dabaadendiziwin* (humility), and *Debwewin* (truth) must inform all that we do as a Court, the *STHA*, counsel practicing before this Court and Tribal community members. These Seven Grandfather Teachings are the basis of the Tribe's substantive law and are foundational to inherent Tribal sovereignty and culture. Absent application of these principles adjacent to application of the Code, the traditional foundations of the *Anishinaabe* People are diminished. To suggest otherwise, specifically in a civil case, is contrary to the STC**,** which

makes clear that "principles of law and equity in the common law of the Tribe and tribal customs and traditions are applicable…."

The following draft provision in Article VI – Judicial Branch of the Constitutional amendment process currently underway makes clear the overarching duty of the Sault Tribal Judiciary:

Section 6. **Powers and Duties of the Courts.**
(a) Healing. **The primary duty of the judicial branch shall be to promote community and individual healing and forgiveness in all matters which come before the Courts in accordance with the laws, customs, and traditions of the Tribe (emphasis added)**.

Whether or not this provision is retained in the Constitution as that process moves forward, it provides a clear compass for this Court and all that serve Tribal citizens in a legal capacity as to our prescribed mutual course of conduct now and in the future. Power must always by tempered by *Nibwaakaawin* (wisdom), *Zaagi'idiwin* (love), *Minaadendamowin* (respect), *Aakode'ewin* (bravery/courage), *Gwayakwaadiziwin* (honesty/integrity), *Dabaadendiziwin* (humility), and *Debwewin* (truth) and a commitment to evenhandedly serve all members of our Tribal community.

ORDER

Therefore, for avoidance of any doubt, this Court finds and orders that:

- Appellee's *Motion to Vacate* is denied *with prejudice*.
- Appellee's *Motion to Dismiss* is denied *without prejudice*.
- Pursuant to STC §83.708, the *Writ* in this matter was untimely executed and is of no legal effect to evict the Appellant. Therefore, the Appellee is ordered to immediately restore the Appellant's tenancy and to maintain it during the pendency of this action pursuant to the *Order of Stay* issued by this Court on January 8, 2026 as doing otherwise results in a miscarriage of justice and irreparable harm.
- Further, this Court holds in abeyance any ruling regarding filing of a Bond pursuant to STC §82.118 for 30 days from the date of this Order to allow the Appellant *in pro per* an opportunity to submit proof of indigency, if appropriate, for our review and consideration.

With the *Stay* in place and Appellant restored to his tenancy, this Court will move forward to assess and ultimately, determine the claims put forth by the parties in this matter. In the interim, it is our duty in the interest of justice and to prevent any further miscarriage of justice to preserve the status quo.

IT IS SO ORDERED.

Dated: January 29, 2026

Karrie S. Biron, Chief Appellate Judge