

**THE TRIBAL ADMINISTRATIVE COURT
OF THE LUMBEE TRIBE OF NORTH CAROLINA**

GENERAL INSTRUCTIONS FOR FILING A PETITION

1. Persons allowed to file a Petition are as follows:
 - a. Any Lumbee Member may file a Petition.
 - b. The Tribal Chairman may file a Petition on behalf of the Executive Branch of Government.
 - c. The Tribal Speaker may file a Petition on behalf of the Legislative Branch of Government.

2. Place of Filing:
 - a. Mail to **Tribal Administrative Court**
PO Box 2709
Pembroke, NC 28372 *OR* Drop Off
Lumbee Tribal Office
6984 NC Hwy 711 West
Pembroke, NC 28372
 - b. The Petition will be stamped the date it is received by the Tribal Administrative Court or the Lumbee Tribal Office.

5. Enter the Respondent's full name on the line with the word Respondent. Please enter the Respondent's mailing address.

6. The Petition will be mailed to the Respondent by certified mail or hand delivered, with signature required, to verify receipt.

7. State the nature of the Petition. Any issue brought to the court must involve a case or controversy arising out of an alleged violation pursuant to the Lumbee Tribal Constitution, any duly adopted Tribal Ordinances or any program policy, procedure, rule or regulation.

8. Upon receipt of the Petition the Respondent has fifteen (15) days from the date of service to answer the Petition, except in cases where we are mandated to follow set appeal rights. In those cases there may not be a need or requirement for an answer by the respondent. Service will be deemed the date of receipt by certified mail. The answer must be sent to the Petitioner and the Tribal Administrative Court Office by certified mail to verify receipt.

9. The Tribal Administrative Court will then review the Petition and additional information to determine whether to hear the case. If there is a decision not to hear the case, the Petitioner and Respondent will be notified by mail. The Petitioner will be advised of any further appeal rights. If the Court decides to hear a case, the Petitioner and Respondent will be notified of the date, time and place of the hearing.

10. Please note that the Petitioner has a right to waive his or her right to personal appearance before the Administrative Court. If the Petitioner decides to do this, he or she should complete the attached Waiver and submit it with the Petition. The Court's decision will then be made on the written. Both Petitioner and Respondent will be given ample time to submit any additional evidence. **IF A WAIVER IS NOT COMPLETED THE PETITIONER and RESPONDENT WILL BE EXPECTED TO APPEAR FOR THE HEARING WHEN SCHEDULED.**

**PETITION FOR HEARING BEFORE
THE TRIBAL ADMINISTRATIVE COURT
OF THE LUMBEE TRIBE OF NORTH CAROLINA**

-Office Use Only-
Received: _____
Date
TAC#: _____

**Robeson County
North Carolina**

Petitioner

Vs.

Respondent

Name & Phone No.

Name

Address

Address

PETITION

COMES NOW, _____, Petitioner and files this Petition against
_____, Respondent.

The Petitioner is a resident of _____ County, of _____ and resides at the following
County Name State

address: _____. The Respondent is
a resident of _____ County of North Carolina and resides at the following address:
_____.

**EXPLAIN THE SECTION OF THE LUMBEE CONSTITUTION, TRIBAL ORDINANCE, or
PROGRAM RULE, POLICY OR REGULATION THAT HAS BEEN VIOLATED:**

1. _____

2. _____

3. _____

STATEMENT OF RELIEF BEING SOUGHT

1. _____

2. _____

Petitioner's Signature

Date

You may attach extra statements on separate sheet of paper, if necessary.

**LUMBEE TRIBE OF NORTH CAROLINA
TRIBAL ADMINISTRATIVE COURT
WAIVER OF YOUR RIGHT TO PERSONAL APPEARANCE BEFORE AN
ADMINISTRATIVE COURT JUDGE**

Petitioner Name: _____

Petitioner Address: _____

I have been advised of my right to appear in person before an Administrative Court Judge. I understand that my personal appear before an Administrative Court Judge would provide me with the opportunity to present written evidence, my testimony, and the testimony of other witnesses. I understand that this opportunity to be seen and heard could be helpful to the Administrative Court Judge in making a decision.

Although my right to a personal appearance before an Administrative Court Judge has been explained to me, I do not want to appear in person. I want to have my case decided on the written evidence. The reason I do not want to appear in person at the hearing is:

I understand that if I do not appear before an Administrative Court Judge I still have the right to present a written summary of my case or to enter written statements about the facts and law material to my case in the record.

Signature of Petitioner

Date