

IN THE APPELLATE COURT OF THE SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION, PABLO, MONTANA

SMITH'S AUTO WRECKING	*	CAUSE NO. <u>AP-06-91</u>
200 KICKING HORSE ROAD	*	
CHARLO, MONTANA 59864	*	
APPELLANT,	*	APPELLATE COURT
VS.	*	ORDER
	*	
FRANK FINLEY	*	
PABLO, MONTANA 59855	*	
APPELLEE.	*	

The Appellate Court of the Flathead Tribal Court

heard the trial tape recording of the Court proceedings conducted by the Honorable Judge Donald D. Dupuis on a civil complaint action CV-306-90 against Appellee Frank Finley, which was heard on November 19, 1990.

Notice of Appeal was filed timely by the Appellant Smith's Auto Wrecking in a timely matter. The Court issued an Order Granting the Appeal and a briefing schedule was ordered.

The Appellate Court reviewed the briefs in the above matter on March 27, 1991 with the Appellate Court Judges, Stephen A. Lozar; Louise C. Burke, and Gary L. Acevedo presiding.

The Appellant argues paragraphs #6 and #7 in the Findings of the Judgment and Order by Judge Dupuis as follows:

1. (Paragraph #6.) "Plaintiff does not have a separate action for storage of defendant's 1964 pickup, as plaintiff's retention of the pickup was a part of his security for defendant's payment of the installment contract for the purchase of the van.

2. (Paragrah #7.) If the van is repossessed by the plaintiff, the pickup truck is to be returned to the defendant without the assessment of storage charges.

3. (Paragraph #2.) Plaintiff shall deliver the pickup truck to the defendant without charge."


Appellant argues that the pickup is a separate action and should be handled as a separate case and that the charges for storage would be brought within this action.

The Appellate Court affirms the decision of Judge Dupuis stated in paragraph #1 of the Order and Judgment: "that the parties agreed that the plaintiff has a just cause to reclaim his property after the breach of contract and that he is entitled to an additional payment from the defendant. The payment shall be in the sum of \$150.00. Defendant shall return the van, with the title thereto and the payment to the plaintiff."

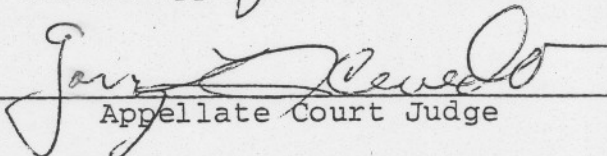
The Appellate Court does not affirm number two because it is not part of the complaint.

SO ORDERED this 17th day of May,

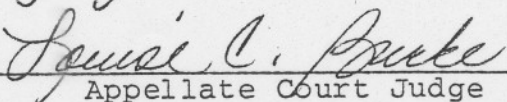
1991.



Senior Appellate Court Judge



Appellate Court Judge



Appellate Court Judge