

Cherokee Nation Code Annotated

Title 41: Landlord and Tenant

Chapter 4: Landlord and Tenant Procedures Act

§ 1773. Dismissal of action—Failure to file pleadings or serve process

Cite as: 41 CNCA § 1773

A. Any action under the Landlord and Tenant Procedures Act which is not at issue and in which no pleading has been filed or other action taken for one (1) year and in which no motion has been pending during any part of the year shall be dismissed without prejudice by the Court on its own motion after notice to the parties or their attorneys of record; providing, the Court may, upon written application and for good cause shown by order in writing, allow the action to remain on its docket.

B. If service of process under the Landlord and Tenant Procedures Act is not made upon a defendant within one hundred eighty (180) days after the filing of the affidavit, the action shall be deemed to have been dismissed without prejudice as to that defendant. The action shall not be deemed to have been dismissed where a summons was served on the defendant within one hundred eighty (180) days after the filing of the affidavit and a Court later holds that the summons or its service was invalid. After a Court quashes a summons or its service, a new summons may be served on the defendant within a time specified by the Judge. If the new summons is not served within the specified time, the action shall be deemed to have been dismissed without prejudice as to that defendant. This subsection shall not apply with respect to a defendant who has been in a foreign country for one hundred eighty (180) days following the filing of the affidavit.

Historical Data

LA 17-91, eff. December 14, 1991.