

TABLED

Cherokee Council House
Cherokee, North Carolina

AUG 01 2024

Date

RESOLUTION NO. 265 (2024)

*A resolution to rescind Resolution No. 739 (2019) and recognize the
Last Will and Testament of Lucinda Lambert Sampson.*

WHEREAS, Tribal Council enacted Resolution No. 739 (2019) recognizing the heirs of Cynthia Marie Sampson Kersey (deceased February 15, 2013) as her surviving siblings: Bruce Kenneth Lambert, Jo Ann Sampson Notargiacomo, Marietta Louise Sampson Toineeta, Dorothy Lee Sampson, and Enoch Sampson Crow, Jr., and assigned Wolfown Community Parcel No. 681, containing 0.919 acres, with all improvements located thereon, to Ms. Kersey's heirs; and

WHEREAS, at the time of Ms. Kersey's death, her mother, Lucinda Lambert Sampson (deceased February 16, 2014), was still living and would have been the sole heir, and based on the files and research at hand, it was believed that Ms. Sampson did not leave a last will and testament and her heirs would have been her children, the same as Ms. Kersey's siblings and heirs; and

WHEREAS, after the ratification of Resolution No. 739, a Last Will and Testament for Ms. Sampson, dated April 28, 1999, was provided to Tribal Realty Services stating that any property she owned or would have received from the estate of Cynthia Kersey was to be assigned to Amber Odessa Morris Cruz; and

WHEREAS, upon review of the estate files and the Last Will and Testament of Ms. Sampson, Tribal Realty Services requests Tribal Council rescind Resolution No. 739 (2019) and to enact a resolution recognizing the heir of Cynthia Marie Sampson Kersey to be her mother, Lucinda Lambert Sampson, and to confirm the Last Will and Testament of Lucinda Lambert Sampson, dated April 28, 1999, assigning Wolfown Community Parcel No. 681 and all other parcels owned by Ms. Sampson at her death to Amber Odessa Morris Cruz.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians does hereby rescind Resolution No. 739 (2019), and recognizes the heir of Cynthia Marie Sampson Kersey as the Estate of Lucinda Lambert Sampson

BE IT FURTHER RESOLVED that the Last Will and Testament of Lucinda Lambert Sampson dated April 28, 1999, is hereby confirmed.

1 BE IT FURTHER RESOLVED that **Wolftown Community Parcel No. 407 (Part of Parcel No.**
2 **351)**, containing 0.889 Acres, more or less, together with all improvements thereon,
3 be assigned to Amber Odessa Morris Cruz (enrolled).
4

5 BE IT FURTHER RESOLVED that **Wolftown Community Parcel No. 681 (Part of Parcel No.**
6 **288)**, containing 0.919 Acres, more or less, together with all improvements thereon,
7 be assigned to Amber Odessa Morris Cruz (enrolled).
8

9 BE IT FURTHER RESOLVED that the rest, remainder, and residue of any possessory holdings
10 in the estate of Lucinda Lambert Sampson shall be assigned to Amber Odessa
11 Morris Cruz as stated in the residuary clause of the will.
12

13 BE IT FINALLY RESOLVED that the Tribal Business Committee and Tribal Realty Services are
14 hereby authorized to carry out the intent of this resolution.
15

16 *Submitted by Tribal Realty Services.*

PASSED

Cherokee Council House
Cherokee, North Carolina

SEP 12 2019

Date

RESOLUTION NO. 739 (2019)

WHEREAS, Cynthia Marie Sampson Kersey, (deceased February 15, 2013), enrolled member of the Eastern Band of Cherokee Indians did not leave a Last Will and Testament; and

WHEREAS, JoAnn Noturgiacomo has qualified as the Administratrix of the estate of Cynthia Marie Sampson Kersey in Cherokee Court Estate File No. 08-007; and

WHEREAS, the Tribal Realty Office has examined the records on file regarding the deceased's possessory holdings in Tribal trust land, and other documents, and has written this resolution to provide for the distribution of the deceased's possessory holdings to her eligible heirs; and

WHEREAS, the Administratrix requests Tribal Council recognize the deceased's eligible heirs under Tribal law, and to provide for the distribution of the deceased's possessory holdings to her eligible heirs.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present that the Tribal Council of the Eastern Band of Cherokee Indians does hereby recognize the heirs of Cynthia Marie Sampson Kersey: Bruce Kenneth Lambert (enrolled), Jo Ann Sampson Notargiacomo (enrolled), Marietta Louise Sampson (enrolled), Dorothy Lee Sampson (enrolled), and Enoch Sampson Crow, Jr. (enrolled).

BE IT FURTHER RESOLVED that Wolfetown Community Parcel No. 681 (Part of Parcel No. 288), containing 0.919 acres, more or less, together with all improvements located thereon, be assigned to Bruce Kenneth Lambert (enrolled), Jo Ann Sampson Notargiacomo (enrolled), Marietta Louise Sampson Toineeta (enrolled), Dorothy Lee Sampson (enrolled), and Enoch Sampson Crow, Jr. (enrolled).

BE IT FINALLY RESOLVED that the Tribal Business Committee and the Tribal Realty Services are hereby authorized to carry out the intent of this resolution.

Submitted by: Tribal Realty Services.

The attached Resolution/Ordinance No. 739 dated SEPTEMBER 12, 2019 was

PASSED (X)

KILLED ()

ratified in open Council on SEPTEMBER 12, 2019 by 100 voting for the act
and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Bo Crowe	X			
Jeremy Wilson	X			
Albert Rose	X			
Lisa Taylor	X			
Tommye Saunooke	X			
	100	0	0	0


TRIBAL COUNCIL CHAIRMAN


ENGLISH CLERK


PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHELD () VETO DENIED ()

DATE: 10/3/19

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

INTERPRETED ()

OMITTED ()

VERIFICATION OF VITAL RECORDS

CHEROKEE TRIAL COURT
CLERK OF COURT
STATE OF NORTH CAROLINA
SWAIN COUNTY
2019 APR 22 AM 11:2 OFFICE OF REGISTER OF DEEDS

2014 APR 22 AM 11: 2 OFFICE OF REGISTER OF DEEDS

DOUGLAS

NAME LAST FIRST MI LAST NAME PRIOR TO FIRST MARRIAGE		DATE OF BIRTH MM/DD/YYYY		DATE OF DEATH MM/DD/YYYY	
SEX Male Female		RACE White Black Other		EDUCATION High School Graduate High School Not Graduate College Graduate Other	
RELIGION Catholic Protestant Other		MARRIAGE Married Single Divorced Widowed		CHILDREN Yes No	
RESIDENCE Street City State Zip		EMPLOYMENT Employer Name Address City State Zip		INCOME Annual Income \$	
PROPERTY Real Estate Address City State Zip		VEHICLE Make Model Year		INSURANCE Life Health Auto	
TESTIMONY I, the undersigned, being a duly qualified minister of the Gospel, do hereby certify that the foregoing is a true and correct statement of the facts as furnished to me by the deceased.		SIGNATURE Minister of the Gospel		DATE MM/DD/YYYY	
WITNESSES Name Address City State Zip		COPIES Number of Copies		REMARKS Additional Information	

This is to certify that this is a true and correct reproduction or abstract of the official record filed in this office.

Diana Williamson Kirkland
Register of Deeds
Swain County

By William L. Smith
Deputy Attorney General of Nevada



Deputy/Assistant Registrar of Deeds

Wrote my card and enclosed
this the day of Thursday 20-14

any alteration or tampering with old certificate. Do not accept unless on security paper with seal clearly embossed in ink.

ANY ALTERATION OF THE ENVIRONMENT CAUSES

EBCI
CHEROKEE TRIBAL COURT
CHEROKEE, N.C.

EASTERN BAND OF CHEROKEE INDIANS 2015 FEB 13 PM 4:05		EST 14-036																																	
Cherokee, North Carolina		FILED The Cherokee Court Before the Clerk																																	
IN THE MATTER OF THE ESTATE OF																																			
Decedent:	Lucinda Sampson	Heir Information																																	
Roll Number:																																			
Date of Death:	2/16/2014																																		
<p>Pursuant to Cherokee Code Sec. 28-1(c), the following individuals are hereby declared the legal heirs of the above named decedent for purposes of inheritance of personal property. This final determination is based on Tribal Enrollment descendant lists and legal documentation.</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 30%; text-align: center;">DOB</th> <th style="width: 30%; text-align: center;">Roll Number</th> </tr> </thead> <tbody> <tr> <td>Surviving Spouse:</td> <td></td> <td></td> </tr> <tr> <td>Surviving Children:</td> <td>Bruce Kenneth Lambert</td> <td>12/15/1945</td> </tr> <tr> <td></td> <td>JoAnn Notargiacomo</td> <td>10/9/1949</td> </tr> <tr> <td></td> <td>Marietta Louise Tolneeta</td> <td>3/11/1951</td> </tr> <tr> <td></td> <td>Dorothy Lee Sampson</td> <td>9/21/1952</td> </tr> <tr> <td></td> <td>Enoch Sampson Crow, Jr.</td> <td>6/10/1958</td> </tr> <tr> <td></td> <td>Nannie Odeessa Morris</td> <td>4/10/1953</td> </tr> <tr> <td>Deceased Children:</td> <td>Donald Edward Lambert*</td> <td>10/13/1942</td> </tr> <tr> <td></td> <td>Cynthia Marie Kersey*</td> <td>2/17/2008</td> </tr> <tr> <td></td> <td>Charles David Sampson*</td> <td>8/1/1956</td> </tr> </tbody> </table> <p>* no enrolled children</p>				DOB	Roll Number	Surviving Spouse:			Surviving Children:	Bruce Kenneth Lambert	12/15/1945		JoAnn Notargiacomo	10/9/1949		Marietta Louise Tolneeta	3/11/1951		Dorothy Lee Sampson	9/21/1952		Enoch Sampson Crow, Jr.	6/10/1958		Nannie Odeessa Morris	4/10/1953	Deceased Children:	Donald Edward Lambert*	10/13/1942		Cynthia Marie Kersey*	2/17/2008		Charles David Sampson*	8/1/1956
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	Cynthia Marie Kersey*	2/17/2008																																	
	Charles David Sampson*	8/1/1956																																	
<p>I hereby certify that the above information is true and correct to the best of my knowledge and belief.</p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   Clerk of Court </div> <div style="text-align: right;"> 2-13-15 Date </div> </div>																																			

EST 14-036

CHEROKEE TRAIL COURT

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The Charlotte Court Before the Clerk

Name Of Decedent:

Lucinda Lambert Sampson

CERTIFICATE OF PROBATE

Date Of Purported WH

4-28-1999

G.S. 31-17

Data(s) Of Code(s)

It is adjudged that the paper-writing and every part thereof is the Last Will and Testament or codicil(s) thereto of the decedent, and the same is ordered admitted to probate.

[illegible]

6/20/14

Signatura

Wachan



Assistant CSC



☐ **Clark Of Superior Court**

Indian Will Under the Act of June 25, 1910 (36 Stat. 855-856)
as Amended by the Act of February 14, 1913 (37 Stat. 678)

Last Will and Testament

LUCINDA LAMBERT-SAMPSON BR# 1176: Age 77 - DOB: 04/13/1922

I, LUCINDA LAMBERT-SAMPSON of the Eastern Cherokee Tribe, of the State of North Carolina, being of sound and disposing mind, realizing the uncertainty of human life, do make this my Last Will and Testament hereby revoking all former wills by me made, in manner and form following, that is to say:

FIRST. I desire that all my legal debts be paid, including the expenses of my last illness, funeral, and burial.

SECOND. - I give, devise, and bequeath to my granddaughter, Amber Odessa Morris; RR#8207, Wolfetown Community Parcel No. 407 (Part of Parcel No. 351), containing 0.889 Acre, more or less, together with all improvements located thereon, together with a 15' access road right-of-way and together with all contents inside the house. If Amber Odessa Morris should inherit this house and property while she is still a minor, I appoint my daughter, Marietta Louise Sampson Toineeta, RR#2342, as Amber Morris' guardian, to oversee the house and property until Amber reaches 18 years of age.

THIRD. - I give, devise, and bequeath, after all my legal debts are paid, my shares with Qualla Arts and Crafts Mutual Incorporated to my granddaughter, Amber Odessa Morris.

FOURTH. - I hereby appoint my daughter, Marietta Louise Sampson Toineeta, as Executrix of my Last Will and Testament, to see that my wishes are carried out, and I desire that she serve without bond being required of her. In case she shall predecease me, or if she should be unable to perform these duties, then in that event, I appoint my daughter, Cynthia Marie Sampson Kersey, RR#2332, as Executrix of my Last Will and Testament, to see that my wishes are carried out, and I desire that she serve without bond being required of her.

IF MORE SPACE IS NECESSARY TO DESCRIBE PROPERTY, AFFIX A SEPARATE SHEET

NO RIGHTS OF AN EXECUTOR ARE TO BE RECOGNIZED

A Diagonal Line Shall Be Drawn From the Last Devise to the Bottom of This Page

I give, devise, and bequeath all of the rest and residue of my estate, real, personal, and mixed to: Amber O. Morris.

In witness whereof, I, LUCINDA LAMBERT SAMPSON, have hereunto set my hand, sealed, published, and declared this to be my Last Will and Testament, this 28th day of April, in the year of our Lord one thousand nine hundred and ninety-nine.

Witnesses:

Patricia G. Buchanan
Residing at Cherokee, NC

Lucinda Sampson (L.S.)
LUCINDA L. SAMPSON

Shirley E. Hitt
Residing at Cherokee, NC

The foregoing instrument of writing was here and now signed by LUCINDA LAMBERT SAMPSON in our presence, and at this request and in the presence of each other we have signed as witnesses and she has published and declared this to be his [her] Last Will and Testament.

Patricia G. Buchanan
Residing at Cherokee, NC

Shirley E. Hitt
Residing at Cherokee, NC

United States
Department of the Interior
Office of the Examiner of Inheritance

Pursuant to the provisions of the Act of February 14, 1913 (37 Stat. 678), and the provision of 25 CFR 81, the within will is hereby
in accordance with the Order of even date herewith.

Done at the City of _____

Examiner of Inheritance

Instructions to Field Officers

1. The testator may sign by thumb mark. The witnesses must be able to write, and should not be interested as heirs or devisees.
2. Inquire carefully into the immediate family of testator. If a husband, wife, child or grandchild who is an heir is given nothing, the reason must be set out.
3. Witnesses and testator must sign in the presence of each other. Read the will carefully to testator and be sure that he understands it and that it expresses his wishes.
4. Whenever possible, include the name, allotment number, if any, age, residence, tribe, and relationship of each devisee, and specific description of lands devised, and in case of inherited interests the name and allotment number of original allottee and interest of testator therein.
5. Explain fully to testator that fractional interests are of little or no value to a devisee if further divided, and that the entire interest in a specific piece of land is much more valuable than a fractional interest. The testator does not have to give the residue to "my heirs at law," he can give the residue to one person if he wishes. If he gives the residue to one person it prevents further divisions; if he gives it to several persons or to his "heirs at law" a further division takes place. He may also give all his estate or the residue to the Tribe (naming it) if he wishes.

United States
Department of the Interior
Bureau of Indian Affairs

State of North Carolina

ss.

Affidavit to Accompany Indian Will

County of Swain

I, LUCINDA LAMBERT SAMPSON, being first duly sworn, on oath, depose and say: That I am an enrolled member of the Eastern Cherokee Tribe of Indians in the State of North Carolina; that on the 28th day of April, 1999, I requested Sheridan E. Smith and Patty G. Buchanan to act as witnesses thereto; that the said witnesses heard me publish and declare the same to be my last will and testament; that I signed said will in the presence of both witnesses and they signed the same as witnesses in my presence and in the presence of each other; and that said will was read and explained to me (or read by me), after being prepared and before I signed it; and it clearly and accurately expresses my wishes; and I further state that no person has influenced me to make disposition of any part of my property in any other manner than I myself of my own free will desire and wish to dispose of it.

(*)


LUCINDA L. SAMPSON

BR# 1176

We, Sheridan E. Smith and Patty G. Buchanan each being first duly sworn, on oath depose and state: That on the 28th day of April, 1999, Lucinda Lambert Sampson, a member of the Eastern Cherokee Tribe of Indian of the State of North Carolina, published and declared that attached instrument to be his (her) last will and testament, signed the same in the presence of both of us and requested both of us to sign the same as witnesses; that we, in compliance with his (her) request, signed the same as witnesses in his (her) presence and in the presence of each other; that said testator (testatrix) was not acting under duress, menace, fraud or undue influence of any person, so far as we could ascertain in our opinion was mentally capable of disposing of all his (her) estate by will; and that neither of us is named as a beneficiary in said will or in anywise interested in the distribution of the estate of said testator (testatrix).


SHERIDAN E. SMITH


PATTY G. BUCHANAN

(*) At this point should be inserted the tribe and allotment or other numbers of the devisees and beneficiaries and their relationship to the testator or testatrix (unless this information is shown in the body of the will), and the testator's or testatrix's reasons for making the devise, particularly when the immediate relatives are given little or none of the estate.

I, Diana C. Long, being first duly sworn on oath depose and say: That I am employed as a Realty Specialist at Cherokee Agency in the state of North Carolina; that on the 28th day of April, 1999, Lucinda Lambert Sampson, an enrolled member of the Eastern Cherokee Tribe of Indians in the state of North Carolina requested me to prepare his (her) last will and testament; that I prepared the attached will and read (or had read by the interpreter) said will to testator (testatrix) and he (she) then stated that said instrument was drawn in accordance with his (her) own wishes as previously stated to me; that said testator (testatrix) was not, so far as I could ascertain, acting under duress, menace, fraud or undue influence of any person, and in my opinion was mentally capable of disposing of his (her) estate by will; that he (she) signed and published and declared it to be his (her) last will and testament before Sheridan E. Smith and Patty G. Buchanan, whom he (she) requested to act as witnesses thereto, that there were present in the room with the testator (testatrix) at said time besides myself and the above named witnesses, the following named persons: Marietta Louise Sampson Toineeta

Diana C. Long
DIANA C. LONG

Subscribed and sworn to before me this 28th day of April, 1999, by Lucinda Lambert Sampson, Sheridan E. Smith, Patty G. Buchanan and Diana C. Long.

Rene D. Long

Notary Public
(Title)

My Commission expires: 12/29/2003



EASTERN BAND OF CHEROKEE INDIANS
TRIBAL COUNCIL

RESOLUTION/ORDINANCE REQUEST FORM

Time: 2:45 pm

Date: 7/22/2024

Name of Individual Group/Program:

☐ Request for time (ten-minute time frames)

☒ Resolution ☐ Ordinance

Number of Resolution/Ordinances submitted 4

Please list an email, phone number, or address where you can be reached (Address where you can be notified by certified mail) Leigh Ann Jackson

Email: leigledf@ebci-nsn.gov

Phone Number: 359-7057

Address: _____

Brief description of resolution/ordinance: (Use separate page if needed):

- Budget amendments:

- Bottled Water - Increase sales revenue

- Snowbird + Cherokee County Transitional Housing - Increase Rental Income revenue

- Housing Rehab - Increase reimbursement revenue

- Resolution to approve capital, funding & project requests

DONATION REQUESTS

Have you received a donation from Council before: ☐ (Yes) ☐ (No)

Who does the check need to be made out to:

***If you are not in the system, we will need a W-9 form, please turn it in with this form. Please attach a list of participants, copies of enrollment cards, list of fundraising activities, how the funds will be spent. (Members from a group, must come in as a group and not make individual requests) no one may benefit from this fund more than once per fiscal year. Individuals may request up to \$300 and groups may request up to \$600. Once this line item is expended, TOP will no longer accept requests until the next fiscal year.**

Signature of person making requests: Leigh Ann Jackson

TOP Staff: CY