

AB  
Real Prop. Mgmt.  
4623  
46102

April 14, 2000

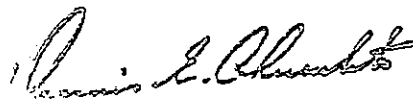
Leon D. Jones, Principal Chief  
Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, North Carolina 28719

Dear Chief Jones:

We are returning for your permanent files a copy of Ordinance No. 113 (2000), which was tabled on January 07, 2000, amended and passed by the Tribal Council of the Eastern Band of Cherokee Indians on February 10, 2000, and has subsequently been properly ratified.

This Ordinance was submitted by the Office of Attorney General. It was resolved that Section 28-1 of the Inheritance Laws of North Carolina be revised for the purpose of determining the identity of the lawful heirs of Tribal members for the inheritance of both personal and real property. It was further ordained that these changes become effective immediately upon ratification by the Principal Chief, and the Principal Chief is hereby authorized to carry out the intent of this Ordinance. It was finally ordained that any ordinance or resolution in conflict with this ordinance are hereby rescinded.

Sincerely,



Dennis E. Chuculate  
Superintendent

Enclosure

cc: Tribal Attorney w/copy of Ordinance  
Tribal Finance w/copy of Ordinance  
TOP w/copy of Ordinance

DEC: AJB/jw04/14/00

Cherokee Council Hall  
Cherokee, N.C.  
Nov. 2, 1937.

Whereas, under Chapter 207, Section 19, Council members are sworn to "support the constitution and laws of the state of North Carolina", and

Whereas, on October 11, 1935, Council passed a resolution "that it be the policy of the Eastern Band of Cherokee Indians to abide by the State laws of inheritance permanently."

Whereas, this Council being a legislative body set up under Chapter 207, but not being a JUDICIAL BODY, nor a Court of Record, and having no authority to enter into matters rightfully belonging to the Courts of the State of North Carolina,

NOW, therefore be it resolved by the Eastern Band of Cherokee Indians in annual Council assembled that we do fully intend to abide by our oath of office, and that we shall accept the decisions of the Courts of our State in all inheritance, land cases, debt cases, etc., and

Be it further resolved that a copy or copies of this resolution shall be posted at strategic points all over the Boundary, so that the members of the Band may know our decision in these matters.

West's North Carolina General Statutes Annotated

Chapter 29. Intestate Succession

Article 2. Shares of Persons Who Take upon Intestacy

N.C.G.S.A. § 29-14

§ 29-14. Share of surviving spouse

Effective: January 1, 2012

Currentness

(a) Real Property.--The share of the surviving spouse in the real property is:

- (1) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, a one-half undivided interest in the real property;
- (2) If the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children or by lineal descendants of two or more deceased children, a one-third undivided interest in the real property;
- (3) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, but is survived by one or more parents, a one-half undivided interest in the real property;
- (4) If the intestate is not survived by a child, children or any lineal descendant of a deceased child or children, or by a parent, all the real property.

(b) The share of the surviving spouse in the personal property is:

- (1) If the intestate is survived by only one child or by any lineal descendant of only one deceased child, and the net personal property does not exceed sixty thousand dollars (\$60,000) in value, all of the personal property; if the net personal property exceeds sixty thousand dollars (\$60,000) in value, the sum of sixty thousand dollars (\$60,000) plus one half of the balance of the personal property;
- (2) If the intestate is survived by two or more children, or by one child and any lineal descendant of one or more deceased children, or by lineal descendants of two or more deceased children, and the net personal property does not exceed sixty thousand dollars (\$60,000) in value, all of the personal property; if the net personal property exceeds sixty thousand dollars (\$60,000) in value, the sum of sixty thousand dollars (\$60,000) plus one third of the balance of the personal property;
- (3) If the intestate is not survived by a child, children, or any lineal descendant of a deceased child or children, but is survived by one or more parents, and the net personal property does not exceed one hundred thousand dollars (\$100,000)