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CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ (2026)

*An ordinance creating Cherokee Code Chapter 47C establishing Tribal Realty Services in the Cherokee Code.*

WHEREAS, Tribal Realty Services is the place for official recording of documents and other instruments affecting or describing ownership of interests in Tribal land, including, but not limited to, possessory holding transfers, residential and commercial leases, deed of trusts, and plats; and

WHEREAS, additionally, Tribal Realty Services drafts legal documents for the wider public such as transfer documents, estate resolutions, leases that comply with 25 C.F.R. Part 162, and plats; and

WHEREAS, Tribal Realty Services include Realty Services, Geographic Information Systems, and Surveying, however, Tribal Realty Services has not been recognized or authorized in the Cherokee Code; and

WHEREAS, the proposed ordinance would create Chapter 47C in the Cherokee Code, establish Tribal Realty Services, and authorize Tribal Realty Services to promulgate rules and regulations to establish standards for the office such as recording standards for documents that affect interests in Tribal land, procedures for public record requests, document standards, and indexing standards.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that the Cherokee Code is amended as follows:

**CHEROKEE CODE CHAPTER 47C**  
**TRIBAL REALTY SERVICES**

**Sec. 47C-1. Establishment of Tribal Realty Services.**

There is hereby established Tribal Realty Services. Tribal Realty Services shall be the place for official recording of title documents and other instruments affecting ownership of interests in Tribal land.

**Sec. 47C-2. Official custodian of records.**

Tribal Realty Services shall be the official custodian of all instruments affecting possessory holdings and possession of Tribal land, and the place for official recording of those instruments.

1 Sec. 47-3. Savings clause.

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3 All documents affecting interests in Tribal land that were executed before the effective date  
4 of this chapter that were in compliance with the law in effect at the time of their execution shall be  
5 deemed in conformity with this chapter.  
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7 Sec. 47C-4. Public records law applies.

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9 Documents for which Tribal Realty Services is the custodian are subject to the Tribal public  
10 records law, Cherokee Code Chapter 132.  
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12 Sec. 47C-5. – Conveyances; recording; priority.

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14 (a) No conveyance of land, contract to convey, option to purchase or convey, lease of land  
15 for more than three years, right of first refusal, or right of first offer is valid to pass any  
16 property interest as against lien creditors or purchasers for a valuable consideration  
17 from the donor, bargainor, or lessor but from the time of recording with Tribal Realty  
18 Services to be effective.  
19

20 (b) Instruments recorded with Tribal Realty Services have priority based on the order of  
21 recording as determined by the time of recording. If instruments are recorded  
22 simultaneously, then the instruments are presumed to have priority determined as  
23 follows:

- 24  
25 (1) The earliest document number set forth on the recorded instrument.  
26 (2) The sequential book and page number set forth on the recorded instrument if no  
27 document number is set forth on the recorded instrument.  
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29 The presumption created by this subsection is rebuttable by clear and convincing  
30 evidence.  
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32 (c) Instruments executed before the enactment of this chapter shall have priority over any  
33 subsequent instrument, lien, or claim if the prior instrument was already recorded with  
34 Tribal Realty Services.  
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36 (d) An instrument recorded in accordance with this chapter shall have priority over any  
37 instrument, lien, or claim not recorded at the time of such recording.  
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39 (e) An unrecorded instrument shall have priority over any subsequent unrecorded  
40 instrument, lien, or claim.  
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42 Sec. 47C-6. Exception for last will and testaments.

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44 A testator's Last Will and Testament that purports to give an interest in real property of  
45 any kind (including Tribal land and deeded land) to another person or entity does not have to be  
46 recorded in Tribal Realty Services to be effective and enforceable.

1 Sec. 47C-7. Recording of documents affecting interests in land.

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3 All documents affecting interests in land requiring Tribal Business Committee approval  
4 shall be recorded with Tribal Realty Services to be enforceable.

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6 Sec. 47C-8. General index kept.

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8 Tribal Realty Services shall maintain a consolidated index of all the title documents and  
9 other documents affecting real property.

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11 Sec. 47C-9. Title documents not signed after one year of posting are void.

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13 Title documents drafted by Tribal Realty Services that are not signed by the parties named  
14 in the document within one year, measured from the tenth day of its posting date as required in  
15 Cherokee Code § 47B-6, are void, unless the title document was authorized by a resolution enacted  
16 by Tribal Council and ratified by the Principal Chief.

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18 Sec. 47C-10. Uniform fees.

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20 Tribal Realty Services may establish, impose, and collect uniform fees for services.

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22 Sec. 47C-11. Tribal Realty Services rules and regulations.

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24 Tribal Realty Services is hereby authorized to promulgate formal administrative rules and  
25 regulations affecting real property and in furtherance of this chapter under Cherokee Code Chapter  
26 150.

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28 BE IT FINALLY ORDAINED that all resolutions and ordinances that are inconsistent with this  
29 ordinance are rescinded and this ordinance shall become effective when ratified by  
30 the Principal Chief.

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32 *Submitted by Cruz Galaviz, Director of Tribal Realty Services*