

# AMENDED TABLED

Cherokee Council House  
Cherokee, North Carolina  
Date: January 9, 2025

RESOLUTION NO. 376 (2024)

JAN 09 2025

*A resolution to void survey applications with Tribal Realty Services that are older than two years and have not been renewed by the applicant upon notice and publication in the Cherokee One Feather.*

WHEREAS, Tribal Realty Services Program (TRS) provides services to enrolled members of the Eastern Band of Cherokee Indians (EBCI) by drafting and recording their possessory interest holding transfers and other property interests; and

WHEREAS, in addition to these functions, TRS also contains the Tribal Survey Office and provides services to the EBCI's enrolled members to survey and flag their possessory holdings and carries out these requests through survey applications; and

WHEREAS, prior to the establishment of TRS in 2016, the Bureau of Indian Affairs Cherokee Agency (BIA) managed these functions; and

WHEREAS, Tribal Council enacted Resolution No. 478 (1998), which authorized the BIA to declare all survey applications that were dated prior to January 1, 1998, and were not renewed within thirty days after the date of notification to be null and void; and

WHEREAS, in addition, Resolution No. 478 required all survey applications submitted to the BIA after January 1, 1998, to be renewed annually by the applicant or else be declared void; and

WHEREAS, the BIA proposed this approach in order to promote efficiency and to reduce their backlog of survey requests that spanned many years that were never acted upon either due to the death of the applicant or a change of circumstances; and

WHEREAS, since Tribal Council enacted Resolution No. 478, neither the BIA nor TRS have enforced the intent of the resolution to void survey applications that are older than one year and have not been renewed; and

WHEREAS, in consultation with the Tribal Lands Committee on November 14, 2024, TRS has prepared this resolution to address the growing number of survey applications submitted to TRS that have become aged and inactive and have proposed that any survey application submitted to TRS that is two years or older and upon notification and publication in the Cherokee One Feather be considered void.

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, at which a quorum is present that all survey applications old than two years shall be void provided that Tribal Realty Services public notice to the public in the Cherokee

1 One Feather and notify each individual applicant that they have thirty (30) days to  
2 renew their survey application. If the applicant does not renew their application  
3 within thirty (30) days upon receiving written notice from Tribal Realty Services,  
4 then such survey application shall be declared void.  
5

6 BE IT FURTHER RESOLVED that Tribal Realty Services shall notify the survey applicants by  
7 mailing to the last known address of the applicant, if such applicant is living and  
8 their address is known, that any survey application prepared by either the Bureau  
9 of Indians Affairs or Tribal Realty Services must be renewed before July 1, 2024,  
10 and those remaining that have not been renewed after July 1, 2024, that are older  
11 than two years will be declared null and void and a new application would need to  
12 be filed to have their possessory holding surveyed.  
13

14 BE IT FINALLY RESOLVED that all other resolutions in conflict with this resolution are hereby  
15 rescinded and Tribal Realty Services is authorized to carryout out the intent of this  
16 resolution.  
17

18 Submitted by: Cruz Galaviz, Director of the Tribal Realty Services Office

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA  
JANUARY 9, 2025

AMENDMENT to RESOLUTION No. 376 (2025) :  
Amend the year from "2024" to "2025"

**PASSED**

Cherokee Council House  
Cherokee, North Carolina

FEB 11 1999

Date

RESOLUTION NO. 478 (1999)

WHEREAS, the Cherokee Agency Realty Office currently has a backlog of over three thousand Applications for Survey on file dating back to the 1970's; and

WHEREAS, many of the survey requests may not be valid due to the death of a possessory holder or land being transferred to another individual; and

WHEREAS, the Branch of Realty could prioritize survey requests more efficiently by having possessory holders renew their requests on an annual basis.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Annual Council Assembled, at which a quorum is present that all Applications for Survey prior to January 1, 1998, shall be declared null and void after a thirty (30) day public notice is given to enrolled members of the Eastern Band of Cherokee Indians to allow possessory holders time to update their survey applications.

Be It Further Resolved that Applications for Survey shall be valid for a one-year period and will need to be renewed on an annual basis in order for the Branch of Realty to schedule the survey requests more efficiently.

Be It Still Further Resolved that the Application for Survey form will be revised to state the expiration date of the request and a signed copy of the form provided to the possessory holder. (See Attached Application For Survey Form).

Be It Still Further Resolved that an Application for Survey document shall not authorize or constitute a transfer of possessory interest.

Be It Finally Resolved that the Tribal Lands Committee and Agency Realty Office shall be and are hereby instructed to carry out the intent of this resolution.

Submitted by: BIA Realty at the request of the Tribal Lands Committee



APPLICATION FOR SURVEY  
EASTERN BAND OF CHEROKEE INDIANS  
CHEROKEE, NORTH CAROLINA

\_\_\_\_\_  
Name

\_\_\_\_\_  
Community/Parcel No.

\_\_\_\_\_  
Date of Submission

\_\_\_\_\_  
Expiration Date of Application

I, \_\_\_\_\_, RR# \_\_\_\_\_, recognized  
member of the Eastern Band of Cherokee Indians of \_\_\_\_\_ degree Indian blood hereby  
make application for an accurate survey covering my possessory holding. The holding as  
described herein was the original holding of \_\_\_\_\_ and the sequence of  
possession unto myself is described below:

THIS APPLICATION IS FOR A SURVEY OUT OF: \_\_\_\_\_

TO BE TRANSFERRED TO: \_\_\_\_\_

FOR THE PURPOSE OF: \_\_\_\_\_

APPROXIMATE ACREAGE: \_\_\_\_\_

AREA IS MARKED IN RED ON ATTACHED PLAT. \_\_\_\_\_

CALL TO SCHEDULE SURVEY TIME: \_\_\_\_\_

\_\_\_\_\_  
Applicant

Address: \_\_\_\_\_

Phone No. \_\_\_\_\_

**THIS DOCUMENT ALONE DOES NOT AUTHORIZE OR CONSTITUTE A  
TRANSFER OF POSSESSORY INTEREST.**

**THIS APPLICATION FOR SURVEY SHALL EXPIRE ON \_\_\_\_\_,  
PLEASE RENEW YOUR APPLICATION WITH THE CHEROKEE AGENCY  
REALTY OFFICE IF SURVEY HAS NOT BEEN COMPLETED BY  
EXPIRATION DATE.**

The attached Resolution/Ordinance No. 478 dated FEB 11 1999 was:

Passed (☒)

Killed (☐)

and ratified in open Council on FEB 11 1999 by 100 voting for the act

and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	✓			
Mary Ann Thompson	✓			
Jess Murphy	✓			
Bob Blankenship	✓			
Alan B. Ensley	✓			
Jim Bowman	✓			
Dan McCoy	✓			
Glenda Sanders	✓			
Larry Blythe	✓			
Bob Long	✓			
Marie Junaluska	✓			
Marion Teesateskie	✓			
TOTAL	100	0	0	0

[Signature]  
TRIBAL COUNCIL CHAIRMAN

[Signature]  
TRIBAL COUNCIL ENGLISH CLERK

[Signature]  
PRINCIPAL CHIEF

VETO UPHOLD (☐) VETO DENIED (☐)

APPROVED (☒) VETOED (☐)

DATE: 2/22/99

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.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians.  
Superintendent, Cherokee Indian Agency.

INTERPRETED (☐)

[Signature]  
OMITTED (☐)