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Date

RESOLUTION NO. \_\_\_\_\_ (2018)

WHEREAS, Ben Edward Marmon (deceased August 23, 2011), enrolled member of the Eastern Band of Cherokee Indians, did not leave a Last Will and Testament; and

WHEREAS, Annabelle Arch Marmon (enrolled), surviving wife of the deceased, qualified as the Administratrix of the estate of Ben Edward Marmon in Cherokee Court File No. EST-11-064, and the estate was closed on or about January 6, 2012; and

WHEREAS, Annabelle Arch Marmon (enrolled) surviving wife of the deceased, died on May 26, 2012. Her estate is the subject of a separate Tribal Council resolution presented contemporaneously with this resolution; and

WHEREAS, under Cherokee Code Sec. 47-4(g)(1), Annabelle Arch Marmon was entitled to receive a life estate in Ben Edward Marmon's possessory holdings. However, Annabelle's life estate terminated when she died, thereby allowing the succeeding heirs to be recognized as provided in this resolution; and

WHEREAS, the Tribal Realty Services Office submits this resolution on behalf of the heirs of Ben Edward Marmon (deceased) for the purpose confirming the identity of the heirs and recognizing them as the successors in interest to Ben Edward Marmon's (deceased) possessory holdings in the Birdtown Community.

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 identify the following persons as the heirs of Ben Edward Marmon for the purpose of inheritance and assignment of the deceased's possessory holdings: Elaine Sarah Marmon (enrolled) and John Clayton Marmon (enrolled).

BE IT FURTHER RESOLVED that **Birdtown Community Parcel No. 826-O (1<sup>st</sup> Remainder of Parcel No. 826-I)**, containing 3.320 acres, more or less, be assigned to Elaine Sarah Marmon (enrolled) and John Clayton Marmon (enrolled).

BE IT FURTHER RESOLVED that **Birdtown Community Parcel No. 826-P (2<sup>nd</sup> Remainder of Parcel No. 826-I)**, containing 1.365 acres, more or less, be assigned to Elaine Sarah Marmon (enrolled) and John Clayton Marmon (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.