

**Cherokee Council House
Cherokee, North Carolina**

Date

RESOLUTION NO. _____ (2018)

WHEREAS, in Resolution No. 236 (May 5, 2016), Tribal Council confirmed the Last Will and Testament of Beatrice Carver dated September 26, 2011, and provided for the assignment of the deceased's possessory holdings to her enrolled member granddaughter, Abby Swayney, as provided in the will; and

WHEREAS, the will also provided that the deceased's children, Rhonda Carver and Chad Carver, who are first generation descendants occupying two possessory holdings of the deceased, should be allowed to live in their respective homes "for as long as they wish to do so"; and

WHEREAS, Rhonda Carver lives on Wolfetown Community Parcel No. 646 (Part of Parcel No. 461), containing 0.653 acres more or less, (98 Dobson Ridge Road) and Chad Carver occupies Wolfetown Community Parcel No. 1193-C (Part of Parcel No. 1193-A) containing 1.244 acres more or less, (94 Dobson Ridge Road); and

WHEREAS, Resolution No. 236 was amended to require Abby Swayney to "issue a permit in the name of Rhonda Rae Carver to occupy the home located at 98 Dobson Ridge Road for five years with an option to renew to be exercised by the land owner". The resolution also required Ms. Swayney to issue a permit to Chad Eric Carver "for the term of the current mortgage on the property with an option to renew to be exercised by the landowner"; and

WHEREAS, Rhonda Carver is Abby Swayney's mother and Chad Carver is Abby Swayney's uncle; and

WHEREAS, Ms. Swayney has not issued the permits required in the resolution. Regarding Chad Carver's residence, Ms. Swayney was prevented from doing so because the residence was encumbered by a financing lease and assignment of the property to the Tribe. There is also considerable discord between among the parties; and

WHEREAS, due to the legal obstacle to Chad Carver's permit, the Attorney General, members of the Tribal Realty Office and members of the BIA met with Ms. Swayney, Rhonda Carver and Chad Carver and concluded that the Attorney General should present a corrective resolution to Tribal Council so the goal and intent of the prior resolution could be achieved. At the meeting, Ms. Swayney stated that she would consider giving Rhonda Carver and Chad Carver life estates in the respective properties; and

1 WHEREAS, after that meeting, Ms. Swayney paid-off the loan that encumbered Chad Carver's
2 residence and has filed an action in Cherokee Court to evict him; and
3

4 WHEREAS, Tribal Council should pass this resolution to effectuate the intent of Resolution
5 No. 236 (2016), which was to give Rhonda Carver and Chad Carver a defined
6 period of years in which they can continue to live in their homes.
7

8 NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council
9 Assembled, at which a quorum is present, that Resolution No. 236 (May 5, 2016)
10 is amended as follows:
11

12 (1) Rhonda Rae Carver shall have possession, occupancy and control of
13 Wolfetown Community Parcel No. 646 (Part of Parcel No. 461), containing
14 0.653 acres more or less, (98 Dobson Ridge Road), including the
15 improvements thereon, exclusive of the interests of Abby Gayle Grace
16 Swayney, for five-years beginning on May 5, 2016, which five-year period
17 may be renewed as many times as desired upon the consent of the holder of
18 the possessory interest (currently Abby Gayle Grace Swayney).
19

20 (2) Chad Carver shall have possession, occupancy and control of Wolfetown
21 Community Parcel No. 1193-C (Part of Parcel No. 1193-A) containing 1.244
22 acres more or less, (94 Dobson Ridge Road), exclusive of the interests of
23 Abby Gayle Grace Swayney, for five-years beginning on May 5, 2016, which
24 five-year period may be renewed as many times as desired upon the consent
25 of the holder of the possessory interest (currently Abby Gayle Grace
26 Swayney).
27

28 BE IT FINALLY RESOLVED that the Tribal Business Committee and the Tribal Realty Services
29 are hereby authorized to carry out the intent of this resolution.
30
31
32

33 *Submitted by the Office of the Attorney General and Tribal Realty Services*
34
35
36