

**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 (enrolled) and directed that the deceased's possessory holdings shall be assigned to her enrolled member granddaughter, Abby Gayle Grace Swayney ("Abby Swayney"), as provided in the will; and

WHEREAS, the will also provided that the deceased's children, Rhonda Carver Russell and Chad Carver, who are the adopted children and first generation descendants of the deceased and who occupy 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 Russell is Abby Swayney's mother and Chad Carver is Abby's uncle; and

WHEREAS, based on information presented, it was clear to Tribal Council that the deceased wanted Rhonda Carver Russell and Chad Carver to be able to live in their homes for the rest of their lives, if they wanted to; and

WHEREAS, Rhonda Carver Russell 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, in an attempt to effectuate the wishes of the deceased, Resolution No. 236 was passed with an amendment requiring 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, so far, Abby Swayney has refused to issue the permits required in Resolution No. 236 (2016). At one time a legal obstacle affecting Chad Carver's residence (a financing lease and assignment to the Tribe) prevented Ms. Swayney from issuing his permit, but when that obstacle was removed Ms. Swayney did not issue a permit but instead has sued to evict Chad Carver from his house; and

1 WHEREAS, Tribal Council should pass this resolution to effectuate the intent of Beatrice  
2 Carver, and to amend Resolution No. 236 (2016), to allow Rhonda Carver Russell  
3 and Chad Carver to live in their homes on the identified parcels "for as long as  
4 they wish to do so", as Beatrice Carver originally intended.  
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6 NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council  
7 Assembled, at which a quorum is present, that Resolution No. 236 (May 5, 2016)  
8 is amended as provided herein to better reflect the intent of the deceased Beatrice  
9 Carver, which was to allow her adopted children, Rhonda Carver Russell and  
10 Chad Carver, who are first generation descendants and who are well and  
11 favorably known to Tribal Council and the community, to live in their respective  
12 homes for the rest of their lives. Resolution No. 236 is amended as follows:  
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14 (1) Rhonda Rae Carver Russel shall have a life estate (measured by her life) in  
15 Wolfetown Community Parcel No. 646 (Part of Parcel No. 461), containing  
16 0.653 acres more or less, (98 Dobson Ridge Road), including the  
17 improvements thereon, exclusive of the interests of Abby Gayle Grace  
18 Swayney.  
19

20 (2) Chad Carver shall have a life estate (measured by his life) in 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), including the improvements  
23 thereon, exclusive of the interests of Abby Gayle Grace Swayney.  
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25 (3) Abby Gayle Grace Swayney shall have the remainder interest in the above  
26 described parcels.  
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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.  
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31 *Submitted by the Office of the Attorney General*  
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