

Cherokee Council House
Cherokee, North Carolina

Date

RESOLUTION NO. _____(2019)

WHEREAS, Tribal Resolution No. 515 (2010), passed October 27, 2010, recognized and confirmed the Last Will and Testament of Charles Roscoe James, BR#1076 (Deceased February 19, 2008) and

WHEREAS, Katherine Irene James and Louise Patricia James Fleming were recognized as the First Generation Descendants successor in interest in the possessory holdings of Charles Roscoe James (D), located in Cherokee County, in accord with the Cherokee Code §28-2(d)(1-2), First Generation Heirs; and

WHEREAS, In accord with Cherokee Code §28-2(d)(1-2), First Generation Heirs – Transfer Valuation, “A First Generation Descendant shall have the right to rent, lease or transfer a possessory holding to an enrolled member. All such rentals, lease or transfers must be approved by the Tribe and must be at fair market value;” and

WHEREAS, It is the desire of Katherine Irene James and Louise Patricia James Fleming that they be allowed to transfer their interest in **Cherokee County Parcel No. 199**, containing 53.537 acres more or less, and **Cherokee County Parcel No. 48**, containing 71.80 acres more or less to the Eastern Band of Cherokee Indians; and

WHEREAS, It is the desire of Katherine Irene James that she be allowed to transfer her interest in **Cherokee County Parcel No. 11** containing 1.045 acres, more or less, together with all improvements located thereon to the Eastern Band of Cherokee Indians.

WHEREAS, The Lands Acquisition Committee approved this purchase for the purchase price of Four Hundred Seventy-Four Thousand Dollars (\$474,000.00) which is the appraised value for the parcels.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present that Katherine Irene James and Louise Patricia James Fleming First Generation Descendants shall be allowed to transfer their interests in the above stated possessory holdings, containing 126.382 acres, more or less, to the Eastern Band of Cherokee Indians; and

BE IT FURTHER RESOLVED that the Tribal Council hereby authorizes the Principal Chief, on behalf of the Tribe, to enter into a Contract for Sale and Purchase

of Possessory Interests with Katherine Irene James and Louise Patricia James Fleming for the Cherokee County Parcels stated above consisting 126.382 acres, more or less, for the total purchase price of \$474,000.00.

BE IT FURTHER RESOLVED that the \$474,000.00 purchase price comes from the fund balance of the Endowment Fund No. 2.

BE IT FURTHER RESOLVED that all resolutions that are inconsistent with this resolution are rescinded and that this resolution shall become effective when ratified by the Principal Chief.

Submitted by: *The Lands Acquisition Committee*