

**CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA**

**Date:** \_\_\_\_\_

**RESOLUTION NO. \_\_\_\_\_ (2019)**

WHEREAS, enrolled member Linda Marlene Maney Wiggins died on February 11, 2013, leaving her two sons, Dwayne Anthony Wiggins and Richard Allen Wiggins, as her heirs; and

WHEREAS, on September 11, 2015, Dwayne purchased from Richard the latter's undivided interest in their deceased mother's two possessory holdings in the Wolfetown Community. Dwayne paid Richard the full purchase price of \$2,500.00, by check. Richard cashed the check and accepted the money, but he has not signed the required transfer documents; and

WHEREAS, in Resolution 305 (2018), Tribal Council recognized Dwayne Anthony Wiggins and Richard Allen Wiggins as the heirs of Linda Marlene Maney Wiggins (deceased February 11, 2013), and per that resolution they inherited from her Wolfetown Community Parcel No. 1021, containing 0.848 acres more or less, and Wolfetown Community Parcel No. 1252, containing 0.401 acres more or less; and

WHEREAS, between 2015 and today, Dwayne has informed Richard that he needs to come to the Tribal Realty Office to sign the transfer documents, and most recently, in May 2019, the Office of the Attorney General mailed a notice to Richard, but Richard has failed to respond and has not signed the transfer documents; and

WHEREAS, Dwayne Anthony Wiggins asks Tribal Council to approve the transfer of Richard Allen Wiggins' undivided interest in Wolfetown Community Parcels 1021 and 1252, to Dwayne, without the signature of Richard Allen Wiggins, to complete the transaction the parties began in 2015, which Dwayne Anthony Wiggins has fully performed, but which Richard has failed to perform.

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that the undivided interest of Richard Allen Wiggins in Wolfetown Community Parcel No. 1021, containing 0.848 acres more or less, and in Wolfetown Community Parcel No. 1252, containing 0.401 acres more or less, shall be transferred and assigned to Dwayne Anthony Wiggins.

BE IT FURTHER RESOLVED that the Tribal Realty Office and the Business Committee are authorized to write and approve the required documents and perform the necessary acts to effectuate the intent of this resolution.

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2 BE IT FINALLY RESOLVED that all resolutions that are inconsistent with this resolution are  
3 rescinded, and that this resolution shall become effective when ratified by the  
4 Principal Chief.  
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7 *Submitted by Dwayne Anthony Wiggins*