

TABLED

Cherokee Council House
Cherokee, North Carolina
Date: JAN 09 2020

Resolution Number 92 (2019)

WHEREAS, Tribal Realty Services Program (TRS) provides assistance to Eastern Band of Cherokee Indians (EBCI) Tribal Citizens to document and record their possessory interest holding transfers, including transfers of ownership and rights-of-way and easement interests; and

WHEREAS, prior to the establishment of TRS in 2016, the Bureau of Indian Affairs Cherokee Agency (BIA) managed these transactions; and

WHEREAS, the Tribal Council adopted Resolution No. 45 (1993), which authorized the BIA to declare all land transactions that were not signed or executed within one year after the date of notification to all parties in the transfer to be null and void; and

WHEREAS, since Tribal Council passed Resolution No. 45 (1993), neither the BIA nor TRS have enforced the intent of the resolution to void unsigned transaction documents older than one year; and

WHEREAS, the Tribal Business Committee on November 25, 2019 gave the directive to TRS to develop an ordinance to address the issue of possessory holding transfer documents that remain unsigned for longer than one year by the grantor of the possessory interests and therefore unable to be approved by the Tribal Business Committee; and

WHEREAS, this ordinance will appear in what will be titled Cherokee Code Chapter 47C, Tribal Realty Department, but will only address unsigned transfer documents drafted after the ordinance is adopted by Tribal Council, leaving unresolved the issue of older unsigned, unapproved transfer documents addressed in Resolution No. 45 (1993); and

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians, at which a quorum is present that Tribal Realty Services shall provide notice to the public in the Cherokee One Feather each month until the date below, and by mailing to the last known address of the grantors of the pending possessory holding transfer documents, if such grantor is living and their address is known, that any unsigned possessory holding transfer document prepared by either BIA Realty or TRS must be signed before July 1, 2020, and those remaining unsigned after July 1, 2020 that are older than one year will be declared null and void and shall not be recorded in the official land records of the Eastern Band of Cherokee Indians.

1 **BE IT FINALLY RESOLVED** that all other resolutions in conflict with this resolution are hereby
2 rescinded and the Principal Chief, Attorney General's Office, and Tribal Realty
3 Services are authorized to carryout out the intent of this resolution.

4 Submitted by: Principal Chief's Office, Attorney General's Office, Tribal Realty Services, and Tribal
5 Business Committee