

**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

Date: _____

RESOLUTION NO. _____ (2020)

WHEREAS, on September 12, 1989, the Tribal Business Committee approved a Qualla Mutual-Help Housing Program assignment for Margaret Ruby Wachacha on her possessory holding, Snowbird Community Parcel No. 185; and

WHEREAS, it was later determined that Snowbird Community Parcel No. 185 was not sufficient for a home to be placed on, as evidenced by a letter dated June 11, 2001 from the Qualla Housing Authority, and therefore the home was placed on another possessory holding Ms. Wachacha owned (Snowbird Community Parcel No. 23-A), although Ms. Wachacha's Mutual Help Housing assignment was never been amended; and

WHEREAS, because a home could not be placed on Snowbird Community Parcel No. 185, Ms. Wachacha transferred her interest in that possessory holding to another enrolled member; and

WHEREAS, the Tribal Business Committee approved a second Mutual Help Housing Program assignment for Ms. Wachacha for Snowbird Community Parcel No. 23-A on September 24, 2002, reflecting the change of possessory holdings upon which the home was built; and

WHEREAS, on February 21, 2013, the Housing Board of Commissioners "released and conveyed title and interest in Snowbird Community Parcel No. 185" to Ms. Wachacha; and

WHEREAS, on September 3, 2013, Tribal Council passed Resolution No. 679 (2013) recognizing those enrolled members who paid the Qualla Housing Authority in full for their Mutual Help Homes, and assigning the possessory interests in those parcels to those enrolled members; and

WHEREAS, Resolution No. 679 (2013) assigned Snowbird Community Parcel No. 185 to Ms. Wachacha in error; and

WHEREAS, a letter dated January 16, 2020 from the Qualla Housing Authority stated that the documents referencing Snowbird Community Parcel No. 185 was a "clerical error," that Ms. Wachacha "did not own the Possessory Interest in Parcel No. 185 but rather the parcel next to it, Snowbird Community Parcel No. 23-A, where the Mutual-Help Home was built," and that Ms. Wachacha had "fulfilled her obligations under the Agreement in 2013"; and

1 **WHEREAS,** the January 16, 2020 letter further stated, "Any Possessory Interest in Parcel Nos.
2 185 or 23-A have since reverted back to the original possessory interest holders and
3 are no longer subject to Qualla Housing's assignment"; and
4

5 **WHEREAS,** the Tribal Realty Office requests that Tribal Council approve this resolution to
6 effectuate the intent of Resolution No. 679 (2013) and amend the applicable realty
7 records to state Margaret Ruby Wachacha is assigned Snowbird Community Parcel
8 No. 23-A, and to require that a copy of this resolution be included in the possessory
9 holding files of the subject parties for future reference.
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11 **NOW, THEREFORE, BE IT RESOLVED** by the Tribal Council of the Eastern Band of
12 Cherokee Indians, in council assembled at which a quorum is present, that the
13 possessory holding records of the Tribal Realty Office, and of Margaret Ruby
14 Wachacha, are corrected as follows:
15

16 (1) **Snowbird Community Parcel No. 185 (Part of Parcel No. 23)**, containing 0.986 acres,
17 more or less, was not assigned to the Qualla Housing Authority, nor did Margaret Ruby
18 Wachacha own a possessory interest in the possessory holding.
19

20 (2) Margaret Ruby Wachacha fulfilled her obligations under the September, 2002 Mutual Help
21 Housing assignment, and the possessory interest in **Snowbird Community Parcel No. 23-**
22 **A (Part of Parcel No. 23)**, containing 1.035 acres, more or less, is hereby assigned to her.
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24 **BE IT FURTHER RESOLVED** that the Tribal Business Committee and the Tribal Realty
25 Services are hereby authorized to carry out the intent of this resolution.
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27 **BE IT FINALLY RESOLVED** that this resolution shall become effective upon approval of the
28 Principal Chief.
29

30 *Submitted by: Tribal Realty Office*
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