

PASSED

**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

Date: NOV 14 2019

RESOLUTION NO. 55 (2019)

WHEREAS, on December 6, 2018, Tribal Council passed Resolution No. 436 (2018) recognizing heirs and providing for the distribution of the possessory holdings that were part of the estate of Irene Arch Bradley (deceased December 11, 2013) based upon the possessory interest records on file at the Tribal Realty Office; and

WHEREAS, the Tribal Realty Office discovered additional records that were not located in the Tribal Realty Office's possessory holding files but were in the Qualla Housing Authority's (QHA) sole possession indicating that Irene Arch Bradley had no possessory interest in Painttown Parcel No. 794 named in Resolution No. 436 (2018), and the Tribe's realty records now require correction; and

WHEREAS, Resolution No. 436 (2018) stated that Irene Arch Bradley owned Painttown Community Parcel No. 794, containing 0.999 acres; and

WHEREAS, after Resolution No. 436 (2018) was passed by Tribal Council, the Tribal Realty Office was informed that Irene Arch Bradley had previously assigned Parcel No. 794 to QHA. Due to violations of the Mutual-Help Occupancy Agreement executed between Ms. Bradley and QHA, she was evicted from the home in 2005 (Cherokee Court CV 05-441), QHA became the owner of the parcel, and QHA reassigned the parcel first in 2006 and then again in 2009 to other Tribal members. These re-assignments were not recorded in the Tribal Realty Office; and

WHEREAS, Tribal Business Committee approved a transfer from the Eastern Band of Cherokee Indians to the heir of Irene Arch Bradley, Justin Michael Arch, subject to a life estate for Hugh E. Bradley, on September 24, 2019 for Painttown Community Parcel No. 794. This transfer was made in error due to the information described above; and

WHEREAS, the Tribal Realty Office requests that Tribal Council rescind the Tribal Business Committee approved transfer of Painttown Community Parcel No. 794, to approve this resolution to correct Resolution No. 436 (2018) and the applicable realty records, and to require that a copy of this resolution be included in the possessory holding files of the subject parties for future reference.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled at which a quorum is present, that Resolution No. 436 (2018) and the possessory holding records of the Tribal Realty Office, and of Irene Arch Bradley are corrected as follows:

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2 (1) **Painttown Community Parcel No. 794 (Part of Parcel No. 219)**, containing 0.999 acres,
3 more or less, together with all improvements located thereon, is held by the Qualla Housing
4 Authority and was not part of the estate of Irene Arch Bradley.
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6 (2) The transfer of **Painttown Community Parcel No. 794** by and between the Eastern Band
7 of Cherokee Indians and the heir of Irene Arch Bradley, Justin Michael Arch, subject to a
8 life estate for Hugh E. Bradley, that was approved by the Tribal Business Committee on
9 September 24, 2019 and authorized by Resolution No. 436 (2018) is hereby voided and
10 rescinded to reflect the intent of this resolution.
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12 BE IT FURTHER RESOLVED that the Tribal Business Committee and the Tribal Realty Services
13 are hereby authorized to carry out the intent of this resolution.
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15 BE IT FINALLY RESOLVED that this resolution shall become effective upon approval of the
16 Principal Chief and any portion of Resolution No. 436 (December 6, 2018) that is
17 inconsistent with this resolution is hereby rescinded.
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19 *Submitted by: Tribal Realty Office*
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