



TRIBAL COUNCIL
CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA
Thursday, July 1st, 2010
8:30 a.m.

All individuals who have issues before Tribal Council need to contact TOP at 554-6721 to verify the times of their scheduled items. If Council is running ahead, the individual(s) need to be prepared to present before Council earlier than the designated time.

- I. Call to Order - Chairman Jim Owle
- II. Prayer
- III. Roll Call
- IV. Report from Marshal
- V. Orders of the Day

A. Continuation of Agenda

***Indicates timed item, individual has been notified at this specific time to be present

8:30 a.m. - Reports & Announcements

***9:00 a.m. - Request for Time - Honor Air presentation by Warren Dupree & Lynn Lazar

***9:10 a.m. - Tabled Res. No. 362 - Shan Standingdeer requests that transfer between himself and John Julius Wilnoty (d) be completed without the signature of Tennie Standingdeer Wilnoty (Item No. 1)

***9:20 a.m. – Amendment to Res. No. 264 (10) to change name from William Howard Lambert (d) to Willard Howard Lambert (d) (Item No. 2)

***9:30 a.m. – BIA authorized to decrease right-of-way along Mary Lambert Farm Road from 60 feet to 40 feet across the parcel of Patrick Lambert (Item No. 3)

***9:40 a.m. – Last will & testament of Charlotte Hornbuckle Mason (d) (Item No. 4)

9:40 a.m. - Assignment of mutual-help homes (Item No. 5)

9:50 a.m. – Tribal Council instruct Office of Planning & Development to begin organization of programs, members, and individuals regarding the housing of historical documentation and items of value to EBCI (Item No. 6)

10:00 a.m. – Chief authorized to enter into PL 93-638 Title V Construction Agreements with Nashville Area Indian Health Service for administering PL 86-121 Sanitation Facilities Construction Projects awarded during the fiscal year 2010 (Item No. 7)

10:10 a.m. – Council authorize Cherokee Language Forum to develop Cherokee Language subject area test as part of certification process for Cherokee language instructors (Item No. 8)

10:20 a.m. – Tabled Ordinances

- Tabled Ord. No. 216 – Election Ordinance Amendments (Item No. 9)
- Tabled Ord. No. 274 – Syllabary Translation (Item No. 10)
- Tabled Ord. No. 275 – Business Preference Law Amendments (Item No. 11)
- Tabled Ord. No. 321 – Business Background Checks (Item No. 12)
- Tabled Ord. No. 323 – Hunting & Fishing Ord. (Item No. 13)
- Tabled Ord. No. 356 – Concealed Carry of Dangerous Weapon (Item No. 14)
- Tabled Ord. No. 357 – Domestic Violence Prevention Act (Item No. 15)
- Tabled Ord. No. 358 – Tribal Condominium Act (Item No. 16)

10:40 a.m. – New Ordinances to be deemed read & tabled for 25 days

- Cherokee Broadband Enterprises amendments (Item No. 17)
- Revised Personnel Policy (Item No. 18)

*****BANISHMENTS ITEMS AS NECESSARY**

**FILE CODE SHEET
THURSDAY, JULY 1ST 2010**

RES./ORD. NUMBER	DESCRIPTION OF RES./ORD.	COUNCIL ACTION
Item No. 1 – Tabled Res. No. 362	Shan Standingdeer requests transfer between himself and John Julius Wilnoty (d) be completed without signature of Tennie Standingdeer Wilnoty	
Item No. 2	Amdt. to Res. No. 264 (10) to change name from William Howard Lambert (d) to Willard Howard Lambert (d)	
Item No. 3	BIA authorized to decrease right-of-way along Mary Lambert Farm Road from 60 feet to 40 feet across parcel belonging to Patrick Lambert	
Item No. 4	Last will & testament of Charlotte Hornbuckle Mason (d)	
Item No. 5	Assignment of mutual-help houses	
Item No. 6	Council instruct Office of Planning & development to begin organization of programs, members, and individuals regarding the housing of historical documentation and items of value to EBCI	

Item No. 7	Chief authorized to enter into PL 93-638 Title V Construction agreements with Nashville Area Indian Health Service for administering PL 86-121 Sanitation Facilities Construction Projects awarded during FY 2010	
Item No. 8	Council authorize Cherokee Language Forum to develop Cherokee Language subject area test as part of certification process for Cherokee language instructors	
Item No. 9 – Tabled Ord. No. 216	Election Ordinance Amendments	
Item No. 10 – Tabled Ord. No. 274	Syllabary Translation	
Item No. 11 – Tabled Ord. No. 275	Business Preference Law Amendments	
Item No. 12 – Tabled Ord. No. 321	Business Background Checks	
Item No. 13 – Tabled Ord. No. 323	Hunting & Fishing Ord. Amdts.	
Item No. 14 – Tabled Ord. No. 356	Concealed Carry of Dangerous Weapons	
Item No. 15 – Tabled Ord. No. 357	Domestic Violence Prevention Act	
Item No. 16 – Tabled Ord. No. 358	Tribal Condominium Act	
Item No. 17	Cherokee Broadband Enterprises Amendment	
Item No. 18	Revised Personnel Policy	

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

June 3, 2010
(DATE)

TABLED

RESOLUTION NO. 362 (2010)

WHEREAS, Shan Standingdeer is an enrolled member of the Eastern Band of Cherokee Indians; and

WHEREAS, in September of 2007, he and John Julius Wilnoty Jr. (d) went to the Realty Department located at BIA in order to conclude a transfer of property in which Shan Standingdeer bought one acre of property owned by John Julius Wilnoty (d); and

WHEREAS, John Julius Wilnoty Jr. (d) transferred one acre of property located in the Wolfstown Community to Shan Standingdeer, and signed the paperwork to complete this transaction; and

WHEREAS, according to Shan Standingdeer, in 2007 John Julius Wilnoty Jr. (d) had been officially divorced from his spouse, Tennie Standingdeer Wilnoty for approximately seven years, and the acreage sold to Shan belonged solely to John Julius Wilnoty Jr. (d); and

WHEREAS, the transfer was stopped at Realty because Tennie Standingdeer Wilnoty was advised by Realty that this property was being transferred and she had not signed the transfer documents; and

WHEREAS, because this property was owned solely by John Julius Wilnoty Jr (d), Shan Standingdeer desires that this transfer proceed without the signature of Tennie Standingdeer Wilnoty.

NOW, THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, that the transfer between Shan Standingdeer and John Julius Wilnoty Jr (d) be completed without the signature of Tennie Standingdeer Wilnoty.

BE IT FURTHER RESOLVED this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Shan Standingdeer

THE CHEROKEE COURT
EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA
CV 06- 066

2007 APR -2 AM 11:13

CHEROKEE TRIBAL COURT

VANDERBILT MORTGAGE
& FINANCE, INC.,
Plaintiff,

vs.

**ORDER ON COMPLAINT
FOR REPOSSESSION**

JOHN J. WILNOTY,
Defendant.

This case came on for hearing on Plaintiff's Complaint for Repossession. Based on the pleadings and the evidence submitted at the hearing, the Court finds and concludes:

- This court has jurisdiction over the subject matter and parties in this action.
- Defendant(s) was (were) properly served at least 15 days prior to the hearing of this matter or waived notice by their appearance. The following parties or their representatives appeared at the hearing of this matter:

Plaintiff's Counsel - Gary E Kirby

Plaintiff has has not proven by the greater weight of the evidence that Defendant is in default of a valid security agreement giving Plaintiff an immediate right to possession of the following personal property located on the Cherokee Indian Reservation: 1997 Clayton Heartlander Mobile Home, Serial Number CAP002120TNAB; Range, Serial Number LR1176466; Refrigerator, Serial Number HR534465; and Dishwasher, Serial Number LR757077B.

IT IS THEREFORE ORDERED:

- Plaintiff is hereby authorized to repossess the personal property described above when accompanied by a Tribal Police Officer. The Cherokee Tribal Police are authorized and directed to accompany the Plaintiff to repossess the property.
- This case is dismissed because the Plaintiff has failed to prove the case by the greater weight of the evidence.

Date: 4/2/07

CHEROKEE TRIBAL COURT
CLERK
5
20 08
Sept
M. [Signature]
Judge Presiding
C. [Signature]
COURT CLERK

~~COURT OF INDIAN OFFENSES~~
EASTERN BAND OF CHEROKEE INDIANS
~~CHEROKEE AGENCY~~ Cherokee Tribal Court
CHEROKEE, NORTH CAROLINA
CV-00-112

TENNIE STANDINGDEER WILNOTY,
Plaintiff,

vs.

JUDGMENT OF DIVORCE

JOHN WILNOTY JR.,
Defendant.

THIS CAUSE, coming on to be heard and being heard this Honorable Court on this the 5 day of Sept, 2000, before the Honorable George S. Wolfe Jr ~~CFR Magistrate~~, upon a complaint filed on the 31 day of March, 2000, and it appearing to the Court that the Defendant was served personally, and that the following issues have been submitted to and answered:

1. That the Plaintiff and the Defendant were lawfully married.
2. That the Court has jurisdiction pursuant to Ordinance No. 168 (1994) Subsection (b) Domestic Relations of all individuals residing on Cherokee trust lands where either spouse, parent, or child is a tribal member or where non-member spouse, parent or child are all living on trust land.
3. That the Plaintiff and the Defendant were married on the 13th day of May, 1979, and did thereafter live together as man and wife until on or

about the 18th day of February, 2000, at which time the parties separated and have since that time continued to live separate and apart.

4. That there were two children born of the marriage, of which are minors, to wit: AVERY WILLIAM WILNOTY (DOB 5/11/85) and MARY ELIZABETH WILNOTY (DOB 6/5/87), and the Plaintiff is awarded the sole legal and physical custody, care and control of the minor children.

5. That the Plaintiff is not pregnant at this time.

6. That it would be in the best interest of the minor children if the Plaintiff/mother had sole and exclusive legal and physical custody of the two minor children, AVERY WILLIAM WILNOTY (DOB 5/11/85), and MARY ELIZABETH WILNOTY (6/5/87).

7. That it would be in the best interest of the minor children AVERY WILLIAM WILNOTY (DOB 5/11/85), and MARY ELIZABETH WILNOTY (6/5/87) if the Defendant, John Wilnoty Jr. had visitation with minor children every other weekend from 6:00 p.m. on Friday, until 6:00 p.m. on Sunday, and at such other times as the parties may mutually agree. Further that the minor children will not be in any environment in which alcohol is being used or consumed while the Defendant/father exercises these visitation rights.

NOW THEREFORE BE IT ORDERED, ADJUDGED AND DECREED THAT:

1. The Plaintiff, TENNIE STANDINGDEER WILNOTY be and she is hereby granted an absolute divorce from the Defendant, JOHN WILNOTY JR., and that the bonds of matrimony existing between the Plaintiff and the Defendant be and they are hereby forever dissolved.
2. That the Plaintiff/mother have sole legal and physical custody, care and control of the minor children, AVERY WILLIAM WILNOTY (DOB 5/11/85) and MARY ELIZABETH WILNOTY (DOB 6/5/87).

3. That the Defendant/father have visitation with the minor children every other weekend from 6:00 p.m. on Friday until 6:00 p.m. on Sunday, and at such other times as the parties may mutually agree. Further that the minor children shall not be exposed to any environment in which alcohol is being used or consumed.
4. That the Defendant/father shall pay child support to the Plaintiff/mother in an amount consistent with the North Carolina Child Support Guidelines.
5. That the parties have divided all marital property, consisting of the Plaintiff/father receiving the former marital home located on the Cherokee Indian Reservation, and all debts acquired in the course of the marriage. The Defendant/mother is to receive the two automobiles acquired in the course of the marriage, to wit, a 1975 Chevrolet Nova, and a 1991 Ford Escort. All remaining marital property has been divided among the parties to their mutual satisfaction and there remains no issues of alimony, equitable distribution or other claims arising during the course of the marriage.

THIS THE 5 DAY OF Sept., 2000.

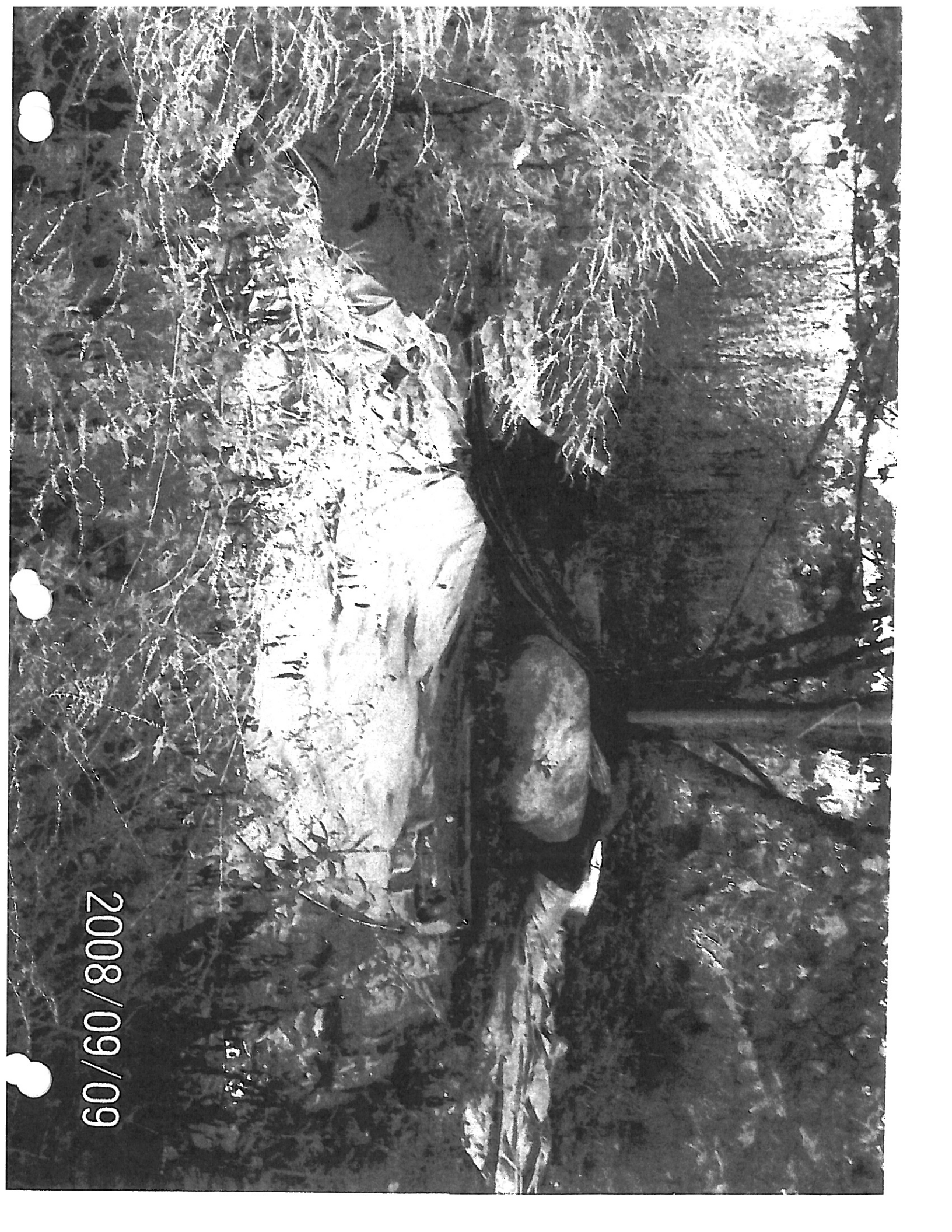


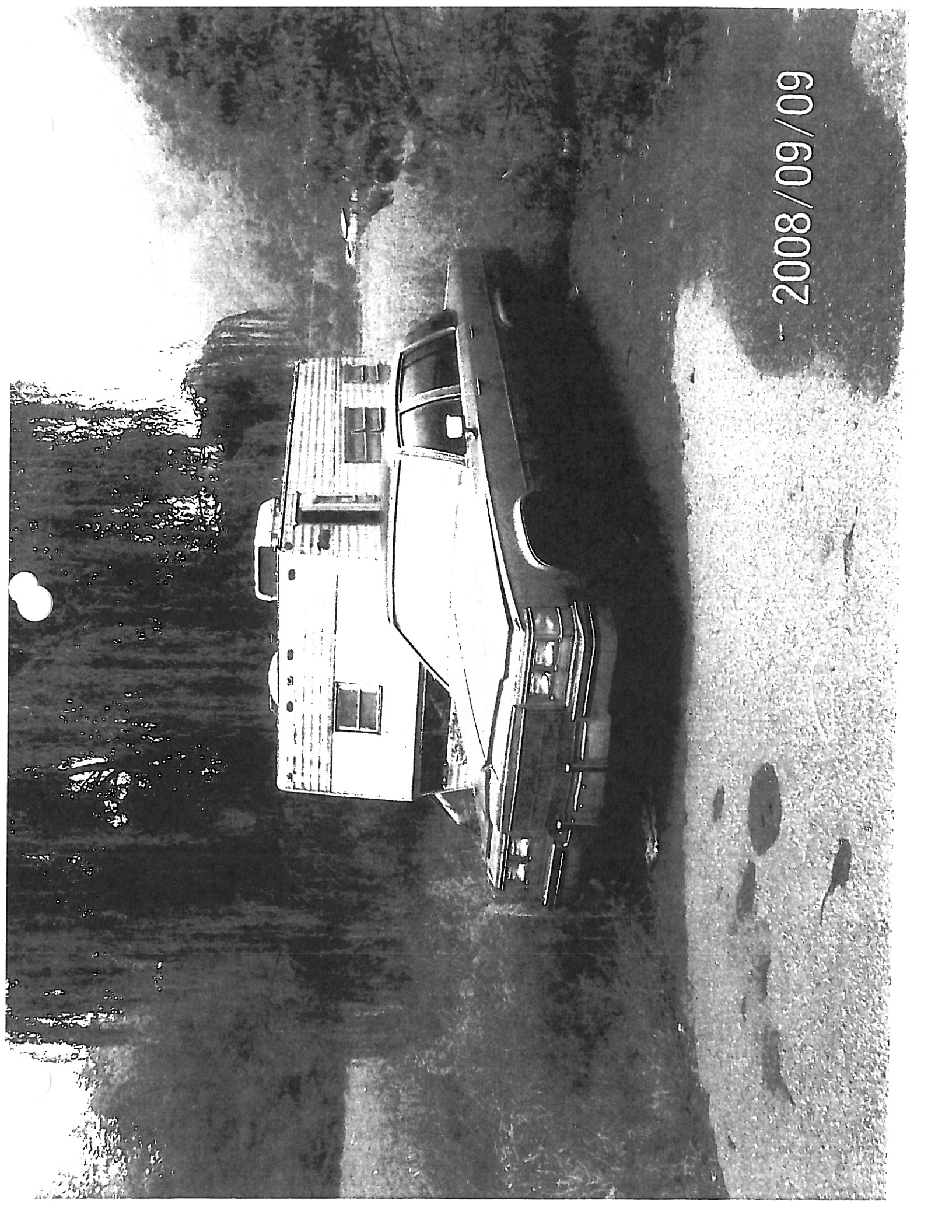
Judge Presiding

A TRUE COPY
THE CHEROKEE COURT
CLERK OF COURT

BY  DEPUTY

2008/09/09





2008/09/09

TRANSFER DATA SHEET

Date: 9/4/07

Initials of Person Taking Information: JEF

Community: WT
Parcel No.: 96-K4L

POSSESSORY HOLDER:

John Julius Wilnoty, Jr.
Tennie Mae Standingdeer
(Spouse) Wilnoty

RR# 3699 Blood Degree 23/32
RR# 4264 Blood Degree 83/128

P.O. Box 2094
Address
Cherokee, N.C 28719

Maiden or other name: _____
Phone No.: (H) 497-6481
(W) _____

No. of Acres to Be Given: L-1.093 K-0.472 Total Price of Property: \$500⁰⁰
Payment Schedule: TBC

Is Property Presently Occupied: Yes No
Does Property have a Lease (Residential/Business/Financing)? NO Lease No. _____
Does Property have a Permit? NO Permit No. _____
Any signs located on the property? Yes No
Is property subject to Rights-of-Way? Yes No
Does property have to be surveyed? NO Is application in? _____
Date of Survey Application: _____

PERSON RECEIVING PROPERTY:

Shan French Standingdeer
(Spouse)

RR# 2657 Blood Degree 45/64
RR# _____ Blood Degree _____
DOB for Minors: _____

4927 BigCove Road
Address
Cherokee, N.C 28719

Maiden or other name: _____
Phone No.: (H) 497-9965
(W) _____

ARE BOTH PARTIES 18 OR OLDER Yes No

NOTE: ALL TRANSFERS ARE SUBJECT TO A 10 DAY POSTING PERIOD

John J. Wilnoty Jr.
Possessory Holder/Date

Shan French Standingdeer
Person Receiving Property/Date



LIEN LIABILITY CERTIFICATION FORM

This form certifies only for information on file as the date it was signed

Form# _____

(1) Lien (ord.961-2003) amount section (EBCI's Revenue Office use only)

(NO) There are no delinquent tribal taxes or other fees, privileges, penalties and interest charges that may constitute a lien on interests in the real property described in section (2) below.

(YES) There are delinquent tribal taxes or other fees, privileges, penalties and interest charges that may constitute a lien on interests in the real property described in section (2) below.

Amount of Liens etc \$

William Gary Cole 9/4/07

Signature of authorized Finance Representative

Date _____

(2) Description of property section (BIA office use only)

Parcel number 96-K&L
Location WT

Sublease numbers:

(1) _____
(2) Ma
(3) _____

Name of Businesses operated on property

(1) _____
(2) Ma
(3) _____

Sublease owners:

(1) _____
(2) Ma
(3) _____

Lease numbers affected by transfer:

(1) _____
(2) Ma
(3) _____

Primary lease Owners for all traders affected by transfer:

(1) _____
(2) Ma
(3) _____

Former lease numbers:

(1) _____
(2) Ma
(3) _____

(list any additional data on back)

Trader License numbers:

(1) _____
(2) Ma
(3) _____

Worcester
Signature of authorized BIA Representative Date 9/4/07

(3) Owner information (customer to fill out & sign):

Owner/seller/agents John Julius Wilnoty, Jr.

Address P.O. Box 2094

Phone number 497-6481

New owner/buyer/agents Shan French Standingdeer

Address 4927 Big Cove Rd

Phone number 497-9965

Improvements on parcel water & Septic tank

Signature John J. Wilnoty Jr DATE 9/4/07
(Leaseholder/owner/agent hereby certifies the above information is true to the best of his/her knowledge)

CROSS
REFERENCE

CHEROKEE INDIAN RESERVATION

TRANSFER OF POSSESSORY INTEREST AND OR USE RIGHTS TO CHEROKEE TRIBAL LANDS

THIS TRANSFER OF POSSESSORY HOLDING AS DESCRIBED HEREON, MADE THIS 5TH DAY OF AUGUST, 2005, BY AND BETWEEN JOHN JULIUS WILNOTY, JR., RR#3699, 25/32 AND TENNIE MAE STANDINGDEER WILNOTY, RR#4264, 83/128 PARTY OF THE FIRST PART, AND SHAN FRENCH STANDINGDEER, RR#2657, 45/64 PARTY OF THE SECOND PART, BOTH BEING RECOGNIZED MEMBERS OF THE EASTERN BAND OF CHEROKEE INDIANS AND ACCORDINGLY ENTITLED TO USE OF TRIBAL LANDS IN ACCORD WITH APPLICABLE BUREAU AND TRIBAL REGULATIONS.

WITNESSETH, THAT THE SAID PARTY OF THE FIRST PART HEREBY COVENANTS AND AGREES THAT, IF THE PARTY OF THE SECOND PART SHALL FIRST PERFORM THE COVENANTS HEREINAFTER MENTIONED ON HIS PART TO BE MADE AND PERFORMED, THE PARTY OF THE FIRST PART WILL

Transfer to the Party of the Second Part all THEIR interest in and possessory rights to a certain parcel of land located in Wolfetown Community, Jackson County, North Carolina and being fully described as follows:

WOLFETOWN COMMUNITY PARCEL NO. 96-K (PART OF PARCEL NO. 96-J) – BEGINNING at a ¼” Iron Rod, set in Wolfetown Community, that marks the Southwest corner of Parcel No. 96-L. Thence, with the line of Parcel No. 96-L, N 73° 11’ 00” E 109.46’ to a ½” Iron Rod. Thence, with lines of Parcel No. 96-I, the following courses and distances:

- S 08° 25’ 49” E 142.85’ to a point on the centerline of a 15’ Access Road Right-of-Way;
- S 08° 25’ 49” E 48.24’ to a ½” Iron Rod near the North bank of Soco Creek. Thence, down and along the North bank of the creek, S 76° 13’ 00” W 110.87’ to a point. Thence, leaving the bank of the creek and running with lines of Parcel No. 96-G, the following courses and distances:
- N 07° 47’ 00” W 24.54’ to an Iron Pipe;

CONTINUATION ON REVERSE HEREOF

CROSS
REFERENCE

AND THE SAID PARTY OF THE SECOND PART HEREBY COVENANTS AND AGREES IN CONSIDERATION OF THE ABOVE LISTED COVENANTS OF THE PARTY OF THE FIRST PART TO PAY TO THE PARTY OF THE FIRST PART THE SUM OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATIONS FOR THE ABOVE DESCRIBED PARCEL OF LAND.

IT IS UNDERSTOOD AND AGREED BY BOTH PARTIES HERETO THAT ONLY THE IMPROVEMENTS AND POSSESSORY INTEREST IN THE LAND IS CONVEYED BY THIS AGREEMENT AND THAT THE TITLE TO SAID LAND REMAINS IN A TRUST STATUS IN THE NAME OF THE EASTERN BAND OF CHEROKEE INDIANS. THE PARTY OF THE SECOND PART HEREBY COVENANTS AND AGREES TO ACCEPT ALL BOUNDARIES OF THE SUBJECT POSSESSORY HOLDING AS SURVEYED AND DESCRIBED ABOVE.

IT IS FURTHER UNDERSTOOD AND AGREED THAT THIS AGREEMENT SHALL NOT BECOME BINDING AND EFFECTIVE UNLESS AND UNTIL APPROVED BY THE BUSINESS COMMITTEE OF THE EASTERN BAND OF CHEROKEE INDIANS AND FULL COMPLIANCE OF APPLICABLE TRIBAL REGULATIONS HAS BEEN MET.

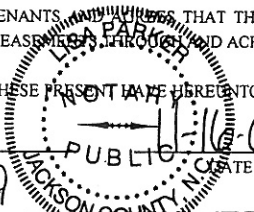
IT IS MUTUALLY AGREED THAT ALL COVENANTS AND AGREEMENTS HEREIN CONTAINED SHALL EXTEND TO AND BE OBLIGATORY UPON THE SUCCESSORS IN INTEREST OF THE RESPECTIVE PARTIES.

THE PARTY OF THE SECOND PART COVENANTS AND AGREES THAT THE ABOVE DESCRIBED PARCEL IS TRANSFERRED SUBJECT TO ALL EXISTING ROADS, RIGHTS-OF-WAYS AND EASEMENTS AND ACROSS SAID PROPERTY.

IN WITNESS WHEREOF THE PARTIES TO THESE PRESENT HAVE HEREUNTO SET THEIR HANDS AND SEALS, THE DAY AND YEAR FIRST ABOVE WRITTEN.

Lisa Parker
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 2-12-09

John Julius Wilnoty Jr
 JOHN JULIUS WILNOTY, JR.



Patricia G. Buchanan
 NOTARY PUBLIC
 MY COMMISSION EXPIRES: 7-11-2006

Heather L. Smith
 Notary Public
 Jackson County, NC
 My Commission Expires Dec. 8, 2010
9/23/05
 DATE

Tennie Mae Standingdeer Wilnoty
 TENNIE MAE STANDINGDEER WILNOTY
Shan French Standingdeer
 SHAN FRENCH STANDINGDEER

TRIBAL BUSINESS COMMITTEE APPROVAL: MAY 23 2006

Nichelle Hicks
PRINCIPAL CHIEF

ABSENT
VICE CHIEF

B. Cook
VICE CHAIRMAN TRIBAL COUNCIL

[Signature]
CHAIRMAN TRIBAL COUNCIL

VACANT
EXECUTIVE ADVISOR

[Signature]
EX-OFFICIO SECRETARY

CROSS
REFERENCE

N 07° 47' 00" W 16.23' to a point on the centerline of a 15' Access Road Right-of-Way;
N 07° 47' 00" W 144.70' to The Point of BEGINNING.

Containing 0.472 Acre, more or less.

NOTE: This parcel is subject to a 15' Access Road Right-of-Way.

NOTE: The above is part of the Nancy Blackfox Heirs Division and includes R/W's.

Cherokee Council House
Cherokee, North Carolina

Date

RESOLUTION NO. _____(2010)

WHEREAS, Tribal Resolution No. 264 (2010), enacted on April 8, 2010, resolved that Nadine Patricia Lambert Walsh, First Generation Descendant, should be allowed to transfer her interest in in **Birdtown Community Parcel No. 524 (Part of Parcel No. 316)**, containing 1.031 acres, more or less, **Birdtown Community Parcel No. 318-A (Part of Parcel No. 318)**, containing 0.701 acres, more or less, **Birdtown Community Parcel No. 317-A (Part of Parcel No. 317)**, containing 0.388 acres, more or less, and **Birdtown Community Parcel No. 316-A (Remainder of Parcel No. 316)**, containing 0.718 acres, more or less, to Alice Virginia Lee Lambert Owle, RR#1294 and Sammie Wayne Owle, RR#1987; and

WHEREAS, Research has be determined that Nadine Patricia Lambert Walsh was the successor in interest to the possessory holdings of Willard Howard Lambert, RR#1422 (D), not William Howard Lambert.

NOW THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present that Tribal Council Resolution No. 264 (2010), enacted on April 8, 2010, shall be amended to change the name of William Howard Lambert (D) to Willard Howard Lambert.

BE IT FINALLY RESOLVED that the Tribal Business Committee and Cherokee Agency Division of Real Estate Services are hereby authorized to carry out the intent of this resolution.

Submitted by: Cherokee Agency Division of Real Estate Services

ADDRESSES

Nadine Patricia Lambert Walsh
184 Vliet Blvd.
Cohoes, NY 12047

Alice Virginia Lee Lambert Owle
78 Flying Squirrel Ridge
Whittier, NC 28789

Sammie Wayne Owle
78 Flying Squirrel Ridge
Whittier, NC 28789

PASSED

Cherokee Council House
Cherokee, North Carolina

APR 08 2010

Date

RESOLUTION NO. 264 (2010)

WHEREAS, Tribal Resolution No. 371 (2006), enacted June 1, 2006, recognized and confirmed the Last Will and Testament of William Howard Lambert, RR#1422 (Deceased September 17, 2005) and

WHEREAS, Nadine Patricia Lambert Walsh was recognized as the First Generation Descendant successor in interest in the possessory holdings of William Howard Lambert (D), located in Birdtown Community, 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 Nadine Patricia Lambert Walsh that she be allowed to transfer her interest in **Birdtown Community Parcel No. 524 (Part of Parcel No. 316)**, containing 1.031 acres, more or less, **Birdtown Community Parcel No. 318-A (Part of Parcel No. 318)**, containing 0.701 acres, more or less, **Birdtown Community Parcel No. 317-A (Part of Parcel No. 317)**, containing 0.388 acres, more or less, and **Birdtown Community Parcel No. 316-A (Remainder of Parcel No. 316)**, containing 0.718 acres, more or less to Alice Virginia Lee Lambert Owle, RR#1294 and Sammie Wayne Owle, RR#1987; and

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present that Nadine Patricia Lambert Walsh, First Generation Descendants shall be allowed to transfer her interest in in **Birdtown Community Parcel No. 524 (Part of Parcel No. 316)**, containing 1.031 acres, more or less, **Birdtown Community Parcel No. 318-A (Part of Parcel No. 318)**, containing 0.701 acres, more or less, **Birdtown Community Parcel No. 317-A (Part of Parcel No. 317)**, containing 0.388 acres, more or less, and **Birdtown Community Parcel No. 316-A (Remainder of Parcel No. 316)**, containing 0.718 acres, more or less to Alice Virginia Lee Lambert Owle, RR#1294 and Sammie Wayne Owle, RR#1987; and

BE IT FINALLY RESOLVED that the Tribal Business Committee and Cherokee Agency Division of Real Estate Services are hereby authorized to carry out the intent of this resolution.

Submitted by: Cherokee Agency Division of Real Estate Services.

ADDRESSES

Nadine Patricia Lambert Walsh
184 Vliet Blvd.
Cohoes, NY 12047

Alice Virginia Lee Lambert Owle
78 Flying Squirrel Ridge
Whittier, NC 28789

Sammie Wayne Owle
78 Flying Squirrel Ridge
Whittier, NC 28789

The attached Resolution/Ordinance No. 264 dated April 8, 2010 was:

PASSED (X)

KILLED ()

and ratified in open Council on April 8, 2010 by 93 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT	TABLE
Teresa McCoy			X		
Perry Shell	X				
Gene Crowe	X				
Mike Parker	X				
David Wolfe	X				
Alan Ensley	X				
Jim Owle	X				
Diamond Brown	X				
Adam Wachacha	X				
Bill Taylor	X				
Terri Henry	X				
Tommye Saunooke	X				
	93		7		


 TRIBAL COUNCIL CHAIRMAN


 CLERK


 PRINCIPAL CHIEF

APPROVED (✓)

VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 4-26-10

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified by Council Chairperson, Clerk, and Principal Chief of the Eastern Band of Cherokee Indians.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians. Superintendent, Cherokee Indian Agency.

 INTERPRETED ()


 OMITTED ()

Raymond's Bay Land Rights
Parcel No 51

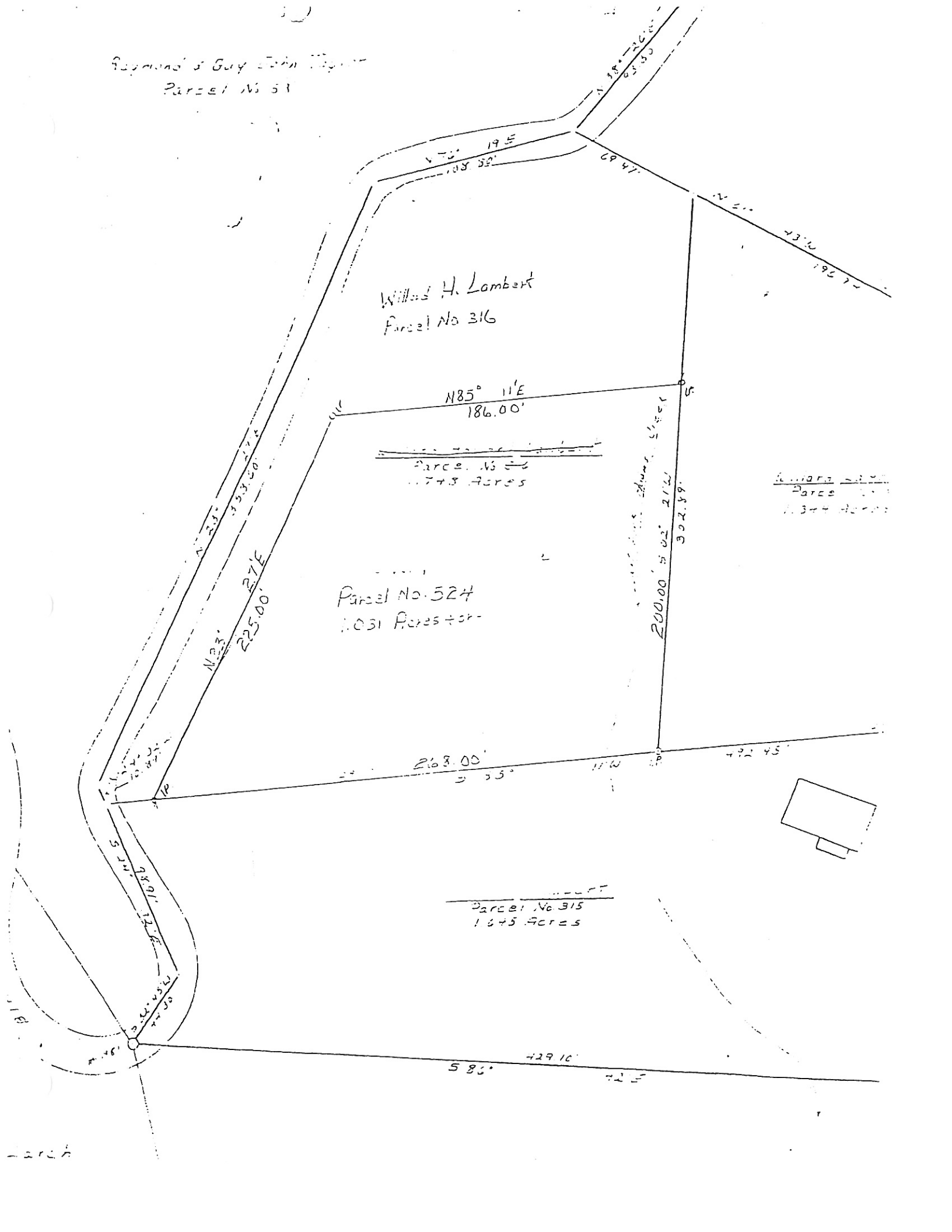
William H. Lambert
Parcel No 316

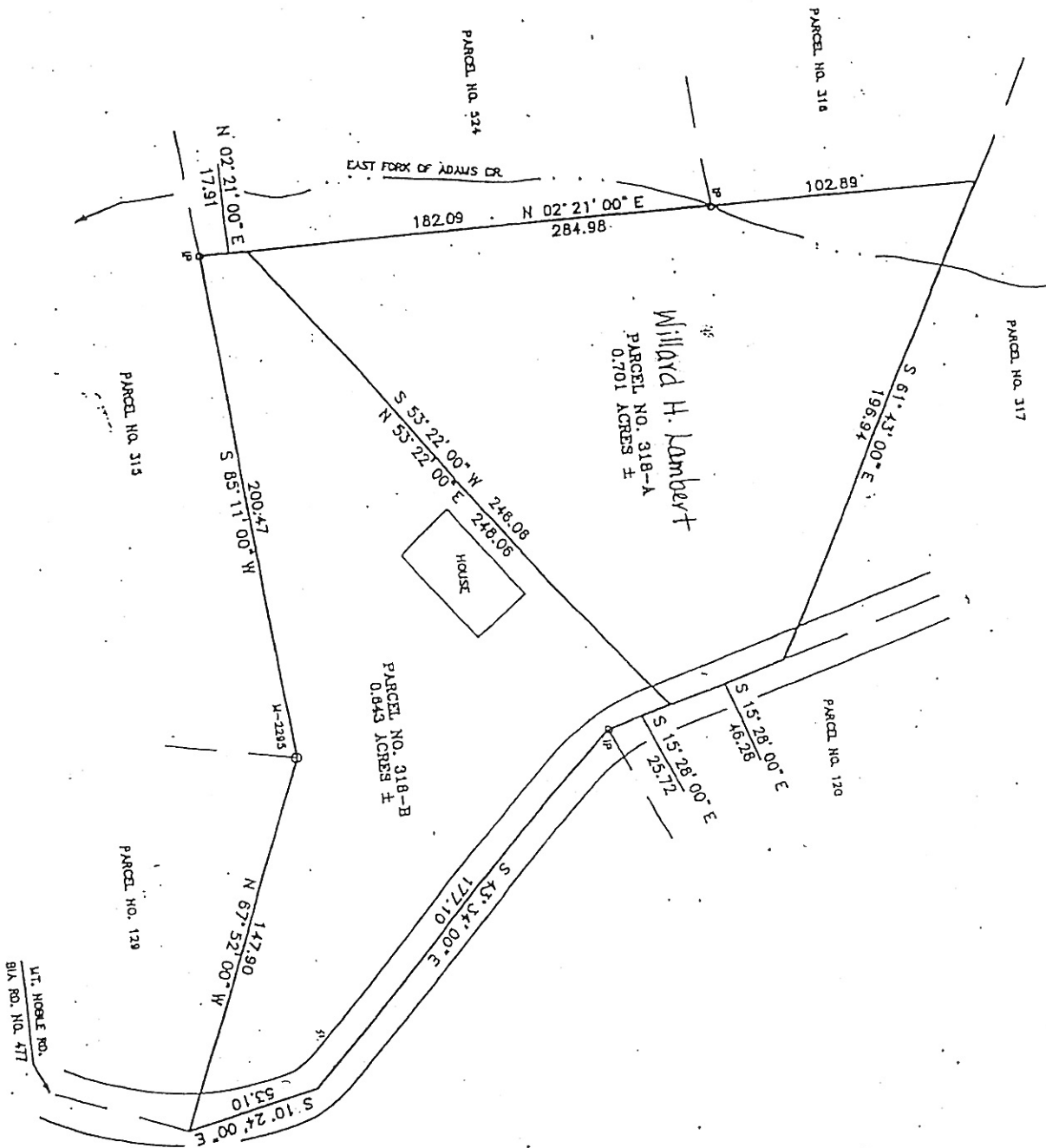
Parcel No. 524
1,031 Acres +/-

Parcel No 52
1,748 Acres

Parcel No 52
1,344 Acres

Parcel No 315
1,645 Acres





LIT. NOBLE RD.
BLK. NO. 104. 477

PARCEL NO. 315

PARCEL NO. 129

PARCEL NO. 324

EAST FORK OF ADAMS CR.

PARCEL NO. 318

PARCEL NO. 317

Willard H. Lambert
PARCEL NO. 318-A
0.701 ACRES ±

PARCEL NO. 318-B
0.443 ACRES ±

PARCEL NO. 120

N 02° 21' 00" E
17.91

182.09 N 02° 21' 00" E
284.98

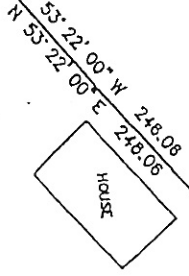
102.89

200.47 S 85° 11' 00" W

M-2285

1427.90 N 87° 52' 00" W

S 10° 24' 00" E
53.10



S 53° 22' 00" W 248.08

N 55° 22' 00" E 89.22

HOUSE

S 15° 28' 00" E
16.22

S 15° 28' 00" E
25.72

S 61° 43' 00" E
196.94

S 43° 34' 00" E
177.10

PARCEL NO. 53

BT PARCEL NO. 317-B
0.642 ACRES ±

PARCEL

TO MT. NOBLE FIRE TOWER
B.I.A. RD. NO. 477

N 38°26'00"E
(42.99')

1/2" IR N 80°02'48"W 192.19' 123.17'
(12.23') S 80°02'48"E 192.19' 123.17'

BUS TURN
PK NAIL AROUND
(56.78')

WILLIAM H. LAMBERT
BT PARCEL NO. 317-A
0.388 ACRES ±

PARCEL NO. 316

(69.47')

N 61°43'00"W
266.51'

PARCEL NO. 318

(196.94')

N 62°36'00"E
44.00'

54.30'

S 35°35'00"E
47.10'

N 13°15'00"E
128.70'

S 01°09'00"E
79.60'

S 04°02'00"E
93.15'

S 04°02'00"E
64.15'

S 15°28'00"E
65.10'



SCALE - FEET
DWG FILE BT317

Cherokee Council House
Cherokee, North Carolina
Date _____

Resolution No. _____ (2010)

WHEREAS the Eastern Band of Cherokee Indians and The Cherokee Department of Transportation is bound by Federal regulations to completed an have an approved design package before commencing any construction project, including a certified Right Of Way Plan, and

WHEREAS the Bureau of Indian Affairs is responsible for keeping right of ways certified for Bureau of Indian Affairs Roads, and

WHEREAS the Eastern Band of Cherokee Indians and The Cherokee Department of Transportation is ready to commence construction on Mary Lambert Farm, and

WHEREAS one remaining Right of Way issue must be approved by Tribal Council before construction can commence. This issue has been approved by Lands Committee, the BIA and CDOT, and

NOW THEREFORE BE IT RESOLVED by the Tribal Council of the Eastern Band of Cherokee Indians in council assembled where a quorum is present that the BIA realty office is authorized to decrease the Right of Way along Mary Lambert Farm Rd from 60 ft to 40 ft across Patrick Lambert's parcel, parcel # _____, reflecting this change on all existing ROW documents, and

BE IT FURTHER RESOLVED that any existing easements or Right of Way in the possession of the North Carolina Department of Transportation, the State of North Carolina, or Swain County will remain as documented,

BE IT FURTHER RESOLVED That the Principal Chief of the Eastern Band of Cherokee Indians is authorized to carry out the intent of this resolution, which shall remain in effect until implemented or rescinded.

Submitted by: Cherokee Department of Transportation

Cherokee Council House
Cherokee, North Carolina

Date

RESOLUTION NO. _____ (2010)

WHEREAS: Charlotte Hornbuckle Mason, BR#1010, (Deceased August 14, 2005), enrolled member of the Eastern Band of Cherokee Indians left a Last Will & Testament dated March 22, 2002 and a Codicil dated July 22, 2003; and

WHEREAS: Charles J. Hornbuckle has qualified as Executrix of the Estate of Charlotte Hornbuckle Mason and it is his desire that the Last Will and Testament and Codicil of Charlotte Hornbuckle Mason be recognized and confirmed by the Eastern Band of Cherokee Indians; and

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present, that the Tribal Council of the Eastern Band of Cherokee Indians does hereby confirm the Last Will and Testament and Codicil of Charlotte Hornbuckle Mason, dated March 22, 2002, July 22, 2003 and August 15, 2005.

BE IT FURTHER RESOLVED that Charles J. Hornbuckle, RR#1052 be assigned **Painttown Community Parcel No. 26**, containing 0.93 acres, more or less, together with all improvements located thereon; and

BE IT FINALLY RESOLVED that the Tribal Business Committee and the Cherokee Agency Division of Real Estate Services are hereby authorized to carry out the intent of this resolution.

Submitted by the Cherokee Agency Division of Real Estate Services.

ADDRESSES

Charles J. Hornbuckle
Post Office Box 1744
Cherokee, North Carolina 28719

Indian Will Under the Act of June 25, 1910 (36 Stat. 855-856)
as Amended by the Act of February 14, 1913 (37 Stat. 678)

Last Will and Testament
of

CHARLOTTE HORNBuckle MASON B R # 1010 Age 81 - DOB: 03/28/20

IF MORE SPACE IS NECESSARY TO SCRIBE PROPERTY, AFFIX A SEPERATE SHEET

NO RIGHTS OF AN EXECUTOR ARE TO BE RECOGNIZED

I, CHARLOTTE HORNBuckle MASON, of the Eastern Cherokee Tribe, of the State of North Carolina, being of sound and disposing mind, realizing the uncertainty of human life, do make this my Last Will and Testament hereby revoking all former wills by me made, in manner and form following, that is to say:

FIRST. - I desire that all my legal debts be paid, including the expenses of my last illness, funeral, and burial.

SECOND. - I give, devise, and bequeath to my nephew, Charles J. Hornbuckle, RR#1086, and Rubye Elizabeth Hornbuckle Farris, RR#1086, Painttown Community Parcel No. 26, containing 0.93 acre, more or less, with all improvements located thereon, subject to a lease, to be divided equally between them, with Charles J. Hornbuckle receiving the part with the motel and with Rubye Elizabeth Hornbuckle Farris receiving the part with the house.

THIRD. - I give devise, and bequeath \$2,000.00 to Barbara Truesdale, D.O.B. 12/11/41.

FOURTH. - I give, devise, and bequeath \$5,000.00 to Taylor Bridges, RR#354.

FIFTH. - I give, devise, and bequeath \$3,000.00 to Lloyd Owen.

SIXTH. - I give, devise, and bequeath \$3,000.00 to my great nephew, Jamie Hornbuckle, RR#6611.

SEVENTH. - I give, devise, and bequeath any money that I should have remaining, to Charles J. Hornbuckle, Rubye Elizabeth Hornbuckle Farris, and Helen Jenean Hornbuckle, RR#1066, to be divided equally among them.

EIGHTH. - I hereby appoint Charles J. Hornbuckle, as Executor of my Last Will & Testament, to see that my wishes are carried out, and I desire that she serve without bond being required of her. In case she shall predecease me, or if she should be unable to perform these duties, then in that event, I appoint Rubye Elizabeth Hornbuckle Farris, as Executor of my Last Will and Testament, to see that my wishes are carried out, and I desire that he serve without bond being required of him.

A Diagonal Line Shall Be Drawn From the Last Devise to the Bottom of This Page

I give, devise, and bequeath all of the rest and residue of my estate, real, personal, and mixed to: Charles J. Hornbuckle, Rubye Elizabeth Hornbuckle Farris and Helen Jenean Hornbuckle.

In witness whereof, I, Charlotte Hornbuckle Mason, have hereunto set my hand, sealed, published, and declared this to be my Last Will and Testament, this 22nd day of March, in the year of our Lord two thousand two.

Witnesses:

[Signature]
Residing at Cherokee, NC

[Signature] (L.S.)
CHARLOTTE H. MASON

[Signature]
Residing at Cherokee, NC

The foregoing instrument of writing was here and now signed by Charlotte Hornbuckle Mason in our presence, and at this request and in the presence of each other we have signed as witnesses and she has published and declared this to be his [her] Last Will and Testament.

[Signature]
Residing at Cherokee, NC

[Signature]
Residing at Cherokee, NC

United States
Department of the Interior
Office of the Examiner of Inheritance

Pursuant to the provisions of the Act of February 14, 1913 (37 Stat. 678), and the provision of 25 CFR 81, the within will is hereby _____ in accordance with the Order of even date herewith.

Done at the City of _____.

Examiner of Inheritance

Instructions to Field Officers

1. The testator may sign by thumb mark. The witnesses must be able to write, and should not be interested as heirs or devisees.
2. Inquire carefully into the immediate family of testator. If a husband, wife, child or grandchild who is an heir is given nothing, the reason must be set out.
3. Witnesses and testator must sign in the presence of each other. Red the will carefully to testator and be sure that he understands it and that it expresses his wishes.
4. Whenever possible, include the name, allotment number, if any, age, residence, tribe, and relationship of each devisee, specific description of lands devised, and in case of inherited interests the name and allotment number of original allottee and interest of testator therein.
5. Explain fully to testator that fractional interests are of little or no value to a devisee if further divided, and that the entire interest in a specific piece of land is much more valuable than a fractional interest. The testator does not have to give the residue to "my heirs at law," he can give the residue to one person if he wishes. If he gives the residue to one person it prevents further divisions: if he gives it to several persons or to his "heirs at law" a further division takes place. He may also give all his estate or the residue to the Tribe (naming it) if he wishes.

**United States
Department of the Interior
Bureau of Indian Affairs**


State of North Carolina

ss. Affidavit to Accompany Indian Will

County of Swain

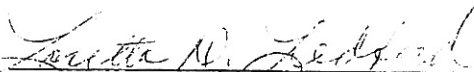
I, Charlotte Hornbuckle Mason, being first duly sworn, on oath, depose and say: That I am an enrolled member of the Eastern Cherokee Tribe of Indians in the State of North Carolina; that on the 22nd day of March, 2002, I requested Loretta D. Ledford and Sheridan E. Smith to act as witnesses thereto: that the said witnesses heard me publish and declare the same to be my last will and testament; that I signed said will in the presence of both witnesses and they signed the same as witnesses in my presence and in the presence of each other; and that said will was read and explained to me (or read by me), after being prepared and before I signed it; and it clearly and accurately expresses my wishes; and I further state that no person has influenced me to make disposition of any part of my property in any other manner than I myself of my own free will desire and wish to dispose of it.

(*)



CHARLOTTE H. MASON
B R # 1010

We Loretta D. Ledford and Sheridan E. Smith each being first duly sworn, on oath depose and state: That on the 22nd day of March, 2002, Charlotte Hornbuckle Mason, a member of the Eastern Cherokee Tribe of Indian of the State of North Carolina, published and declared that attached instrument to be his (her) last will and testament, signed the same in the presence of both of us and requested both of us to sign the same as witnesses; that we, in compliance with his (her) request, signed the same as witnesses in his (her) presence and in the presence of each other; that said testator (testatrix) was not acting under duress, menace, fraud or undue influence of any person, so far as we could ascertain in our opinion was mentally capable of disposing of all his (her) estate by will; and that neither of us is names as a beneficiary in said will or in anywise interested in the distribution of the estate of said testator (testatrix).



LORETTA D. LEDFORD



SHERIDAN E. SMITH.

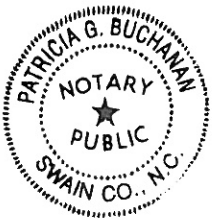
(*) At this point should be inserted the tribe and allotment or other numbers of the devisees and beneficiaries and their relationship to the testator or testatrix (unless information is shown in the body of the will), and the testator's or testatrix's reasons for

making the devises, particularly when the immediate relatives are given little or none of the estate.

I, Darlene Whitetree, being first duly sworn on oath depose and say: That I am employed as a Realty Specialist at Cherokee Agency in the state of North Carolina; that on the 22ND day of March 2002, Charlotte Hornbuckle Mason, an enrolled member of the Eastern Cherokee Tribe of Indians in the state of North Carolina requested me to prepare his (her) last will and testament; that I prepared the attached will and read (or had read by the interpreter) said will to testator (testatrix) and he (she) then stated that said instrument was drawn in accordance with his (her) own wishes as previously stated to me; that said testator (testatrix) was not, so far as I could ascertain, acting under duress, menace, fraud or undue influence of any person, and in my opinion was mentally capable of disposing of his (her) estate by will; that he (she) signed and published and declared it to be his (her) last will and testament before Loretta D. Ledford and Sheridan E. Smith, whom he (she) requested to act as witnesses thereto, that there were present in the room with the testator (testatrix) at said time besides myself and the above named witnesses, the following named persons: None.

Darlene Whitetree
DARLENE WHITETREE

Subscribed and sworn to before me this 22nd day of March, 2000, by Charlotte Hornbuckle Mason, Loretta D. Ledford, Sheridan E. Smith and Darlene Whitetree.



Patricia G Buchanan
Notary Public
(Title)

My Commission expires: 7-11-2006

7-22-03

I Charlotte Mass would like my will to be updated as follows:

My house goes to Charles F. Honbuckle

Suzanne Honbuckle to have my cabinet with figurines

Money left in my bankbook will all go to Jim & Suzanne Honbuckle

Christa Bennett 7-22-03

Please attach to my will

7-22-2003

JACKSON CO, NC

Donna S. Hogsted

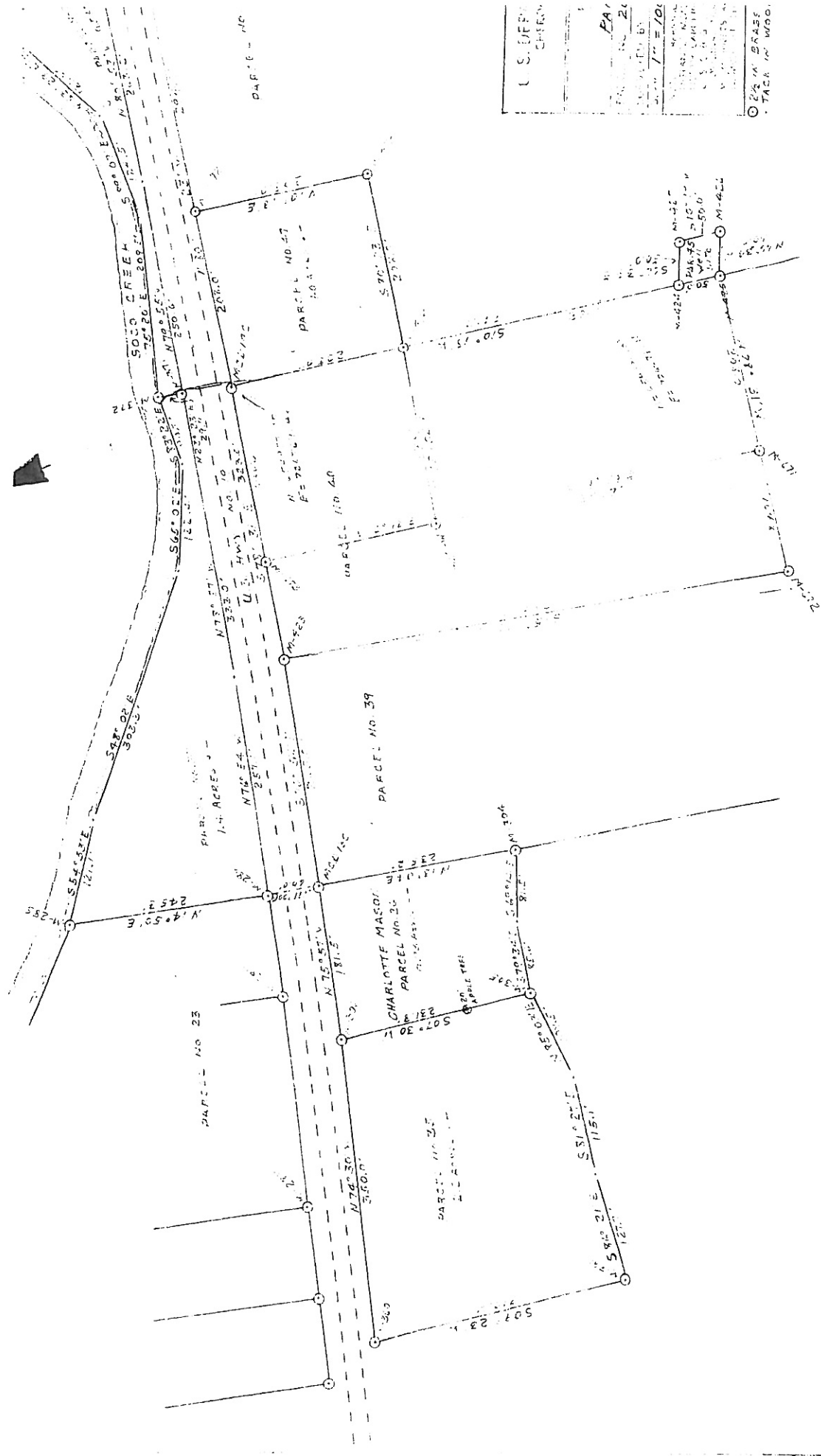
Charlotte Mass

Witness:

My Commission Expires February 17, 2007

Jan Ronald Sr 7/22/03

Marcella W. Sain



U.S. DEPT. OF AGRICULTURE
 GEOLOGICAL SURVEY
 PLAINFIELD, N.J.
 1900

2 1/2" W. BRASS
 TACK IN WOOD

Cherokee Council House
Cherokee, North Carolina

Date

RESOLUTION NO. _____ (2010)

WHEREAS: Resolution No. 505 (1999), passed by Tribal Council on April 8, 1999, stipulated that the standard policy of the Tribe shall be to assign possessory holdings to the Tribal member or members who have signed and are listed as "homebuyer" or "homebuyer's spouse" on the Mutual Help and Occupancy Agreement, as amended, at the time of the loan pay-off; and

WHEREAS: Certain Tribal Members have paid Qualla Housing Authority in full for their Mutual-Help House and desire that said house and house lot be assigned in accord with Resolution No. 505 (1999), upon receipt of reassignment documents pertaining to possessory holdings for loan repayment by Qualla Housing Authority to the Cherokee Agency Division of Real Estate Services.

NOW, THEREFORE, BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council Assembled, at which a quorum is present, that the following Tribal Members shall be and are hereby assigned the possessory interest in the parcels listed, following the respective names, together with all improvements located thereon, as indicated on the attached pages:

BE IT FURTHER RESOLVED that the Tribal Business Committee shall be and is hereby authorized to sign on behalf of the Eastern Band of Cherokee Indians, any documents necessary to carry out the intent of this resolution.

Submitted by the Cherokee Agency Division of Real Estate Services.

LEASE NO. T-S52-1297-87
Project No. 41/15
Misc. Doc. File-Bk. VIII, Pg. 106

MOLLIE W. HERBOLD – Big Cove Community Parcel No. 530 (Part of Parcel No. 376), containing 1.021 Acres, more or less, together with all improvements located thereon.

ADDRESSES

Mollie W. Herbold
Post Office Box 213
Cherokee, North Carolina 28719

**QUALLA HOUSING AUTHORITY
RELEASE OF HOME TO HOMEBUYER**

BY THIS INSTRUMENT, MADE THIS January 15, 2009 by QUALLA HOUSING AUTHORITY, referred to herein as Housing Authority, and MOLLIE W. HERBOLD PO Box 213, Cherokee, NC 28719, Referred to as Purchaser. W. 20

WITNESSETH, that the Housing Authority here grants, sells and hereby conveys all right, title and interest possessed by it in and to that certain dwelling unit identified as Project 15, Unit No. 1060. As set forth in that lease from the Eastern Band of Cherokee Indians to the Housing Authority as recorded in the Bureau of Indian Affairs, Realty Office

AND TOGETHER THERETO, assigns all right, title and interest possessed by it in the land and appurtenances thereunder, describes as Big Cove Community Parcel No. 530 (Part of Parcel No. 376) Containing 1.021 acres, more or less, together with a 15' wide access road right-of-way,

BY THE EXECUTION AND delivery hereof, the Qualla Housing Authority, does hereby quit-claim, covey, assign, and release the above described dwelling unit. Qualla Housing authority, its assigns and successors, and the purchaser, and purchasers heirs and assigns, mutually release each other and their heirs' assigns or successors, from any further obligation under the Mutual Help Occupancy Agreement previously entered between the parties on April 5, 1984.

Mollie W. Herbold
HOMEBUYER

3/31/2010
3-31-210
DATE

HOMEBUYER

DATE

Jessie Jones
EXECUTIVE DIRECTOR

3-31-10
DATE

Rae Queen
WITNESS

3-31-10
DATE

QUALLA HOUSING AUTHORITY
RESOLUTION QHA 09:02C
AUTHORIZATION TO TRANSFER TITLE

WHEREAS, Qualla Housing Authority (QHA) and MOLLIE WELCH HERBOLD, PO Box 213 Cherokee, NC 28719 entered into a Mutual Help Occupancy Agreement (MHO) dated April 5, 1984 and,

WHEREAS, by lease dated and assignment of possessory holding dated February 8, 1988. The Eastern Band of Cherokee leased to QH land including Big Cove Community Parcel No. 530 (Part of Parcel No. 376) containing 1.021 acres, more or less, together with a 15' wide access road right-of-way.

WHEREAS, The MHO provides that when the Homebuyer(s) have satisfied all obligations under the MHO and satisfied all debt to QHA, QHA shall convey to the Homebuyer(s) the maximum interests in the Housing unit and grounds that it can give; and


WHEREAS, all commitments of the parties under the MHO have been satisfied and each party now desires to release the other of any further obligations under the MHO.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners that QHA shall release and convey title and interest in Big cove Community Parcel No. 530 (Part of Parcel No. 376) containing 1.021 acres, more or less, together with a 15' wide access road right-of-way, located on the Cherokee Indian Reservation.

BE IT FURTHER RESOLVED that the Executive Director is authorized and directed to prepare and execute all documents necessary to affect the transfer of the property and mutual releases of the parties to the MHO.

APPROVAL

I, Perry Shell, the chairman of the Board of Commissioners, hereby affix my signature to this resolution authorizing it to become official the 15th day of January, 2009.


Perry Shell, Chairman
Qualla Housing Authority
Board of Commissioners

CERTIFICATION

I, Mark Hicks, the undersigned as Secretary of the Qualla Housing Authority hereby certify that the Qualla Housing Authority Board of Commissioners is composed of 7 members, constituting a quorum were present at a meeting duly called, noticed and held on the 15th day of, January, 2009, that the foregoing vote of _____ members for _____ against, _____ members abstaining, and that said resolution has not been rescinded or amended in any way.

A handwritten signature in cursive script, appearing to read "Mark Hicks", written over a horizontal line.

Mark Hicks, Secretary
Qualla Housing Authority
Board of Commissioners

6.

**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

(DATE)

RESOLUTION NO. _____ (2010)

WHEREAS, the Eastern Band of Cherokee Indians (EBCI), its government, and individual members have consistently expressed the return and preservation of archeological and documentary materials, and to keep materials relating to the Tribe's history; and

WHEREAS, the EBCI entered into a Memorandum of Agreement (MOA) with the National Park Service and the North Carolina State Historic Preservation Office governing the preservation and curation of materials taken from the Ravensford site in the Big Cove Community when the National Park Service transferred lands to the EBCI for the construction of the new school; and

WHEREAS, the current agreement providing for storage of the Ravensford materials has expired, and there is an urgent need for the Tribe to provide a facility compliant under the MOA with all legal requirements; and

WHEREAS, the Cherokee Agency, Bureau of Indian Affairs (BIA), retains a significant collection of historic documents of primary importance and intrinsic value to the history of the EBCI, but the Bureau of Indian Affairs, Office of Special Trust, intends to remove these documents from the Qualla Boundary to house at a federal storage facility at Lenexa, Kansas (the federal storage facility); and

WHEREAS, representatives of the EBCI and Cherokee Agency have visited the federal storage facility, and these representatives unanimously concurred that conditions there would present a clear and unacceptable risk to the preservation of Tribal historic materials; and

WHEREAS, if these Tribal historic archeological and documentary materials were taken by the BIA to this federal facility, there is no regulatory process for these items to be restored to our Tribe; and

WHEREAS, sending these historical and culturally significant items that belong to the EBCI to the federal storage facility mentioned is in direct conflict with the principles of tribal Self-Determination, and is not in keeping with the EBCI's inherent Tribal sovereignty; and

WHEREAS, there is a need for a facility that can accommodate an extensive volume of materials pertinent to the history of the EBCI and its members, and there is a pressing and continually-growing need among EBCI offices and programs, the Cherokee school and other organizations for a facility that can accommodate an extensive volume of materials pertinent to the history of the EBCI and its members; and

NOW THEREFORE BE IT RESOLVED by the Eastern Band of Cherokee Indians in Council assembled, at which a quorum is present, the Tribal Council hereby reaffirms its commitment to identify, repatriate, and preserve materials of pertinence to the history of the EBCI.

BE IT FURTHER RESOLVED the Tribal Council hereby declares anew its rights to ownership and control over all materials, including, but not limited to, archaeological and documentary materials, currently in the possession of the Cherokee Agency, BIA, and any and all other parties.

BE IT FURTHER RESOLVED that the Tribal Council hereby recognizes the imminent need for the development of a facility accommodating all applicable legal, professional, and scientific requirements and standards, so that materials taken from the Ravensford site, Big Cove Community, and other collections, are appropriately reposed.

BE IT FURTHER RESOLVED that the Office of Planning and Development is hereby instructed to begin organization of Tribal programs, members, and individuals who have expressed a need regarding the housing of historical documentation and items of value to the history of the EBCI.

BE IT FURTHER RESOLVED the Office of Planning and Development shall present a comprehensive development plan for a facility fully compliant with all legal, professional, and scientific requirements and standards applicable to materials that might be reposed in the proposed EBCI archive, which shall include projections of prospective revenue sources, including potential lessees of space in the archive and researcher-access fees.

BE IT FURTHER RESOLVED this shall be presented to the Tribal Council for consideration during the _____ 2010 Council session.

BE IT FINALLY RESOLVED this resolution shall become effective upon ratification by the Principal Chief.

Submitted by: Tunney Crowe, Birdtown Council Representative

May 26, 2010

EASTERN BAND OF CHEROKEE INDIANS

Archive Input Session I

May 26, 2010

1. RECAP From the May 26, 2010 Meeting

Excellent Meeting this week.

Meeting participants agreed that there was a need to have a new facility and/or management structure to care for the materials important to the tribe and/or at risk.

They further expressed agreement on the following points, next steps:

- Want to meet again in 2 weeks
- Timeline for Planning and Action Plan
- Want to discuss the “right location”
- Schedule to get Darlene Whitetree, Ray Kinsland, Joyce Dugan to next meeting
- Recommend a facility housing:
 - Archaeological Materials
 - Government Records
 - Tribal and Other Relevant Organizational Records
 - Community Materials

We see the agenda for the meeting the week of the 7th as two part:

- Discussion/clarification of current tribal enactments
- Present draft process and timeline presentation for discussion and agreement

2. NOTES from meeting-participant comments (**Specific Material Conservation Needs or Collections are in Bold**):

Bo Taylor, Museum of Cherokee Indian:

The MCI is the “official repository” of the EBCI

Digital is the future—much work by Museum

May 26, 2010

“As a tribe, we’ve neglected our stuff, don’t care until it is needed>”

“Cringe that government records have gone away with officials from outgoing Administrations”

The facility “is not a tourist thing. Shouldn’t be downtown. It’s hard enough to get Cherokee people downtown now.” “Safety factors” to keep out of downtown.”

Dr. Carmaleta Monteith, Cherokee Schools

Representing Joyce Dugan.

In the late ‘90s there was an effort by the THPO to get return of materials—she was a volunteer.”

Chief Dugan’s papers haphazardly stored in a tribal building in the past... not sure where they are now.

Ray Kinsland’s papers—need more work to be classified, indexed.

In early 2005, in discussions with NPS, was assured by David Nash that the Museum was the repository of the Ravensford materials.

School records are a need: “The school has a history; the place has a history.”

Use of replicas for some fragile materials as teaching aids.

NPS had earlier initiated discussions unhappy about “their options” for their materials—offered to rent space at a possible Cherokee Center

Betty Dupree, Qualla Coop

“We saved everything we could,” great collection over 30 years.

Co-op today is building fireproof partitions in attic to store these materials.

Material collection, baskets are great, but there are some gaps—Nancy Bradley and Lizzie Youngbird are not represented .

Materials date back to the organizational meeting of the Coop.

May 26, 2010

Rosie McCoy, Tribal Administration

In her office has documents dating back to the 1800s.

Some are smoke-damaged or need conservation.

“It’s just been a dream to have a tribal archival building.... We need it today.”

They have databases of some materials.

The government needs a place to put documents.

I’d like for my children to be able to see these things.

“I’d like to see it start happening.”

TJ Holland, Junaluska Museum

“have done a lot of work on digitization”

Current effort to collect oral histories

Have also accessioned materials

Archives Consortium effort of several years ago “fizzled out.”

Robin Swaney, Qualla Library

Library has a small collection, but growing, some of it rescued. Individual gifts are growing.

There is a lack of knowledge of where collections are and how patrons can access them.

Is undertaking community history interviews with oral history tapes.

Brandon Stephens , EBCI Construction Manager

Not aware of who has what.

This would be a hard facility to design; and to operate—policy decisions—for instance, who has access to what.

May 26, 2010

“A more ecumenical” approach” to collections maximizes benefits.

This is not a building to “hold back on,” but could be expensive.

More than a building, access to some materials could result in “hurt feelings.”

Ashleigh Brown, Chief’s Office

Chief’s office has “files and files.”

They are overburdened with files.

Prior Administrations have taken their files...not sure where they are.

Lewis Harding, American Legion Commander

The Legion Post has been collecting and digitizing materials from Cherokee veterans dating back to pre-Civil War.

There is a need for storage and curation now.

Ken Blankenship has said he will volunteer when he retires.

Eastern Band of Cherokee Indians

Tribal Historic Preservation Office (THPO)

**Second Input Session with parties sharing an interest in a Curatorial Facility for
EBCI heritage materials**

June 11, 2010

Summary Notes June 15, 2010

In attendance:

**Principal Chief Joyce Dugan
Tunney Crowe, Birdtown Council Member
Darlene Whitetree, BIA Cherokee Agency
Anita Johnson, Attorney General's Office
Ashleigh Brown, Office of the Chief
Rosie McCoy, Tribal Operations Director
Robin Swaney, Qualla Library Director
Mary Brown, Cherokee Language Program
Janie Brown, Cherokee Language Program
TJ Holland, Junaluska Museum
Tyler Howe, THPO Historic Preservation Specialist**

Consultants: Tom Hatley and Sarah M. Sneed

1. Discussion/clarification of current tribal enactments (Tyler Howe and Participants)

There is a specific regulatory requirement for the Ravensford materials. Not only a building, but staffing, environmental controls, and design features are requirements that must be met in order for the tribe to curate these materials. Tyler Howe discussed specific laws and regulations that apply on the federal side including National Environmental Policy Act (NEPA), Native American Graves Preservation and Repatriation Act (NAGPRA), National Historic Preservation Act (NHPA) and Archaeological Resource Protection Act (ARPA), 36 CFR §79 and Secretary of the Interior guidelines for preservation and material management. EBCI tribal law also applies, and the Memorandum of Agreement (MOA) with the National Park Service (NPS) carries specific requirements (including consultation and agreements with the NPS, the North Carolina State Historic Preservation Office (SHPO) and the North Carolina Office of State Archaeology (OSA).

- If there is a new "facility" and "management structure" to accommodate a new vision beyond, but including Ravensford, some revision of tribal law will be

required to update and clarify roles and responsibilities among possible NGOs or agencies who may use the new facility.

- The Ravensford materials are one part of the kinds of materials the Committee agreed to include. In addition, archives or other material collections, and materials from different sources (e.g., universities or other states or local citizens or community organizations), will also carry unique obligations. These types of materials generally fall into four corners of a box:

GOVERNMENT DOCUMENTS	COMMUNITY HERITAGE MATERIALS
	"INSIDE" EBCI COMMUNITIES
RAVENSFORD ARTIFACTS	OTHER COLLECTIONS "OUTSIDE" --
	RETURNED TO COMMUNITY

- Historical materials are currently being scanned digitally, but there was agreement that there was a need for a place to hold originals of paper documents.
- While some documents are in archives, many are not, and some that are are inaccessible.
- Government records and newly excavated archaeological materials continue to steadily mount up.

2. Discussion of Current Status and Need for New Facility (Participants)

There are materials at risk or that could be returned home to be included, and a better inventory of these is needed at some point. The consultants and THPO have a rough list identifying the most at-risk or "orphan" collections that could be included initially.

A sketch of a basic facility done pro bono by Maggie Carnavale of Padgett and Freeman Architects last fall was presented. Space requirements and storage facilities will vary with decisions about what to include, public and community use requirements, expansion needs, etc.

- Chief Dugan expressed her dream to see the facility sited at Kituwah.
- Rosie McCoy said that there was a need for a central and accessible location.
- Darlene Whitetree mentioned her concern about any possible site on the floodplain in Cherokee.
- The Tribe routinely seeks LEED energy efficiency national standards and the same desire to meet the highest national or professional standards should apply to materials housed in any new facility.

3. Comments and Recommendations:

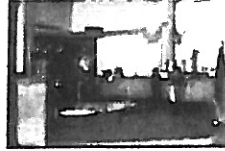
- Darlene Whitetree, Rosie McCoy and Robin Swaney discussed cooperating in hiring, as a temporary measure, someone to work on records inventory and scanning
- In response to a question about whether the committee should continue, Chief Joyce Dugan expressed her willingness to chair the group and go to Council.
- Councilman Crowe asked Sarah Sneed to draft a resolution and that he would set up a session with the planning commission or Council; Jim Owle needs to be contacted.
- Councilman Crowe stated that now was the time to move and to move quickly, because the Council is currently in budget hearings.
- A plan and strategy need to be developed, but the Resolution needs to be drafted in a general way in order to get the process going without more delay.



Navajo Nation Museum

Museums
[home page](#)

Come and visit a past that begins
with tomorrow.



The mission of the Navajo Nation Museum is to "bridge the past, present, and future of the Diné of the Four Corners region" through educational exhibitions and programs.

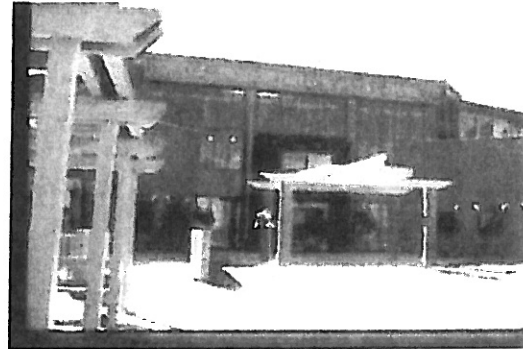
The extraordinary Navajo focused collections include a wide range of historic, ethnographic and art objects; the Milton "Jack" Snow Collection and other historic photographic archives dating from 1930 to the 1970s; and a small number of natural history specimens.

Limited-term theme exhibitions are used to explore diverse aspects for the Navajo people and culture. Initial segments of "The Culture and History of the Navajo", a comprehensive core exhibition, are expected to open during the coming year.

The Navajo Nation Museum's contemporary building also houses the Navajo Nation Library and Research Collection. Cultural and educational programs sponsored by a variety of organizations are hosted in the facility's conference rooms, auditorium, food service facility, and amphitheater. The Museum's store features educational materials on Navajo culture.

Admission to the museum is FREE. Hours (subject to change) are Monday to Friday, 8 am to 5 pm; Wednesday evening until 8 pm; Saturday 9 am to 5 pm; Sunday closed. Guided tours of the exhibitions are available for groups - please call in advance to schedule.

For further information call: 928 871 7941. Fax: 928 871 7942



**The Seventh Annual Keshmish Festival
November 19, 20, 2004 FREE**

Arts and Crafts

Entertainment and Traditional Food

Featured Exhibition: Diné Dah'atl'ó - Men who Weave

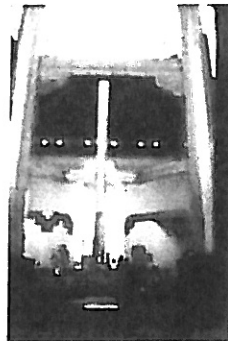
Geoffrey Brown, Director -- 928 810 8537

Clarenda Begay, Collections & Exhibits Curator --
928 810 8540

Eunice Kahn, Archivist -- 928 810 8539

Norman Bahe, Education -- 928 810 8588

Robert Johnson, Cultural Specialist -- 928 810
8531



The Navajo Nation
Museum
P.O. Box 1840
Window Rock, Arizona
86515

**Highway 64 and Loop
Road**

1/4th mile west of
Arizona/NM border, 26
miles from Gallup, NM



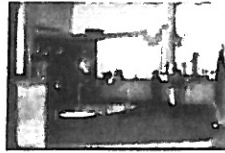
The Navajo Nation Museum and Visitor's Center
opened in September, 1997 as an educational resource.



Navajo Nation Museum

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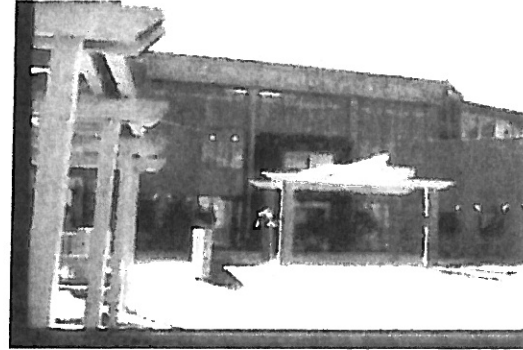
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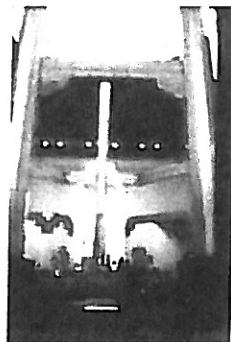
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The Navajo Nation Museum and Visitor's Center opened in September, 1997 as an educational resource.

Note: Navajo Code Talker Exhibition opens April 1, 2005 at the Monument Valley Utah Visitors Center.
<http://www.desertusa.com/monvalley/index.html>



MUSEUM INFO (Updated: 6/17/2010)

Navajo Nation Museum

Window Rock, Arizona

Description

The Navajo Nation Museum has extensive holdings of art, ethnographic, archaeological, and archival materials. Our archives collection includes over 40,000 photographs as well as a wide variety of documents, recordings, motion picture film, and videos. The archives are heavily used by authors, researchers, and publishers as a source for historical photographs.

We collect anything that helps document the culture and history of the Navajo people, including selected materials from Tribal and non-Indian neighbors. Most of the collections are available for on-site study and exhibit loan.

The museum maintains a very active and professional exhibition program, most of which is produced in-house. In its new venue, most exhibitions have tended to highlight the work of Navajo artists in various media, including weavings. These art-oriented exhibitions are interspersed with historical and cultural exhibits. A comprehensive, large scale, long-term exhibition on Navajo Culture and History is currently being researched and scripted prior to design and construction over the next few years.

History

The museum was established in 1961, but for most of its history remained a very small entity, not much more than a one-person, one-room operation which was periodically moved from one inadequate space to another. In 1998, the Museum was moved into a recently-built 54,000 square foot contemporary purpose-built building which it shares with the Navajo Nation Library and Research collection. As part of this rebirth, the Navajo Nation Council authorized a comprehensive staff list and a major increase in budget to support the staff and new operations. In 1999, the Museum took over management of the entire building, for its own operations, those of the Library, and meeting/conference facilities.

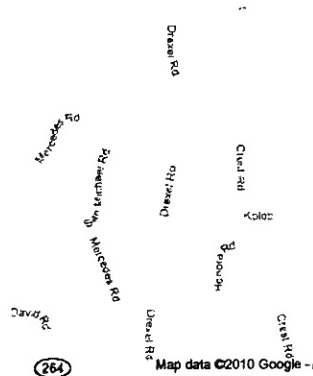
Artifacts Collections

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Research Collections

Navajo textiles, archaeology, ethnography, 2 and 2-D art. Archives of over 40,000 photographs plus a wide range of ancillary materials.

Provide additional information or report incorrect data



Street Address
Hwy 264 and Post Office Loop Rd.
Window Rock, AZ 86515

Mailing Address
P.O. Box 1840
Window Rock, AZ 86515

web: www.wnmu.org/mcf/museums/nnm.html

Admissions

Entrance to the galleries and festivals is Always Free

Museum Type(s)

Art
Culture
History
Library
Specialized

Staff

Geoffrey I. Brown, Director
phone: 928-810-8537
e-mail: gibrown@navajomuseum.org

Clarenda Begay, Curator
phone: 928-810-8540
e-mail: cbegay@navajomuseum.org

Audrey Roberts, Business Manager
phone: 928-871-6029
e-mail: aroberts@navajomuseum.org

Facility Coordinator, Facility Coordinator
phone: 928-871-7941
e-mail: facilities@navajomuseum.org

Eunice Kahn, Archivist
phone: 928-871-8539
e-mail: ekahn@navajomuseum.org

MUSEUM PROFESSIONALS

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Museum Vendor Directory
Museum Conference Calendar

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www.SilverTribe.com

Museum Quality Casework
High technology design We will match your needs and budget
www.zonedisplaycases.com

Sharon Clahchischillia
For Navajo Nation President 2010 Get involved, Join the movement!
www.clahchischillia.com

Join America's Car Museum
Help us Build the World's Largest Car Museum & Attraction!
www.lemaymuseum.org

Answers in Genesis
Ken Ham seminar at Billy Graham Training Center in Asheville Aug 20
www.v.thecove.org/event

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Internal Revenue Service (I.R.S.)

Private Letter Ruling

Issue: December 1, 2006
August 4, 2006

Section 7871 -- Indian Tribal Governments Treated As States For Certain Purposes
7871.00-00 Indian Tribal Governments Treated As States For Certain Purposes
7871.03-00 Tax Exempt Bonds

CC:TEGE:EOEG:TEB
PLR-153149-05

Legend

Tribe =
Authority =
State =
Year 1 =
Year 2 =
w =
x =
y =
z =

Dear

This letter is in response to your request on behalf of the Tribe for a ruling that ownership and operation of a government office building, emergency services building, cultural center and museum, and infrastructure improvements (all of which are described below) by the Tribe on tribal land constitute essential governmental functions within the meaning of §§ 7871(c)(1) and 7871(e) of the Internal Revenue Code (the "Code").

FACTS

The Tribe is listed as an Indian tribal government in Rev. Proc. 2002-64, 2002-2 C.B. 717, which lists Indian tribal governments that are to be treated similarly to states for specified purposes under the Code.

The Tribe makes the following representations. The Federal government holds a w-acre reservation in trust for the Tribe in the State (the Reservation). The Reservation was used for tribal housing until Year 2, when a casino (described below) was built on the land. The Reservation also has a tribal burial ground, and sewage, water, and drainage systems. Water from the water system is available to the local city for land fires in the area. A road on the Reservation (the Road) that was constructed approximately x years ago, which is many years before the casino was constructed, runs from a state highway (the State Highway) into and through the Reservation. This road, like other roads on reservations, is considered under Federal law to be a public road for providing access to the Reservation.

In Year 2, the Tribe opened a casino (the Casino) on the Reservation. Within the next two years, the Tribe plans to begin a project to enlarge and improve the Casino, using funds other than tax-exempt bonds. The Road provides access to the Casino from the State