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Cherokee Council House
Cherokee, North Carolina

MAY 3 1 2012

Date

Ordinance No 211

WHEREAS, the bankruptcy laws appear to show bias toward enrolled businesses and tribal levy laws; and

WHEREAS, the Budget & Finance office along with the Attorney General's office has been asked to close the loopholes created by what appears as unfair Bankruptcy practices; and

WHEREAS, Proposed Cherokee Code Section 105-45 will hold transferee's liable for unpaid tax, and

NOW THEREFORE, BE IT ORDAINED, by Tribal Council of the Eastern Band of Cherokee Indians assembled, in Council at which a quorum is present, that chapter 105-45 is hereby added to the Cherokee Code.

§ 105-45. Bankruptcy, receivership, etc.

If any taxpayer goes into bankruptcy, receivership or turns over his leasehold property including stock of merchandise by voluntary transfer to creditors, the tax liability under this Article shall constitute a prior lien upon such property including stock of merchandise and shall become subject to levy under execution and it shall be the duty of the transferee in any such case to retain the amount of the tax due from the first sales of such property including stock of merchandise and pay the same to the Eastern Band Of Cherokee Indians.

Submitted by Budget & Finance and the office of the Attorney General