

TABLED

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

DATE: JAN 10 2019

ORDINANCE NO. 449 (2019)

WHEREAS, Tribal Council recognizes the importance and sanctity of Tribal members' Last Will and Testaments, and the desire of Tribal members to have their estates and heirs taken care of after their death; and

WHEREAS, existing Tribal law does not adequately protect the will itself; and

WHEREAS, the lack of such a law allows unscrupulous persons to take advantage of other potential heirs and the Tribe by denying both the ability to have and review the document on which the Cherokee Court and Tribal Council must base necessary and important decisions affecting personal property and possessory holdings; and

WHEREAS, the lack of such a law makes it more difficult for potential heirs, Cherokee Court and Tribal Council to honor the wishes of the deceased testator; and

WHEREAS, this ordinance is presented to add a new section to the Cherokee Code to make it a crime to steal, destroy, or conceal another person's will or other testamentary instrument.

NOW THEREFORE BE IT ORDAINED by the Tribal Council of the Eastern Band of Cherokee Indians assembled, at which a quorum is present, that Cherokee Code Chapter 14 shall be amended to read as follows:

Chapter 14 – Criminal Law
Article 3 – Property Crimes

Sec. 14-10.65. Larceny, concealment or destruction of wills.

It shall be unlawful for any person, either during the life of the testator or after the testator's death, to steal, destroy, conceal, or make illegible, any will, codicil, or other testamentary instrument of another for any purpose. A person found guilty of this offense shall be punished by a maximum term of imprisonment of up to 1 year, or fined up to \$5,000.00, or both.

BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by the Office of the Attorney General