

**WAGANAKISING ODAWAK STATUTE 2000-07
LEASE INHERITANCE**

SECTION I. SHORT TITLE AND PURPOSE

- A. Short Title. This Statute may be cited as the "Lease Inheritance Act."
- B. Purpose. The Little Traverse Bay Bands of Odawa Indians, coordinated through its Housing Department, intends to enter into residential leases with Tribal members under the provisions of 25 CFR part 162 using BIA form 5 - 5461 or such other format that complies with applicable Tribal and Federal law and regulation. This Statute governs the transfer of a Tribal member/lessee's interest by will or intestate succession.

SECTION II. INHERITANCE BY WRITTEN WILL

- A. A Tribal member/lessee may by written will leave the remaining term of his/her residential lease to a Tribal member spouse, Tribal member children and/or Tribal member parent. Provided, the Tribal member spouse, Tribal member children and/or Tribal member parent who inherit the remaining term of the lease must actually have resided on the leased premises as their primary residence at the time of lessee's death and continue to reside on the leased premises as their primary residence or the lease will terminate.
- B. A Tribal member/lessee may by written will leave a two year term of his/her residential lease to a non-member spouse, non-member children, and/or non-member parent. Provided, the non-member spouse, non-member children, and/or non-member parent who inherit a two year term of the lease must have actually resided on the leased premises as their primary residence at the time of lessee's death and continue to reside on the leased premises as their primary residence or the lease will terminate.

SECTION III. INTESTATE INHERITANCE

A. If a Tribal member/lessee dies intestate his/her Tribal member spouse, Tribal member children, and/or Tribal member parent who occupied the tract as a home at the time of decedent's death may remain in such home for the remainder of the term of the lease. Provided, the Tribal member spouse, Tribal member children and/or Tribal member parent who inherit the remaining term of the lease must actually continue to reside on the leased premises as their primary residence or the lease will terminate.

B. If a Tribal member/lessee dies intestate his/her non-member spouse, non-member children, and/or non-member parent who occupied the tract as a home at the time of decedent's death may remain in such home for a two year period after the death of lessee. Provided, the non-member spouse, non-member children, and/or non-member parent who inherit a two year term of the lease must actually continue to reside on the leased premises as their primary residence or the lease will terminate.

SECTION IV. EARLY TERMINATION OF LEASES

 If a Tribal member/lessee dies during the term of his/her lease, and the lease is not continued under Section II or III of this Statute, the lease shall terminate upon such death and all interest in the leased tract shall revert to the Tribe.

SECTION V. DUTIES OF HOUSING DEPARTMENT AND TRIBAL COURT

A. The LTBB Housing Department shall develop forms consistent with this Statute which it shall provide to potential lessees.

B. Situations that arise that are not directly addressed in this Statute shall be resolved by the Tribal Court in accordance with the statutory and common law of LTBB.

SECTION VI. EFFECTIVE DATE

This Statute takes effect immediately upon enactment.

SECTION VII. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or ordinances of or governing the Little Traverse Bay Bands of Odawa Indians, such phrase, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of the Statute to remain in full and binding force and effect.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 4, 2000, at which a quorum was present, by a vote of 7 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	<u> x </u>	_____	_____	_____
Gerald Chingwa	<u> x </u>	_____	_____	_____
Dorothy Gasco	<u> x </u>	_____	_____	_____
Janet Shomin	<u> x </u>	_____	_____	_____
Rita Shananaquet	<u> x </u>	_____	_____	_____
Susan Wysocki	<u> x </u>	_____	_____	_____
Alice Yellowbank	<u> x </u>	_____	_____	_____

Date: 04-03-01



Gerald Chingwa, Tribal Chairman



Susan Wysocki, Tribal Secretary