



THE CHEROKEE COURTS
EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA

Bradley B. Letts, Chief Justice

Monty C. Beck, Chief Judge

Barbara Parker, Associate Judge

Telephone: 828.359.1068

Fax: 828.520.7068

Repossession Claim Process

- Fill out the Plaintiff and Defendant information on all sheets.
- Please use a street or physical address and include job site, if available, as it will assist the Officer with service.
- Do not fill out any other information on the **Repossession Order**, other than the information for the Plaintiff and Defendant.
- On the Complaint, please list all the information that pertains to your Claim.
- You may attach any documentation that you would need to prove your Claim to the Court.
- The filing fee is **\$100.00** for EACH Complaint filed.
- Complaints may be filed:

IN-PERSON

or

BY MAIL

137 Seven Clans Lane

PO Box 1629

Cherokee, NC 28719

Cherokee, NC 28719

- Upon receiving your Complaint(s), we will issue a summons, along with a Court date and a file number. A copy of Case file will be sent in the requested manner.

EBCI Court Staff **CANNOT** give any legal advice. Please contact an attorney IF YOU HAVE ANY QUESTIONS.

*****YOU WILL BE EXPECTED TO BE PRESENT ON THE DAY OF COURT THAT IS SCHEDULED FOR YOUR CASE*****



THE CHEROKEE COURTS
EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA

SC _____

(PLAINTIFF)

VS

REPOSSESSION ORDER

(DEFENDANT)

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

- The Court has jurisdiction over the subject matter and the parties in this action.
- The Defendant(s) was(were) properly served at least 15 days prior to the hearing of this matter.

The following parties or their representative appeared at the hearing of this matter:

- Plaintiff _____ Defendant _____
- Attorney _____ Attorney _____

Plaintiff **has proven** their case by the greater weight of the evidence that the Defendant is in default of a valid security agreement **giving the Plaintiff an immediate right to possession** of the described personal property located on The Qualla Boundary.

Plaintiff **has not** proven their case by the greater weight of the evidence.

IT IS THEREFORE ORDERED:

PLAINTIFF is hereby **authorized to repossess** the personal property described in Complaint when accompanied by a Cherokee Police Officer. The Officer of The Cherokee Indian Police department is hereby authorized and directed to accompany the Plaintiff to repossess the property.

This case is **Dismissed**; Plaintiff **has failed to prove the case** by the greater weight of the evidence.

Date

Judge Presiding



THE CHEROKEE COURT
EASTERN BAND OF CHEROKEE INDIANS
CHEROKEE, NORTH CAROLINA

SC _____

(PLAINTIFF)

Vs.

REPOSSESSION COMPLAINT
(Cherokee Code §§ 1-11 (a); 25-9)

(DEFENDANT)

TO: _____

Plaintiff complains of the Defendant as follows:

Plaintiff has a security interest in personal property owned by the Defendant, located on Trust Lands, and described as follows:

The total current value of said property is \$ _____.

The Defendant is in default on an outstanding balance due on the attached agreement in the following amount \$ _____.

The attached security agreement gives me the immediate right to the possession of said personal property as specified:

Plaintiff also alleges:

Plaintiff respectfully requests an Order to repossess the property.

Date

Plaintiff/Attorney/Agent



CONTACT INFORMATION

SC _____

*** We need a good address/phone number to be able to reach you, The Plaintiff, to send Notices, Orders, etc. It is your responsibility to inform the Clerk's office if your contact information changes. If you fail to do so, you will be considered served. ***

➤ PLAINTIFF NAME: _____

➤ MAILING ADDRESS: _____

➤ PHYSICAL ADDRESS: _____

➤ PHONE: _____

➤ EMAIL: _____

PLEASE INDICATE HOW YOU WOULD LIKE A COPY OF CASE FILE

IN-PERSON EMAIL MAILED

FOR ATTORNEY'S OFFICE ONLY

COMPANY EMAIL: _____

(If available)

➤ DEFENDANT NAME: _____

➤ MAILING ADDRESS: _____

➤ PHYSICAL ADDRESS: _____

➤ PHONE: _____

➤ EMAIL: _____