

**SECURED TRANSACTIONS ORDINANCE OF BAY MILLS INDIAN
COMMUNITY**

***Relating to Security Interests Granted by the Tribe and
Tribally-Controlled Entities in Personal Property***

Section 1. Purpose.

The purpose of this ordinance is to provide a mechanism for the creation and perfection of security interests in personal property owned by the Tribe or its entities in those circumstances in which such personal property, whether tangible or intangible, serves as security for obligations of the Tribe or entities controlled by the Tribe.

Section 2. Authority to Grant Security Interests.

The Executive Council, on behalf of the Bay Mills Indian Community, and the governing body of any corporation, commission, authority, agency or other entity owned or controlled by the Bay Mills Indian Community which is empowered by its charter or other tribal ordinance to borrow funds, on behalf of any such entity, are authorized and empowered to review and approve the form or forms of any note, security agreement, financing statement or other instrument evidencing, securing or relating to any contract, loan or extension of credit made with, to, or for the benefit of the Tribe or an entity controlled by the Tribe, respectively, as such may relate to a transaction which is secured in whole or in part by any personal property of the Tribe or such entity.

Section 3. Form for Security Interest Grant.

A written resolution of the Executive Council or such other governing body approving the form of any instrument creating a security interest in personal property of the Tribe or an entity controlled by the Tribe, which is certified by the Secretary or other appropriate official as having been duly adopted, shall be conclusive evidence of such approval, and any form so approved shall be an "Approved Loan Document" for purposes of this ordinance.

Section 4. Enforceability of Approved Loan Document.

Upon proper authorization, execution and delivery of any Approved Loan Document, such Approved Loan Document shall be valid, binding and enforceable in the Bay Mills Indian Community Tribal Court in accordance with its terms.

Section 5. Governing Law.

Article 9 of the Uniform Commercial Code, as enacted in the State of Michigan, MCL sec. 440.9101, *et seq.*, as the same shall be amended from time to time, shall govern with respect to the priority and enforcement of any security interest in personal property granted by the Tribe or any tribally-controlled entity as to personal property directly utilized in the activity which is the subject of the Approved Loan Document; provided that the provisions of Section 9-104(e) of the Uniform Commercial Code [which appears as MCL sec. 440.9104(e)] shall not apply.

Section 6. Remedies.

Except as limited by the terms of any agreement between the parties, the secured party and its successors and assigns shall be entitled to exercise any remedy available under the laws of the Bay Mills Indian Community and in MCL sec. 440.9501 through 440.9507, in the event of a default by the debtor under any security agreement which is subject to this ordinance.

Section 7. Recording.

(a) ***Location of Records.*** The Clerk of Tribal Court shall maintain in the Tribal Court a system for the recording of security interests.

(b) ***Recording Identification.*** The Clerk of Tribal Court shall endorse upon any security agreement or other document received for recording:

(1) the date and time of receipt of the security agreement or other document;

(2) the filing number, as assigned by the Clerk, which shall be a unique number for each security agreement or other document received; and

(3) the name of the Clerk of Tribal Court receiving the document for recording.

(c) ***Certification of Record by Clerk.*** Upon completion of the endorsements specified in subs.(b), above, the Clerk of Tribal Court shall make a true and correct copy of the security agreement or other document, and shall certify the copy as constituting a true and correct copy of a document received for recording on a specific date.

(d) ***Copy of Recorded Document.*** The Clerk of Tribal Court shall maintain a copy in the records of the recording

system and shall return the original of the security agreement or other document to the person or entity that presented such for recording.

Section 8. Jurisdiction.

The Tribal Court may adjudicate any action by a secured party pursuant to this ordinance, pursuant to the provisions of Chapter IV of the Tribal Code. The Tribal Court shall give full faith and credit to any final order or judgment of any other court of competent jurisdiction in any such action, and shall enjoin any person from interfering with the execution or carrying out of any such order or judgment.

Section 9. Effect of Amendment or Repeal.

No amendment or repeal of this ordinance shall be effective with respect to any security interest that is

- (a) subject to the terms of this ordinance when perfected, and
- (b) existing at the time of such amendment or repeal.



United States Department of Interior

BUREAU OF INDIAN AFFAIRS

MICHIGAN AGENCY

FEDERAL SQUARE OFFICE PLAZA

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SAULT STE. MARIE, MICHIGAN 49783-3519

(906) 632-6809 Phone

(906) 632-0689 Fax

IN REPLY REFER TO:

Tribal Operations

Bay Mills Tribal Ordinances

FY 95

NOV 15 1994

Memorandum

To: Area Director, Minneapolis Area Office

From: Anne E. Bolton, Superintendent

Subject: **Secured Transaction Ordinance of Bay Mills Indian Community**

Attached is a copy of the above named ordinance that was adopted and approved at a meeting of the Bay Mills Indian Community's Executive Council on October 18, 1994 and received for approval in this office on November 9, 1994.

As delegated by the General Tribal Council, by resolution dated April 13, 1970, the Executive Council has the authority to promulgate tribal ordinances.

Attached is a copy of the approved ordinance which may, for any cause, be rescinded within ninety (90) days from the date of enactment by your notifying the council of such rescission.

Anne E. Bolton
Superintendent

Attachment

cc: Jeff Parker, President
Bay Mills Indian Community
w/copy of approved ordinance

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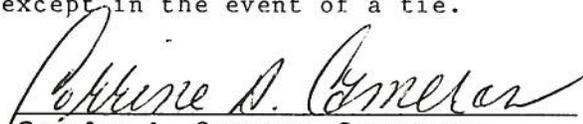
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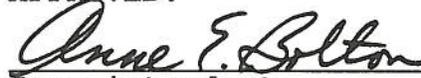
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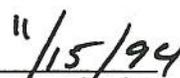
CERTIFICATION

I, the undersigned, as Secretary of the Bay Mills Indian Community Executive Council, do hereby certify that the above Ordinance was adopted and approved at a meeting of the Bay Mills Executive Council held at Bay Mills, Michigan on the 18th day of October, 1994 with a vote of 4 for 0 opposed 0 absent and 1 abstaining. As per provisions of the Bay Mills Constitution, the Tribal Chairman may not vote except in the event of a tie.


Corrine A. Cameron, Secretary
Bay Mills Indian Community
Executive Council

APPROVED:


Superintendent
Michigan Agency


Date