

Cherokee Nation Code Annotated

Title 12: Civil Procedure

Chapter 9: Cherokee Nation Judgment Fund Act

§ 1409. Claims allowed

Cite as: 12 CNCA § 1409

A. A Claimant in possession of a certified judgment shall be entitled to payment from the Fund by the Treasurer. All claims shall be presented on a form prescribed by the Treasurer.

B. The Treasurer shall pay all allowed claims under this section on a first come, first served basis.

C. The Treasurer shall not pay to any Claimant, in any single fiscal year, any amount which exceeds one-half ($1/2$) of the balance of the Fund at the time of payment. Any portion of a claim exceeding one-half of the balance of the Fund shall be deemed a disallowed claim.

D. If the Treasurer determines any portion of a claim is disallowed under this section, the Treasurer shall, at the same time the Treasurer pays the amount of the allowed portion, notify the Claimant in writing of the amount of the disallowed claim and basis for the determination. Such written notification shall constitute recognition of the disallowed claim by the Treasurer.

E. Any disallowed claim shall constitute a new claim under subsection (A) above. Such new claim shall bear interest at the applicable rate. The holder of a disallowed claim may present the same to the Treasurer for payment in any subsequent fiscal year after the fiscal year in which the determination of the Treasurer was made.

F. The amount of the new claim under paragraph (C) above shall be an amount equal to the amount of the disallowed claim plus applicable interest allowed by law.

Historical Data

LA 08-16, eff. May 11, 2016.