Cherokee Nation Code Annotated
Title 33: Housing
Chapter 1: Cherokee Nation Mortgage Foreclosure Act
§ 7. Foreclosure complaint and summons
Cite as: 33 CNCA § 7

A. The verified complaint in a mortgage foreclosure proceeding shall contain the following:

1. The name of the borrower/mortgagor and each person or entity claiming through the borrower/mortgagor subsequent to the recording of the mortgage, including each subordinate lienholder (except the Nation with respect to a claim for a tribal leasehold), as a defendant;

2. A description of the property subject to the mortgage;

3. A concise statement of the fact concerning the execution of the mortgage or in the case of a leasehold mortgage the lease, the facts concerning the recording of the mortgage or the leasehold mortgage, the facts concerning the alleged default(s) of the borrower/mortgagor, and such other facts as may be necessary to constitute a cause of action;

4. True and correct copies of each promissory note, and if a leasehold mortgage then a copy of the lease, the mortgage, or assignment thereof relating to the property (appended as exhibits); and

5. Any applicable allegations concerning relevant requirements and conditions prescribed in:

a. federal statutes and regulations,

b. Cherokee Nation laws and regulations, and/or

c. provisions of the lease or leasehold mortgage, or security instrument.

B. The complaint shall be filed by the Cherokee Nation District Court Clerk, who shall issue a summons specifying a date and time of appearance for the defendant(s).

Historical Data

LA 21–96, eff. December 16, 1996.