

**Cherokee Nation Code Annotated**

**Title 47: Motor Vehicles**

**Chapter 74: Uniform Certificate of Title Act**

**§ 1111.21. Transfer of ownership by operation of law**

Cite as: 47 CNCA § 1111.21

A. In this section:

1. "By operation of law" means pursuant to a law or judicial order affecting ownership of a vehicle:

- a. on account of death, divorce, merger, consolidation, dissolution, or bankruptcy;
- b. through the exercise of the rights of a lien creditor or a person with a common law or statutory lien or other nonconsensual lien; or
- c. through other legal process.

2. "Transfer-by-law statement" means a record signed by a transferee containing:

- a. a statement that, by operation of law, the transferee has acquired or has the right to acquire the ownership of the owner of record;
- b. the name and mailing address of the owner of record and the transferee and any other information required by 47 CNCA § 1111.8(A);
- c. documentation sufficient to establish the transferee's interest or right to acquire the ownership of the owner of record; and
- d. a statement:
  - i. that the certificate of title is an electronic certificate of title;
  - ii. that the transferee does not have possession of the written certificate of title created in the name of the owner of record; or
  - iii. that the transferee is delivering the written certificate of title to the CNTC with the transfer-by-law statement.

B. If a transfer-by-law statement is delivered to the CNTC with the fee and taxes and documentation satisfactory to the CNTC as to the transferee's ownership interest or right to acquire the ownership of the owner of record, unless the transfer-by-law statement is rejected by the CNTC for a reason set forth in 47 CNCA § 1111.9, the CNTC shall:

- 1. accept receipt of the transfer-by-law statement;

2. promptly send notice to the owner of record and to all persons indicated in the files of the CNTC as having a security interest in the vehicle that a transfer-by-law statement has been received by the CNTC;

3. amend its records to reflect the transfer;

4. cancel the certificate of title created in the name of the owner of record listed in the transfer-by-law statement, whether or not the certificate has been delivered to the CNTC;

5. create a new certificate of title pursuant to 47 CNCA § 1111.9, indicating the transferee as owner of record; and

6. deliver the new certificate of title pursuant to 47 CNCA § 1111.19.

C. This section does not affect the rights and obligations of a secured party in the enforcement of a security interest under Uniform Commercial Code Article 9.

#### Historical Data

LA 43-04, eff. December 15, 2004.