

Cherokee Nation Code Annotated

Title 47: Motor Vehicles

Chapter 74: Uniform Certificate of Title Act

§ 1111.22. Application for transfer of ownership or termination of security interest statement without certificate of title or certificate of origin

Cite as: 47 CNCA § 1111.22

A. The CNTC shall create a certificate of title upon receiving an application that includes a transfer of ownership or a direction to terminate a security interest statement but is not accompanied by submission of a signed certificate of title or certificate of origin only if:

1. all other requirements under 47 CNCA §§ 1111.9 and 1111.10 are met;
2. the applicant has provided an affidavit stating facts that indicate the applicant is entitled to a transfer of ownership or termination of the effectiveness of a security interest statement:
3. at least forty-five (45) days before the CNTC creates the certificate of title, notice of the application was sent to all persons having an interest in the vehicle as indicated in the files of the CNTC, and no objection from any of these persons has been received by the CNTC; and
4. the applicant presents other documentation required by the CNTC to evidence the applicant's ownership or right to termination of the security interest statement, and there is no credible information available to the CNTC indicating theft, fraud, or any undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vehicle.

B. Unless the value of the vehicle is less than One Thousand Dollars (\$1,000.00), the CNTC may require an applicant under subsection (A) to post a bond or provide an equivalent source of indemnity or security, in a form prescribed by the CNTC, providing for indemnity of any owner, purchaser, or other claimant, for any expense, loss, delay, or damage, including reasonable attorneys' fees but not consequential damages, resulting from creation of a certificate of title or termination of a security interest statement. The bond or other source of indemnity may not exceed twice the value of the vehicle as determined by the CNTC.

C. If the CNTC has not received a claim for indemnity within one (1) year after creation of the certificate of title under subsection (A) of this section, the CNTC shall release any required bond, indemnity, or other security.

D. In lieu of the requirements of subsection (B) of this section, the CNTC may include in the certificate of title created under subsection (A) of this section an indication that the certificate of title was created without submission of a signed certificate of title or termination statement. If no credible information indicating theft, fraud, or any undisclosed or unsatisfied security interest, lien, or other claim to an interest in the vehicle has been received by the CNTC within one (1) year after creation of the certificate of title, upon a request in a form and manner specified by the CNTC, the CNTC shall remove the indication from the certificate of title.

Historical Data

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