

Cherokee Nation Code Annotated

Title 80: Uniform Commercial Code

Article 7: Warehouse Receipts, Bills of Lading and Other Documents of Title

Part 4. Warehouse Receipts and Bills of Lading: General Obligations

§ 7–403. Obligation of warehouse or carrier to deliver—Excuse

Cite as: 80 CNCA § 7-403

Obligation of Warehouse or Carrier to Deliver—Excuse

(a) A bailee shall deliver the goods to a person entitled under a document of title that complies with subsections (b) and (c), unless and to the extent that the bailee establishes any of the following:

- (1) delivery of the goods to a person whose receipt was rightful as against the claimant;
- (2) damage to or delay, loss, or destruction of the goods for which the bailee is not liable;
- (3) previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;
- (4) the exercise by a seller of its right to stop delivery pursuant to Section 2–705 or by a lessor of its right to stop delivery pursuant to Section 2A–526;
- (5) a diversion, reconsignment, or other disposition pursuant to Section 7–303;
- (6) release, satisfaction, or any other fact affording a personal defense against the claimant; or
- (7) any other lawful excuse.

(b) A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or the bailee is prohibited by law from delivering the goods until the charges are paid.

(c) Unless a person claiming the goods is one against which the document of title does not confer a right under Section 7–503(a):

- (1) the person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and
- (2) the bailee shall cancel the document or conspicuously indicate in the document the partial delivery or be liable to any person to which the document is duly negotiated.

Historical Data

LA 26-03, eff. October 2, 2003.