Cherokee Nation Code Annotated
Title 80: Uniform Commercial Code
Revised Article 9: Secured Transactions
Part 1. General Provisions
Subpart 2. Applicability of Article
§ 9–109. Scope
Cite as: 80 CNCA § 9-109

Scope

(a) General scope of article. Except as otherwise provided in subsections (c) and (d), this article applies to:

(1) a transaction, regardless of its form, that creates a security interest in personal property or fixtures by contract;

(2) an agricultural lien;

(3) a sale of accounts, chattel paper, payment intangibles, or promissory notes;

(4) a consignment;

(5) a security interest arising under 80 CNCA § 2–401, 2–505, 2–711(3), or 2A–508(5), as provided in 80 CNCA § 9–110; and

(6) a security interest arising under 80 CNCA § 4–210 or 5–118.

(b) Security interest in secured obligation. The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

(c) Extent to which article does not apply. This article does not apply to the extent that:

(1) a statute, regulation, or treaty of the United States preempts this article;

(2) another statute of this Nation expressly governs the creation, perfection, priority, or enforcement of a security interest created by this Nation or a governmental unit of this Nation;

(3) a statute of a state, a foreign country, or a governmental unit of another nation or a foreign country, other than a statute generally applicable to security interests, expressly governs creation, perfection, priority, or enforcement of a security interest created by the nation, country, or governmental unit; or

(4) the rights of a transferee beneficiary or nominated person under a letter of credit are independent and superior under 80 CNCA § 5–114,

(d) Inapplicability of article. This article does not apply to:

(1) a landlord's lien, other than an agricultural lien;

(2) a lien, other than an agricultural lien, given by statute or other rule of law for services or materials, but 80 CNCA § 9–333 applies with respect to priority of the lien;

(3) an assignment of a claim for wages, salary, or other compensation of an employee;

(4) a sale of accounts, chattel paper, payment intangibles, or promissory notes as part of a sale of the business out of which they arose;

(5) an assignment of accounts, chattel paper, payment intangibles, or promissory notes which is for the purpose of collection only;

(6) an assignment of a right to payment under a contract to an assignee that is also obligated to perform under the contract;

(7) an assignment of a single account, payment intangible, or promissory note to an assignee in full or partial satisfaction of a preexisting indebtedness;

(8) a transfer of an interest in or an assignment of a claim under a policy of insurance, other than an assignment by or to a health-care provider of a health-care-insurance receivable and any subsequent assignment of the right to payment, but 80 CNCA §§ 9–315 and 9–322 apply with respect to proceeds and priorities in proceeds;

(9) an assignment of a right represented by a judgment, other than a judgment taken on a right to payment that was collateral;

(10) a right of recoupment or set-off, but;

(A) 80 CNCA § 9–340 applies with respect to the effectiveness of rights of recoupment or set-off against deposit accounts; and

(B) 80 CNCA § 9–404 applies with respect to defenses or claims of an account debtor;

(11) the creation or transfer of an interest in or lien on real property, including a lease or rents thereunder, except to the extent that provision is made for:

(A) liens on real property in 80 CNCA §§ 9–203 and 9–308;

(B) fixtures in 80 CNCA § 9–334;

(C) fixture filings in 80 CNCA §§ 9–501, 9–502, 9–512, 9–516, and 9–519; and

(D) security agreements covering personal and real property in 80 CNCA § 9–604;

(12) an assignment of a claim arising in tort, other than a commercial tort claim, but 80 CNCA §§ 9–315 and 9–322 apply with respect to proceeds and priorities in proceeds; or

(13) an assignment of a deposit account in a consumer transaction, but 80 CNCA §§ 9–315 and 9–322 apply with respect to proceeds and priorities in proceeds.

Historical Data

LA 26–03, eff. October 2, 2003.