

Cherokee Nation Code Annotated
Title 80: Uniform Commercial Code
Revised Article 9: Secured Transactions
Part 6. Default
Subpart 1. Default and Enforcement of Security Interest
§ 9–602. Waiver and variance of rights and duties
Cite as: 80 CNCA § 9-602

Waiver and Variance of Rights and Duties

Except as otherwise provided in 80 CNCA § 9–624, to the extent that they give rights to a debtor or obligor and impose duties on a secured party, the debtor or obligor may not waive or vary the rules stated in the following listed sections:

- (1) 80 CNCA § 9–207(b)(4)(C), which deals with use and operation of the collateral by the secured party;
- (2) 80 CNCA § 9–210, which deals with requests for an accounting and requests concerning a list of collateral and statement of account;
- (3) 80 CNCA § 9–607(c), which deals with collection and enforcement of collateral;
- (4) 80 CNCA §§ 9–608(a) and 9–615(c) to the extent that they deal with application or payment of noncash proceeds of collection, enforcement, or disposition;
- (5) 80 CNCA §§ 9–608(a) and 9–615(d) to the extent that they require accounting for or payment of surplus proceeds of collateral;
- (6) 80 CNCA § 9–609 to the extent that it imposes upon a secured party that takes possession of collateral without judicial process the duty to do so without breach of the peace;
- (7) 80 CNCA §§ 9–610(b), 9–611, 9–613, and 9–614, which deal with disposition of collateral;
- (8) 80 CNCA § 9–615(f), which deals with calculation of a deficiency or surplus when a disposition is made to the secured party, a person related to the secured party, or a secondary obligor;
- (9) 80 CNCA § 9–616, which deals with explanation of the calculation of a surplus or deficiency;
- (10) 80 CNCA §§ 9–620, 9–621, and 9–622, which deal with acceptance of collateral in satisfaction of obligation;

(11) 80 CNCA § 9–623, which deals with redemption of collateral;

(12) 80 CNCA § 9–624, which deals with permissible waivers; and

(13) 80 CNCA §§ 9–625 and 9–626, which deal with the secured party's liability for failure to comply with this article.

Historical Data

LA 26–03, eff. October 2, 2003.