

THE KICKAPOO TRADITIONAL TRIBE OF TEXAS

CHAPTER 25

SECURED TRANSACTIONS ORDINANCE

Section 1. Purpose and Authority

- (A) *Purpose.* It is the purpose and policy of this Ordinance to recognize that under the law of the Kickapoo Traditional Tribe of Texas (the "Tribe"), except as otherwise provided in this Ordinance, secured parties shall have the same rights with respect to collateral subject to the sovereign authority of the Tribe as would exist if all aspects of the security interest (including but not limited to its creation, attachment, perfection and priority) had been governed by the Uniform Commercial Code of the State of Texas, Vernon's Texas Statutes and Codes Annotated § 1.101 – 11.108 (the "Texas UCC").
- (B) *Authority.* This Ordinance is enacted by the Tribal Council of the Kickapoo Traditional Tribe of Texas (the "Tribe") pursuant to the Authority conferred upon the Tribal Council in Article VII of the Constitution of the Tribe.

Section 2. Scope of Ordinance

- (A) This Ordinance shall apply to all security interests and collateral subject to the sovereign authority of the Tribe to the same extent provided in the Texas UCC § 9.109, except that Texas UCC § 9.109(c)(2) shall be ineffective to limit the application of the Texas UCC in accordance with this Ordinance.
- (B) This Ordinance is intended to be a law, within the meaning of Texas UCC § 9.307(c), which generally requires information concerning the existence of a non-possessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

Section 3. Law to be Applied

- (A) With respect to any security interest to which this Ordinance applies, except as provided elsewhere in this Section 3, the rights and obligations of any person shall be governed as if the Texas UCC applied fully thereto, including those rights and obligations related to enforcement of a security interest or arising after default.
- (B) The perfection, effect of perfection or nonperfection and priority of any security interest to which this Ordinance applies shall be determined as if the Texas UCC applied fully thereto and as if each debtor were (for purposes of Texas UCC § 9.301 through 9.343) located in the State of Texas and as if the lands of the Tribe were located in the State of Texas.

- (C) With respect to any security interest to which this Ordinance applies, the proper office for filing a financing statement shall be the office specified by the Texas UCC and the laws of the State of Texas as if the Tribe were located in the State of Texas. For the avoidance of doubt, no UCC financing statement is required to be filed with the Tribe or any office thereof.

Section 4. Amendment

Once applicable to any security interest, this Ordinance shall remain in effect with respect to that security interest until all obligations secured thereby have been fully and finally discharged or otherwise fully satisfied, except that this Ordinance may be amended with the prior written consent of each secured party, or absent such consent, with prior notice to each secured party and only to the extent such amendment is not materially adverse to any secured party with respect to any security interest.

Section 5. Effective Date and Repeal

- (A) Any prior tribal secured transactions ordinance or law is hereby repealed in its entirety, provided however, that any security interest created thereunder shall continue to be effective in accordance with its terms as a security interest under this Ordinance.
- (B) To the extent any provision of any law, ordinance, resolution, motion or any other action of any tribal party heretofore taken is in conflict with any provisions of this Ordinance, the provision of this Ordinance shall supersede and the conflicting provision shall be and hereby is repealed.
- (C) This Ordinance is effective upon the date of its enactment.

READ, PASSED, APPROVED AND ENACTED at a duly called Tribal Council meeting on the 7th Day of March, 2012.



Juan Garza Jr., Council Chairman

3/7/12
Date



Jesus Anico, Council Secretary

03/07/12
Date




Rogelio Elizondo, Council Treasurer

3/7/12
Date



Nanate Hernandez, Council Member

3/9/12
Date



David J. Gonzalez, Council Member

3, 7, 12
Date

Kickapoo Traditional Tribe of Texas
Secured Transaction Ordinance

**TRADITIONAL
COUNCIL**

CHAIRMAN
Juan Garza, Jr., Kisisika

SECRETARY
Jesus Anico, Chakodata

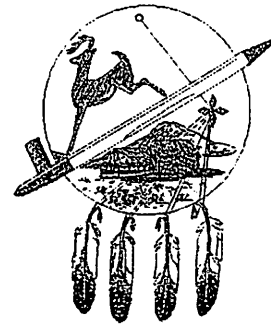
TREASURER
Rogelio Elizondo, Apichicuea

MEMBERS
David J. Gonzalez, Kikekideah
Nanate Hernandez, Nanatea

KICKAPOO

**TRADITIONAL
TRIBE OF TEXAS**

Eagle Pass, Texas 78852



Traditional Council

RESOLUTION No. 2012-1036

RESOLUTION DULY ADOPTED BY THE KICKAPOO TRADITIONAL COUNCIL

**APPROVING AND ENACTING THE KICKAPOO TRADITIONAL TRIBE
OF TEXAS SECURED TRANSACTIONS ORDINANCE**

WHEREAS, The Kickapoo Traditional Tribe of Texas is an Indian tribe organized under Section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), codified at 25 U.S. C. 476, et seq., and under the Tribal Constitution, which was approved by the United States Secretary of Interior on July 11, 1989; and

WHEREAS, The Tribal Council of the Tribe is the governing body of the Tribe as specified under Article III, Section I of the Tribal Constitution; and

WHEREAS, The Tribal Council has the powers necessary to act for the Tribe and to represent the Tribe in all matters under powers vested in it by Article VII of the Tribal Constitution; and

WHEREAS, The Tribal Council has the authority to manage and regulate all Tribal affairs and activities; and

WHEREAS, The Tribal Council has created the Kickapoo Traditional Tribe of Texas Secured Transactions Ordinance; and

WHEREAS, The Tribal Council wishes to approve and enact the Kickapoo Traditional Tribe of Texas Secured Transactions Ordinance; and

WHEREAS, The Tribal Council finds that it is in the Tribe's best interest to approve and enact the Kickapoo Traditional Tribe of Texas Secured Transactions Ordinance.

NOW THEREFORE, BE IT RESOLVED, that the Kickapoo Traditional Tribe of Texas Tribal Council hereby approves and enacts the Kickapoo Traditional Tribe of Texas Secured Transactions Ordinance.

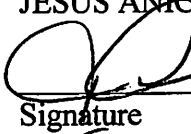
CERTIFICATION

I, Jesus Anico, the Secretary of the Kickapoo Traditional Tribe of Texas Traditional Council, or designated agent, hereby certify that a duly called meeting was held and that Resolution **2012-1036** was approved and enacted on **March 7, 2012**. The Traditional Council voted as follows:

<u>3</u>	in favor
<u>0</u>	opposed
<u>0</u>	abstain
<u>2</u>	absent

JESUS ANICO, Secretary

By:



Signature

Jesus Anico

Printed Name

Title:

KTTT Secretary

Date:

March 7, 2012

ATTESTATION

We, the undersigned Kickapoo Traditional Tribal Council members acting in our official capacities as the legal leadership of the Kickapoo Traditional Tribe of Texas certify that the above resolution is true and accurate resolution adopted at a meeting called and conducted on **March 7, 2012** at the Kickapoo Tribal Governmental offices located at the Kickapoo Village in Eagle Pass, Texas with a quorum being present. Each signatory below indicates the vote by circling the choice on Resolution **2012-1036** - as follows:



Juan Garza, Jr., Council Chairman

☒ FOR / ☐ AGAINST


3/7/12
Date



Jesus Anico, Council Secretary

☒ FOR / ☐ AGAINST

03/07/12
Date



Rogelio Elizondo, Council Treasurer

☒ FOR / ☐ AGAINST

3/7/12
Date



David J. Gonzalez, Council Member

☒ FOR / ☐ AGAINST

3, 7, 12
Date



Nanate Hernandez, Council Member

☒ FOR / ☐ AGAINST

3/9/12
Date