

**TO DISCLAIM ALL RIGHTS, TITLE, AND INTEREST IN SPECIFIC PROPERTY
LOCATED IN PUSHMATAHA COUNTY**

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

TO DISCLAIM all rights, title, and interest the Choctaw Nation has in an unspecified two-acre tract of land reserved for a school in Pushmataha County, Oklahoma.

WHEREAS, in accordance with Article IX, Section 6 of the Constitution of the Choctaw Nation of Oklahoma, the Choctaw Tribal Council (the "Council") shall make decisions pertaining to the acquisition, leasing, disposition and management of real property;

WHEREAS in accordance with Article VII, Section 1, of the Constitution of the Choctaw Nation of Oklahoma, the Chief shall perform all duties appertaining to the office of chief executive. He shall sign official papers on behalf of the Nation;

WHEREAS the Choctaw and Chickasaw Nation issued Unallotted Land Deed number 17241 to Paul Witcomb conveying real property in Pushmataha County described as: The Northeast Quarter, Less Two (2) acres for school of Section Fourteen (14), Township Three (3) South, Range Sixteen (16) East; and (Subject Property).

WHEREAS the Unallotted Land Deed was executed by the Choctaw and Chickasaw Nation and approved by the Department of Interior. The Unallotted Land Deed was recorded in the County Clerk's Office of Pushmataha County on August 2nd, 1920;

WHEREAS a two-acre tract of land from the Subject Property was reserved by the U.S. to be used for a school. No school was built on the Subject Property and the Bureau of Indian Affairs has no patent in their records for the two-acre tract;

WHEREAS the two-acre tract was not described by metes and bounds and the exact location of the two-acre tract cannot be determined within the Subject Property;

WHEREAS the Subject Property is now owned by third-parties claiming and asserting full right, title, and interest to all of the Subject Property;

WHEREAS the Subject Property is not marketable and third parties cannot buy and sell tracts within the Subject Property because the location of the two-acre tract cannot be determined;

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WHEREAS a disclaimer of all interest in the two-acre tract will remove the title defect and allow for the conveyance of certain tracts of the Subject Property; and

WHEREAS the Council finds it is in the best interest of the Nation to authorize the Chief of the Choctaw Nation to execute documents disclaiming any right, title, and interest to the two-acre tract located within the Subject Property.

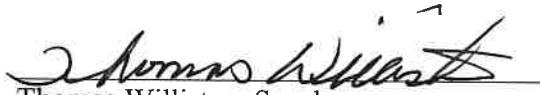
THEREFORE BE IT ENACTED that the Tribal Council of the Choctaw Nation of Oklahoma disclaims all rights, title, and interest in the Subject Property, including a two-acre tract of land previously excepted from the Subject Property for a school. See Exhibit A. The Subject Property is described as:

The Northeast Quarter, Less Two (2) acres for school of Section Fourteen (14), Township Three (3) South, Range Sixteen (16) East in Pushmataha County, Oklahoma.

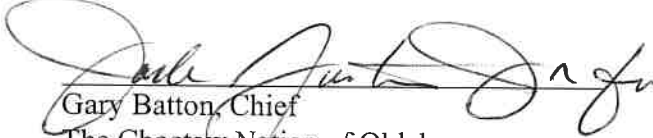
BE IT FURTHER ENACTED by the Tribal Council that the Chief is hereby authorized to sign and execute the documentation necessary to carry out the purpose of this Bill and disavow the Nation's interest in the unspecified two-acres.

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve (12) members answered roll call and that a quorum was present at the Regular Session of the Tribal Council at Tuskahoma, Oklahoma on March 11, 2023. I further certify that the foregoing Council Bill CB- 57 -23 was adopted at such meeting by the affirmative vote of twelve (12) members, zero (0) negative votes and zero (0) abstaining.


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
Choctaw Nation Tribal Council


Gary Batton, Chief
The Choctaw Nation of Oklahoma

Date: 3-15-23

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Purpose/Need of Council Bill: This bill authorizes the Chief of the Choctaw Nation to sign documentation disclaiming all rights, title, and interests to a two-acre tract of land held for the Choctaw Nation in trust in Pushmataha County. The Choctaw and Chickasaw Nation issued Unallotted Land Deed number 17241 to Paul Witcomb conveying real property in Pushmataha County (the "Subject Property.") A two-acre tract of land was reserved by the U.S within the Subject Property for the Choctaw and Chickasaw Nation to place a school. The two-acre tract of land was not described by metes and bounds and the location cannot be determined within the Subject Property. No school was ever built on the two-acre tract. Today, third-parties own the Subject Property. The Subject property is not marketable because the two-acre tract of land cannot be determined. This prevents third-parties from selling or buying any of the Subject Property. The Nation believes that disclaiming all interest in the two-acre tract will allow third-parties to buy and sell tracts within the Subject Property.

**Title of Council Bill: TO DISCLAIM ALL RIGHTS, TITLE, AND INTEREST IN
SPECIFIC PROPERTY LOCATED IN PUSHMATAHA COUNTY**

Agency: Land & Title

Budget: N/A

Match Required: N/A

Request By/Project Director: Donna Loper, Executive Director of Land & Title, Kelly McKaughan, SEO, Integrated Services

**EXHIBIT
A**

RELEASE AND DISCLAIMER

Now on this ____ day of _____, 2022 the Choctaw Nation of Oklahoma states:

WHEREAS the Choctaw and Chickasaw Nations, State of Oklahoma issued Unallotted Land Deed number 17241 to Paul Witcomb conveying the following described real property situated in Pushmataha County, Oklahoma, to-wit:

The Northeast Quarter, Less Two (2) acres for school of Section Fourteen (14), Township Three (3) South, Range Sixteen (16) East; and,

WHEREAS the Unallotted Land Deed was executed by the Choctaw and Chickasaw Nations and approved by the Department of Interior; and,

WHEREAS the Unallotted Land Deed was recorded in the County Clerk's office of Pushmataha County, Oklahoma on the 2nd day of August, 1920 in Book 40 at Page 173; and,

WHEREAS the two acre tract of property for the school was never described by metes and bounds or otherwise and the exact location of the two acre school tract situated upon the above described 160 acre tract, cannot be determined; and,

WHEREAS the Bureau of Indian Affairs has no patent in their records for the two acre school tract supposedly situated on the above described real property; and, no school was ever placed on the above described real property; and, the lack of a description for the two acre school tract renders the title on all of the above described real property as not marketable under the Real Estate Title Examination Standards of the Oklahoma Bar Association and the statutes of the State of Oklahoma; and, the above described real property is now owned by third parties claiming and asserting the full right, title and interest to the above described real property; and,

WHEREAS, the undersigned desires to remove the title defect by disclaiming and releasing all of its claims to the two acre school tract and the above described real property.

EXHIBIT
A

Now, Therefore, the Choctaw Nation of Oklahoma does hereby release and disclaim any and all right, title and interest in and to the above described real property consisting of approximately 160 acres.

CHOCTAW NATION OF OKLAHOMA

By: _____
Gary Batton, Chief

ACKNOWLEDGMENT

State of Oklahoma)
)ss
County of _____)

This instrument was acknowledged before me the undersigned, a Notary Public in and for said County and State on this ____ day of _____, 2022, personally appeared Gary Batton, the duly elected Chief, of the Choctaw Nation of Oklahoma, a federally-recognized and sovereign Indian Tribe, to me known to be the identical person who executed the within and foregoing instrument on behalf of said Tribe and acknowledged to me that he executed the same as his free and voluntary act and deed of said Tribe for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My Commission Expires: _____

**EXHIBIT
A**

RELEASE AND DISCLAIMER

Now on this ____ day of _____, 2022 the Chickasaw Nation states:

WHEREAS the Choctaw and Chickasaw Nations, State of Oklahoma issued Unallotted Land Deed number 17241 to Paul Witcomb conveying the following described real property situated in Pushmataha County, Oklahoma, to-wit:

The Northeast Quarter, Less Two (2) acres for school of Section Fourteen (14), Township Three (3) South, Range Sixteen (16) East; and,

WHEREAS the Unallotted Land Deed was executed by the Choctaw and Chickasaw Nations and approved by the Department of Interior; and,

WHEREAS the Unallotted Land Deed was recorded in the County Clerk's office of Pushmataha County, Oklahoma on the 2nd day of August, 1920 in Book 40 at Page 173; and,

WHEREAS the two acre tract of property for the school was never described by metes and bounds or otherwise and the exact location of the two acre school tract situated upon the above described 160 acre tract, cannot be determined; and,

WHEREAS the Bureau of Indian Affairs has no patent in their records for the two acre school tract supposedly situated on the above described real property; and, no school was ever placed on the above described real property; and, the lack of a description for the two acre school tract renders the title on all of the above described real property as not marketable under the Real Estate Title Examination Standards of the Oklahoma Bar Association and the statutes of the State of Oklahoma; and, the above described real property is now owned by third parties claiming and asserting the full right, title and interest to the above described real property; and,

WHEREAS, the undersigned desires to remove the title defect by disclaiming and releasing all of its claims to the two acre school tract and the above described real property.

EXHIBIT
A

Now, Therefore, the Chickasaw Nation does hereby release and disclaim any and all right, title and interest in and to the above described real property consisting of approximately 160 acres.

CHICKASAW NATION

By: _____
Bill Anoatubby, Governor

ACKNOWLEDGMENT

State of Oklahoma)
)ss
County of _____)

This instrument was acknowledged before me the undersigned, a Notary Public in and for said County and State on this ____ day of _____, 2022, personally appeared Bill Anoatubby, the duly elected Governor, of the Chickasaw Nation, a federally-recognized and sovereign Indian Tribe, to me known to be the identical person who executed the within and foregoing instrument on behalf of said Tribe and acknowledged to me that he executed the same as his free and voluntary act and deed of said Tribe for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Notary Public

My Commission Expires: _____