
E A S T E R N B A N D O F C H E R O K E E
I N D I A N S
H O U S I N G C O M M U N I T Y D E V E L O P M E N T
I N F R A S T R U C T U R E P R O G R A M

756 Acquoni Rd • Cherokee, NC 28719 • (828) 359-6121

- New Site Existing Site Financed Self-Purchased

Dear Applicant:

Before we can begin any construction or improvements on your property the following items must be submitted to our program as part of the application:

_____ Plat of your land including the possessor holding (legal description)

_____ Copy of sales agreement or title if self-purchased

_____ Promissory Note (Page 3 of application must be filled out)

_____ Site Development Agreements (Page 5 signature required)

_____ Road Right of Ways required (BIA)

_____ Site Inspection Form (Long Form – for new sites only (BIA)

_____ Timber Permit (BIA Forestry Dept.)

_____ Water and Sewer right of way (PHINS – Brad Bld.)

Any items not included or missing will result in an incomplete application. If you have any questions regarding the status of your application, you can contact Sarah Crowe at 359-6121. She will be able to assist you in finalizing your necessary paperwork.

Sincerely,

Charles D. Ensley
Infrastructure Manager

Date: _____

APPLICATION FOR EBCI SITE PREP PROGRAM

Information to the applicant:

This application will not be considered until all documents have been received by the EBCI SITE PREP program

Application information:

Name: _____ Enrollment No.: _____

Address: _____ Phone No. _____

Date of Birth: _____ Social Security No.: _____

Employer: _____ Work Schedule: _____

Department: _____ Phone No.: _____

Name: _____ Enrollment No.: _____

Address: _____ Phone No. _____

Date of Birth: _____ Social Security No.: _____

Employer: _____ Work Schedule: _____

Department: _____ Phone No.: _____

Alternate Contact: _____ Phone No.: _____

Site Information

Do you own the land or have a 10 Yr. lease? _____

Whose name is the land currently in: _____

What Community is it located in?: _____

Directions to the site: _____

Is city water or sewer available to your site? YES NO

Have you applied for a power of right of way? YES NO

Do you have a road right of way? YES NO

Service Requested:

Briefly describe the work you are requesting: _____

NEW CONSTRUCTION:

Will you require new or existing road work? YES NO
Do you require site excavation? YES NO

Type of structure:

Single Wide dimension: _____
 Double Wide dimensions: _____
 Modular dimensions: _____
 Stick Built dimensions: _____

Are you participating in any type of housing program? YES NO

Check all that apply: Mutual Help
 Rural Development
 Down Payment Assistance
 Modular purchase – Qualla Housing

Applicant Certification:

We/I understand that the above information is being collected in determining eligibility for the EBCI Infrastructure program. We/I certify the statements made in this application are true and complete to the best of my/our knowledge and belief. We/I also understand that this application is not complete until all paperwork has been received and then this application will be considered active. We/I understand that this program is for primary residence only. We further understand that should we sell the property or the property is foreclosed on within a period of (5) years the infrastructure work is completed, the EBCI Infrastructure funds must be repaid as stated in the Resolution and Promissory note.

Signature of Applicant(s)

Date

EBCI Housing Infrastructure Program

PROMISSORY NOTE

Date: _____ Community/Parcel #: _____

Amount of Grant: \$ _____

Name: _____ Telephone: _____

Address: _____

FOR VALUE RECEIVED, the undersigned, jointly and severally, promise to follow the requirements outlined for recipients of EBCI HCD SITE PREP Funds (H.I.F.)

Specifically, the undersigned recipient of EBCI HCD SITE PREP Funds agrees to complete or nearly complete construction of a home or placement of a manufactured home on the designated home site within six months after site preparation is complete. If the recipient fails to meet this six-month deadline, a ten percent (10%) penalty based upon the entire cost of the grant. The amount of the grant (all cost incurred), plus interest at the rate of one and one-half percent (1.5%) per month and all court costs. The principal sum of actual costs will be itemized and attached as Exhibit A following completion of construction.

In the event the property is sold, or the home/manufactured home is foreclosed upon within five years, the recipient of the EBCI SITE PREP Funds agrees to reimburse the Tribe the principal sum, which is the amount of the grant, plus interest at the rate of one and one-half percent (1.5%) per month and all court costs. The principal sum of actual costs will be itemized and attached as Exhibit A following completion of construction.

All parties to this note including maker and any sureties, endorsers, or granters hereby waive protest, presentment, notice of dishonor, and agree to continue to remain bound for the payment of principal, interest and all other sums due under this note notwithstanding any change or changes by the way of release, surrender, exchange, modification or substitution of any security for this Note by way of extension of extensions of time for the payment of principal and interest; and all such parties waive all and every kind of notice of such change or changes and agree that the same may be without notice or consent or prepayments on any of them.

Upon default the holder of this Note may employ an attorney to enforce the holder's rights and remedies and the maker, principal, surety, grantor and endorsers of this Note hereby agree to pay to the holder reasonable attorney fees not exceeding a sum equal to fifteen percent (15%) of the outstanding balance owing on said Note, plus all reasonable expenses incurred by the holder in exercising any of the holders rights and remedies upon default, the rights and remedies of the holder as provided in this Note shall be cumulative and may be pursued singly, or successively against any funds, property or security, in the sole discretion of the holder. The failure to exercise any such rights or remedy shall be a waiver or release of such rights or remedies or the right to exercise any of them at another time.

This Note is to be governed and constructed in accordance with the Law of the Eastern Band of Cherokee Indians and applicable 25 CFR provisions.

IN TESTIMONY, WHEREOF, each individual has set his hand and adopted as his seal the word "SEAL" appearing before written.

Applicant Signature: _____ (SEAL) Date: _____

Applicant Signature: _____ (SEAL) Date: _____

INDIVIDUAL ACKNOWLEDGEMENT

State of NORTH CAROLINA

County of _____

On this the _____ day of _____, _____, before
Day Month Year

Me, _____, the undersigned Notary Public for _____
Name of Notary Public

County, personally appeared: _____
Name(s) of Signer(s)

- Personally, known to me; or
- Proved to me based on satisfactory evidence

To be the person(s) whose name(s) is/are subscribed to the within the instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Witness my hand and official seal.

Notary Public

Signature: _____

Print Name: _____

My Commission Expires: _____

Place Notary Seal Above

EBCI INFRASTRUCTURE PROGRAM

SITE DEVELOPMENT AGREEMENT I *(Please Initial each line once read)*

_____ I have applied for the EBCI Site Prep Program. Upon completion of all Infrastructure work, I accept responsibility to maintain the site without further assistance from the EBCI, Qualla Housing Authority, or the SITE PREP Program, I understand that the Site Prep program will perform the work to the best of its ability; I also understand that unexpected problems may be encountered.

_____ UNDERSTANDING THESE POTENTIAL PROBLEMS, I AGREE TO WAIVE AND FOREVER RELEASE ANY CLAIMS I MAY HAVE, NOW OR IN THE FUTURE, AGAINST THE SITE PREP PROGRAM, QUALLA HOUSING AUTHORITY, OR THE EBCI, ARISING FROM THE INFRASTRUCTURE WORK DONE ON MY SITE.

_____ I FUTHER AGREE TO ACCEPT THE FINAL WORK REGARDLESS OF DEFECTS CAUSED BY THE UNEXPECTED CONDITIONS OF MY SITE, AND TO COMPLY WITHH THE PROMISSORY NOTE THAT I HAVE SIGNED TO OBTAIN THESE BENEFITS. THIS AGREEMENT SHALL BE PART OF MY PROMISSORY NOTE.

EBCI INFRASTRUCTURE PROGRAM

SITE DEVELOPMENT AGREEMENT II *(Please Initial each line once read)*

_____ I have applied for EBCI SITE PREP Program and understand that my building site may not meet the standard specifications for the program, due to the condition of my site; I realize there may be limitations on the size or type of development that can be done. The developed site may require extra work to maintain, and I accept responsibility to maintain the site without further assistance from the EBCI, Qualla Housing Authority, or the EBCI SITE PREP Program.

_____ I understand that the SITE PREP Program will perform the work to the best of its ability under the existing conditions. I also understand that unexpected problems may be encountered. For example, the condition of the property may not allow for an adequate foundation, there may be excessive water, and/or insufficient parking and yard space.

_____ Understanding these potential problems, I agree to waive and forever release any claims I may have, now or in the future against the EBCI SITE PREP Program, Qualla Housing Authority, or the EBCI arising from the Infrastructure work done on my site.

_____ I further agree to accept the final work regardless of defects caused by the conditions of my site, and to comply with the Promissory Note that I have signed to obtain these benefits. This agreement shall be part of my Promissory Note.

Applicant(s) Signature

Sign in front of notary

Date

INDIVIDUAL ACKNOWLEDGEMENT

State of NORTH CAROLINA

County of _____

On this the _____ day of _____, _____, before
Day Month Year

Me, _____, the undersigned Notary Public for _____
Name of Notary Public

County, personally appeared: _____
Name(s) of Signer(s)

- Personally, known to me; or
- Proved to me based on satisfactory evidence

To be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.

Witness my hand and official seal.

Notary Public

Signature: _____

Print Name: _____

My Commission Expires: _____

Place Notary Seal Above