

TITLE XIII

**PONCA TRIBE OF NEBRASKA
GOVERNMENTAL SECURED TRANSACTIONS ORDINANCE**

**CHAPTER 1
PURPOSE**

Section 13-1-1 The purpose of this Ordinance is to establish tribal laws governing security interests granted by a Tribal Party; to provide that the proper office for filing a financing statement against any Tribal Party shall be the office specified by Iowa law as if such Tribal Party were located in Iowa; and to provide that a security interest in Pledged Revenues may be perfected by the filing of an initial financing statement.

Section 13-1-2 This Ordinance may be cited as the "Ponca Tribe of Nebraska Governmental Secured Transactions Ordinance".

**CHAPTER 2
SCOPE**

Section 13-2-1 Except as otherwise provided in Article 5 hereof, this Ordinance shall apply only with respect to those security interests that (i) are granted by a Tribal Party, and (ii) are expressly stated to be granted in reliance on this Ordinance.

Section 13-2-2 This Ordinance shall remain in effect as to any security interest to which it applies until all obligations secured thereby have been fully and finally discharged or otherwise satisfied, except that this Ordinance may be amended in any manner that is not adverse to any secured party with respect to any such security interest.

**CHAPTER 3
DEFINITIONS**

Section 13-3-1 In this Ordinance the following terms have the following meanings:

(a) *Iowa UCC* means, with respect to any particular transaction, the Uniform Commercial Code of the State of Iowa, as amended from time to time.

(b) *Contract UCC* means, with respect to any particular transaction, the Uniform Commercial Code (as amended from time to time) of the state of the

United States that is stated to apply in a writing signed by a Tribal Party with respect to such transaction, or if none is so stated to apply, the Iowa UCC.

(c) *Pledged Revenues* means all of a Tribal Party's money, earnings, income and revenues, and the rights to receive the foregoing, whether in the form of money, deposit accounts, investments, accounts, instruments or other assets, and the proceeds thereof, in which such Tribal Party has granted a security interest in a writing signed by such Tribal Party.

(d) *Tribal Party* means the Tribe and all of its governmental authorities, instrumentalities, subdivisions, subsidiaries and departments, including the successors and assigns of all of the foregoing.

(e) *Tribe* means the Ponca Tribe of Nebraska, a federally recognized Indian tribe.

Section 13-3-2 Any undefined terms that are defined in the Iowa UCC are used in this Ordinance with the meanings that apply in the Iowa UCC.

CHAPTER 4 LAWS APPLICABLE TO SECURITY INTERESTS

Section 13-4-1 Except as provided elsewhere in this Ordinance, the rights and obligations of any person with respect to any security interest to which this Ordinance applies shall be governed by the Contract UCC.

Section 13-4-2 Except as provided elsewhere in Article 4 of this Ordinance, the perfection, effect of perfection or nonperfection and priority of any security interest to which this Ordinance applies shall be determined in accordance with the Iowa UCC as if each Tribe and Tribal Party were (for purposes of Sections 554.9301 through 554.9307 of the Iowa UCC) located in the State of Iowa and as if the reservation were located in the State of Iowa.

Section 13-4-3 Notwithstanding any other provision of the Contract UCC, the Iowa UCC or this Ordinance to the contrary, a security interest granted in Pledged Revenues in which the applicable Tribal Party has rights shall be created and attach upon the giving of value and the granting of such security

interest by such Tribal Party in a writing executed by that Tribal Party, and such security interest may be perfected only by the filing of an initial financing statement with respect to such security interest in the same manner and in the same location as if all of such Pledged Revenues were accounts.

Section 13-4-4 The provisions of Section 554.9109(3) of the Iowa UCC and the Contract UCC shall be ineffective to limit the application of Iowa UCC and the Contract UCC in accordance with this Ordinance.

CHAPTER 5
EFFECTIVE DATE AND REPEALER

Section 13-5-1 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 provision of this Ordinance, the provision of this Ordinance shall supercede and the conflicting provision shall be and hereby is repealed as it shall apply to a security interest to which this Ordinance applies.

Section 13-5-2 This Ordinance is effective upon the date of its enactment by the Tribe's Tribal Council.

Approved 8/23/09
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