

TRIBAL CODE

CHAPTER 99:

**APPLICATION OF THE UNIFORM COMMERCIAL CODE TO
SECURITY INTERESTS IN KEWADINS CASINOS GAMING
AUTHORITY ASSETS**

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HISTORY NOTE:

Current Ordinance:

Resolution 2005-38, adopted March 15, 2005 enacts Tribal Code Chapter 99: Application of the Uniform Commercial Code to Security Interests in Kewadin Casino Gaming Authority Assets.

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CHAPTER 99:

APPLICATION OF THE UNIFORM COMMERCIAL CODE TO SECURITY INTERESTS IN KEWADIN CASINOS GAMING AUTHORITY ASSETS

99.101 Purpose and Scope.

The purpose of this Chapter is to establish the method of the creation, the effect of perfection and non-perfection, priority among competing creditors, and enforcement of security interests in the personal property of certain revenue-producing enterprises of the Sault Ste. Marie Tribe of Chippewa Indians and of the Kewadin Casinos Gaming Authority on the terms and conditions expressed in this Chapter.

99.102 Definitions.

As used in this Chapter, the following terms will have the following meanings:

(1) “Authority” shall mean the Kewadin Casinos Gaming Authority, as established under Chapter 94 of the Tribal Code.

(2) “Authority Casinos” means the following casinos only, which are owned by the Authority and located on Tribal lands; the Christmas Casino, the existing Kewadin Shores Casino, the new Kewadin Shores Casino to be constructed, the Vegas Kewadin Casino, the Hessel Casino and the Manistique Casino.

(3) “Gaming Assets” means any and all now owned or hereafter acquired real, mixed and personal property of the Authority that is used, useful to or to be used in connection with or is otherwise associated with the Authority Casinos (or any one of them) and their operations (including any Related Business). Without limiting the generality of the foregoing. “Gaming Assets” includes the Authority Casinos, the Related Businesses and all cash, revenues, or other personal property that is part of, or derived from the operation of, any Authority Casinos and any Related Business.

(4) “Related Businesses” means any resort business, any activity or business incidental, directly related or similar to Class II and Class III casino gaming (as defined in the federal Indian Gaming Regulatory Act of 1988, as amended, codified at 25 U.S.C. §2701, et seq.) or any business or activity that is a reasonable extension, development or expansion thereof, including any hotel, entertainment, recreation or other activity or business, in each case designed to promote, market, support, develop, construct or enhance the casino gaming and resort business operated by the Authority at the Authority Casinos.

(5) “Tribe” shall mean the Sault Ste. Marie Tribe of Chippewa Indians.

(6) “Uniform Commercial Code” shall mean the Uniform Commercial Code as in effect from time to time in the State of Michigan.

99.103 Application of Uniform Commercial Code to Gaming Assets.

(1) Any security interest granted by the Authority in any Gaming Assets shall be created and perfected, priorities among competing creditors determined, and the security interest enforced in accordance with the Uniform Commercial Code, subject to paragraph (2) of this Section 99.103.

(2) Notwithstanding any other provisions of the Uniform Commercial Code, the Uniform Commercial Code shall be applicable to security interests granted by the Authority in any Gaming Assets regardless of the fact that the Authority is a subdivision, enterprise, agency or instrumentality of a government.

(3) For purposes of this Chapter and the Uniform Commercial Code,

(a) Each of the Tribe and the Authority shall be considered a separate entity and a filing listing the “Kewadin Casinos Gaming Authority” as debtor sufficiently provides the name of the Authority, as debtor, for purposes of filing and perfection;

(b) The Authority shall be “located” in Michigan; and

(c) The proper place to file a financing statement shall be with the Michigan Secretary of State or any subsequent office designated by the State of Michigan for the filing of financing statements in the State of Michigan generally.

99.104 Application.

(1) This Chapter shall be applicable throughout the Tribal reservation and lands owned by or held in trust for the Tribe under the sovereign control and jurisdiction of the Tribe; provided, however, that this Chapter shall apply only to security interests granted by the Authority in any Gaming Assets and to no other security interests.

(2) While any security interest granted under the authority of this Chapter remains outstanding, this Chapter may not be repealed or amended in a manner adverse to the interests of any secured party granted a security interest by the Authority in any Gaming Assets.