

**RESOLUTION OF THE GOVERNING BODY OF  
THE THREE AFFILIATED TRIBES OF THE  
FORT BERTHOLD RESERVATION**

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and
- WHEREAS,** The Constitution of the Three Affiliated Tribes generally authorizes and empowers the Tribal Business Council to engage in activities on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and
- WHEREAS,** The Three Affiliated Tribes is in great need of housing for its members, in that there is an approximate waiting list of 1,000 Tribal member families for some kind of housing assistance;
- WHEREAS,** One proposal for providing low income housing now being examined by the Fort Berthold Housing Authority of the Three Affiliated Tribes is called "low income tax credits", which involves receiving funds from an investor or investors for building housing units for low-income families that are then available to be used by that investor as a tax credit against future income; and
- WHEREAS,** A firm that provides the investment capital needed to make a tax credit proposal work is called Raymond James, Inc., a nationally known and respected investment company that specializes in, among other things, low-income tax credit housing construction financing; and
- WHEREAS,** Because the construction of new housing units financed with a low-income tax credits program will be on land within the boundaries of the Fort Berthold Reservation, and will most likely be on land held in trust for the Tribe or its members by the United States Government, and is therefore not eligible for title insurance that is generally available for fee lands, Raymond James requires, in order for the low-income tax credit project to go forward, that the Three Affiliated Tribes must provide a Title Guaranty Agreement, including a limited waiver of sovereign immunity, so that Raymond James can be assured that the Tribe has the right to use the land for the purpose of construction of low income housing units; and
- WHEREAS,** The Tribe has discussed the substance of a proposed Title Guaranty Agreement for a proposed low-income tax credit project with counsel for Raymond James and has reached an agreement as to the form and substance of the Agreement, as attached hereto; and

**WHEREAS,** The Tribal Business Council believes that the Title Guaranty Agreement as attached hereto and the low-income tax credit project being worked on by the Fort Berthold Housing Authority are in the best interests of the Tribe; and

**WHEREAS,** The Tribal Business Council hereby believes that the limited waiver of sovereign immunity contained within the Title Guaranty Agreement is in the best interests of the Tribe;

**NOW, THEREFORE, BE IT RESOLVED,** as a preliminary part of the low-income tax credit project or projects of the Fort Berthold Housing Authority, and subject to final approval of the entire project by the Tribal Business Council, the Tribal Business Council of the Three Affiliated Tribes hereby approves the form and substance of the attached Title Guaranty Agreement, including the limited waiver of sovereign immunity contained within the Agreement.

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, SEVEN were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 14 day of December, 2000; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 14 day of December, 2000.

ATTEST:

  
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Chairman, Tribal Business Council

  
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Secretary, Tribal Business Council