



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

*A Resolution entitled, "Amendments to the Tribes Foreclosure and Recording Statutes"*

**WHEREAS,** this Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act; and

**WHEREAS,** the Three Affiliated Tribes' Constitution authorizes and empowers the Mandan, Hidatsa & Arikara Tribal Business Council to engage in activity on behalf of and in the interest of the welfare and benefit of the Tribes and of the enrolled members thereof; and

**WHEREAS,** Article VI, Section 5(i) of the Constitution of the Three Affiliated Tribes specifically authorizes and empowers the Tribal Business Council to manage tribal lands, interest in Tribal lands, and property upon such lands; and

**WHEREAS,** the Tribal Housing Division's mission is to break the barriers that currently prevent home ownership by tribal members and to assist in meeting the housing demand of the Tribe's members; and

**WHEREAS,** It is the considered judgment of the Tribal Business Council that Housing opportunities for the people of the Three Affiliated Tribes can be improved through greater access to residential finance and capital through programs offered by Fannie Mae and private lenders serving the Native American community; and

**WHEREAS,** The Code of Laws of the Three Affiliated Tribes must be updated and improved in order for the Tribes to participate in Fannie Mae Native American Lending programs; and

**WHEREAS,** The Tribal Business Council desires to amend the Tribe's foreclosure ordinance in order for the Tribes to participate in Fannie Mae Native American Lending Programs.

**NOW THEREFORE, BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby formally approves and adopts the following amendments to the Three Affiliated Tribes Foreclosure and Recording Statutes:

1. Section 2-24 of Title 34 of the Foreclosure and Recording Statutes is amended to read as follows:



**34-2-24 Judgment of foreclosure on mortgages subject to section 184 of the Housing and Community Development Act of 1992 or similar federal or tribal statutes**

In any action, for the foreclosure of a leasehold mortgage, mortgage on trust property or mortgage on fee property, the Court shall hear and decide all requests for entry of judgment in a prompt and reasonable time period. If the alleged default has not been cured at the time of trial and the Court finds for the lender-mortgagee, the Court shall enter judgment:

1. Foreclosing the interest of the borrower-mortgagor and all other defendants, including subordinate lien holder in the mortgage; and
2. Granting title to the mortgaged property to the lender-mortgagee or the lender-mortgagee's designated assignee; or in the case of a leasehold mortgage; the lease in the leasehold estate will be assigned to the lender-mortgagee or the lender's designated assignee; in either case subject to the following provisions:
  - A. The lender-mortgagee shall give the Three Affiliated Tribes the right of first refusal on any acceptable offer to purchase the property, lease or leasehold estate which is subsequently obtained by the lender or lender's designated assignee.
  - B. The lender-mortgagee or lender-mortgagee's designated assignee may only transfer, sell or assign the lease or leasehold mortgage to the Three Affiliated Tribes, a Tribal member or the Fort Berthold Housing Authority.
2. Subparagraph 3(A) and 3(B) of Section 3-2 of the Foreclosure and Recording Statutes are hereby amended as follows:

**34-3-2 Appointment of Tribal Register of Documents--duties**

3. Maintain a log or other approved record system of each mortgage, deed or other instrument affecting real property located within the jurisdiction of the Three Affiliated Tribes, which shall contain the following:
  - A The name and address of any borrower, mortgagor, debtor or other person listed on the instrument to be recorded who would be considered the obligor under the instrument.



B The name and address of any lender, mortgagee, or any person who owns any interest in the instrument to be recorded and who would be considered the obligee under the instrument.

4. Section 3-3 of the Foreclosure and Recording Statutes is hereby amended as follows:

**34-3-3 All filed documents open to public inspection**

All documents filed with the Tribal Register of Documents shall be open to public inspection during normal business hours. All documents filed with the Tribal Register of Documents shall be open to public inspection and copying during normal business hours. Rules for copying shall be established and made available to the public by the Tribal Register of Documents.

5. A new paragraph, designated as Section 3-5 of the Foreclosure and Recording Statutes, shall be added and shall provide as follows:

**34-3-5 Recording Mortgages with the Bureau of Indian Affairs.**

“All mortgages on trust or restricted lands, or leaseholds thereon, shall be recorded with the Bureau of Indian Affairs in addition to any Tribal recording provisions. The phrase ‘trust or restricted lands’ means lands, title to which is held by the United States in trust for an Indian or an Indian tribe or lands to which is held by Indians or an Indian tribe subject to a restriction by the United States against alienation.”

**CERTIFICATION**

I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 9<sup>th</sup> day of October, 2003, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 1 members opposed, 0 members abstained, 0 members not voting, and that said Resolution has not been rescinded or amended in any way.

Chairman [] Voting. [] Not Voting.

Dated this 9<sup>th</sup> day of October, 2003.

Randy Phelan, Executive Secretary  
Tribal Business Council

ATTEST:

Tex C. Hall, Chairman  
Tribal Business Council

08. **RESOLUTION NO. 03-261-RP—MEMORANDUM OF UNDERSTANDING:**

Councilman Wells moved for approval of the memorandum of understanding which encompasses provisions of related documents between the Three Affiliated Tribes and the Casey Family Program subject to TAT Legal review. Councilman Spotted Bear seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

09. **MILITARY HOUSING UNITS**

Councilman Phelan moved for approval to purchase thirty-two units at \$12,900 per unit, total amount of \$421,000 with five units awarded to each district and the remaining two units awarded to others. Councilman Packineau seconded the motion.

VOTE: 3 Ayes, 3 Nays, 0 Abstentions, 0 Not Voting. Motion fails.

10. **RESOLUTION NO. 03-262-RP—MILITARY HOUSING UNITS:**

Councilman Packineau moved for approval to purchase five military housing units for Parshall and Mandaree at the cost of \$12,900 per unit, total amount of \$129,000 to be derived from the Tribal Housing budget and to be designated for low-income families. Councilman Phelan seconded the motion.

VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not Voting. Motion carried.

11. **RESOLUTION NO. 03-263-RP—TRIBAL CODE AMENDMENT; FORECLOSURE:**

Councilman Wells moved for approval of the amendments to the Tribal Code-Foreclosures as presented. Councilman Gillette seconded the motion.

VOTE: 6 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

12. **LOAN PACKAGE PROPOSAL:**

Councilman Gillette moved for approval to authorize Councilman Austin Gillette to research a proposed loan package for the purchase of mobile homes for four segments to be presented by Councilman Austin Gillette at the Tribal Business Council Continuation meeting on October 28, 2003. Councilman Wells seconded the motion.

VOTE: 5 Ayes, 1 Nay, 0 Abstentions, 0 Not Voting. Motion carried.

13. **RESOLUTION NO. 03-265-RP—FORT BERTHOLD DEVELOPMENT CORPORATION LETTER OF CREDIT:**

Councilman Wells moved for approval to renew CD #6420306092 and letter of credit for Fort Berthold Development Corporation from Community First National Bank of Dickinson, North Dakota. Councilman Wolf seconded the motion.

VOTE: 5 Ayes, 0 Nays, 0 Abstentions, 0 Not Voting. Motion carried.

14. **RESOLUTION NO. 03-266-RP—MHA BUFFALO ENTERPRISE, INC.:**

Councilman Wells moved for approval of the corporate charter and bylaws for MHA Enterprise, Inc. as presented. Councilman Packineau seconded the motion.