



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

**A Resolution Entitled:** *“Approval of the Sale of Individual Residential Lots in the Northern Lights Subdivision in Accordance with Title XII, Chapter 1 of the Three Affiliated Tribes Code.”*

**WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under said Act and having adopted a Constitution and By-laws pursuant to said Act; and

**WHEREAS,** Article III of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council is the governing body of the Tribes; and

**WHEREAS,** The Constitution of the Three Affiliated Tribes 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,** Article VI, Section 5 (d) of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council has the power to adopt resolutions regulating the procedure of the Tribal Business Council and other Tribal agencies and Tribal officials on the Reservation; and

**WHEREAS,** Article IX, Section 1 of the Constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have authority to manage, lease and otherwise deal with Tribal lands and resources in accordance with law; and

**WHEREAS,** In accordance with Article IX, Section 1 of the Constitution, the Tribal Business Council adopted an ordinance, entitled Title XII, Chapter 1 to create a statutory mechanism in conformance with Article IX, Section 2 of the Constitution which authorizes the acquisition, sale and encumbrance of tribal fee lands for public purposes, including residential housing development; and

**WHEREAS,** The Tribal Business Council created the Tribal Housing Division of the Three Affiliated Tribes with the goal of developing new homes on the Reservation and creating homeownership opportunities for tribal members; and

**WHEREAS,** The Tribal Housing Division developed the “Dreamcatcher” Housing Project on tribal fee lands which consist of 34 single family homes which will be sold to tribal members by the Tribes through various financing mechanisms; and

**WHEREAS,** there are currently eight tribal members that have qualified for financing to purchase homes in the Dreamcatcher Project and said homes are ready to be sold; and



WHEREAS, Title XII, Chapter 1, Section 1.4 authorizes the sale of the lots in the Dreamcatcher project to tribal members provided that a resolution authorizing such lots to be sold has been adopted by the Tribal Business Council.

NOW THEREFORE BE IT RESOLVED, that in accordance with Title XII, Chapter 1, Section 1.4 of the Three Affiliated Tribes Tribal Code, the Tribal Business Council of the Three Affiliated Tribes hereby authorizes the sale of the following fee property to the tribal members herein identified:

1. Block 5 Lot 10, Northern Lights Subdivision, City of New Town, County of Mountrail, North Dakota to: John and Joelle Bearstail
2. Block 2, Lot 8 Northern Lights Subdivision, City of New Town, County of Mountrail, North Dakota to: Robert and Dawn Hinshaw
3. Block 5, Lot 6 Northern Lights Subdivision, City of New Town, County of Mountrail, North Dakota to: Mary Elk
4. Block 3, Lot 6, Northern Lights Subdivision, City of New Town, County of Mountrail, North Dakota to: Evan Finley

BE IT FURTHER RESOLVED, that said transactions shall be accomplished through real estate purchase agreements and warranty deeds approved by the Tribes' Legal Department and executed by the Three Affiliated Tribes Tribal Chairman and witnessed and attested to by the Secretary of the Tribal Business Council as required by Section 1.4 of Title XII.

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, 6 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 13<sup>th</sup> day of January 2006 that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 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.

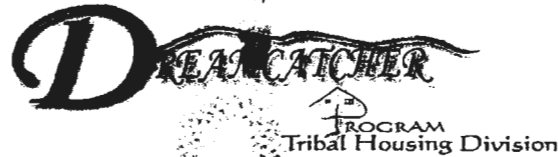
Dated this 13<sup>th</sup> day of January 2006

Tribal Secretary, Nathan Hale  
Tribal Business Council  
Three Affiliated Tribes

ATTEST:  
  
Tribal Chairman, Tex G. Hall  
Tribal Business Council  
Three Affiliated Tribes

Connie R. Wilkinson, Director  
Sue Romero, Finance Officer  
Jackie Jackson, Staff Accountant  
Connie Fox, HHP Coordinator

Florence Brady, Assistant Director  
Lori Pemberton, Loan Officer  
Dennis Deitsch, Construction Analyst  
David White Bear, Quality Control



## Credit Management Loan Policy

### A. Program Summary

Effective January 1, 2006, Tribal Housing Division, will make available to Tribal Housing clients a loan not to exceed \$, 3,500 to assist them in re-establishing their credit. This loan is to assist families that are purchasing homes.

### B. Eligibility

Eligible families are those meeting the following criteria:

- ♦ Be an enrolled member of the Mandan, Hidatsa & Arikara Nation
- ♦ Solid Employment history
- ♦ Sufficient income to meet monthly loan payment
- ♦ Debt to income ratio not to exceed 41%
- ♦ Complete Homebuyer counseling

### C. Selection Criteria

A Loan Committee will review and approve applicants for the Credit Management Loan Program.

The Loan Committee shall not select any applicant for the loan program if it is determined during the application verification process that the applicant family:

- a. Does not have the ability to meet homebuyer obligations, including the obligation to perform or provide the required maintenance;
- b. Has acquired title/ownership (paid-off) another home;
- c. Has a history of conduct which would be detrimental to a Tribal Housing project or its homebuyers;

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- d. Had previously abandoned a HUD-assisted home operated by Fort Berthold Housing Authority or Tribal Housing Program;
- e. Owes debts incurred from prior occupancy of a HUD-assisted home at the Fort Berthold Housing Authority or Dreamcatcher Program;
- f. Does not intend to use the home as its principal residence.

In order to determine the detrimental effect an applicant's conduct would likely have on a project or its homebuyers, documentation is to include letters and reports of interviews or telephone conversations with reliable sources (including the applicant during a home visit), such as current and previous landlords, employer, court records, and police departments. These reports shall include the date, source of information, name and title of person contacted and a summary of the information received. The information shall include, but will not be limited to the following for initial application purposes only:

- a. Time, nature and extent of the borrower's habits and practices in regards to:
  - 1. Past performance in meeting financial obligations.
  - 2. The reports shall also include an evaluation of factors which indicate a probability of favorable future conduct and financial prospects, such as:
    - (i) Evidence of rehabilitation; evidence of willingness to participate in appropriate counseling service programs, and availability thereof; and evidence of willingness to attempt to increase income and availability of training or employment programs in the locality.

## **D. Requirements**

### **1. Eligible Borrower Restrictions**

The borrower does not have to be a first-time homebuyer. However, funds will not be made available to households that already own a home. Households must complete the sale of any existing residence prior to or simultaneously with receiving Credit Management Loan funds. Funding will not be allowed for second or vacation homes.

### **2. Payment to Creditors**

Clients who are approved for a loan must make pay creditors within one (1) week and forward a copy of receipt to Tribal Housing.

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3. Complete a Homebuyer's Counseling Program

At or prior to disbursement of funds by Tribal Housing, the borrower is required to complete Tribal Housing's Homebuyer Counseling class.

4. Subsidy Limit per Household

The \$3,500 loan is limited to one (1) individual per household.

**E. Notification of Loan approval**

Notification to borrower shall be in writing and include at the minimum the following information:

1. A statement that the borrower has been selected.
2. A statement that the borrower will be advised at a later date of the time and place for the execution of the Promissory Note.

**F. Payment**

1. Amount of required monthly loan payment

The amount of required monthly loan payment will be determined by the amount of the loans, interest and length of time which will be on the Promissory Note.

The borrower is required to complete a wage deduction form from employer for the monthly loan payment.

2. Failure to meet financial obligations

If the borrower fails to meet the monthly obligation, the account will be handled in accordance with the outlined procedures on delinquent accounts under collection of delinquencies.

**G. Collection of Delinquencies**

1. Due dates

All required monthly payments are due and payable in full on the 1<sup>st</sup> of the month whether or not billings are sent by Tribal Housing. Payment is considered late after the due date and a late fee of 10% will be assessed up to the 30th day of the month. Payments are to be made by Money Order payable to **Tribal Housing Division** and mailed through the U. S. Postal Service or paid at Tribal Housing Office located in the Good Samaritan Center located in

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New Town. Payments that are mailed must be received by the due date or shall be considered late.

If no payment is received by that time, Tribal Housing will send a reminder letter and allow the borrower until the end of the month to respond to the letter. During this period, Tribal Housing shall make every effort to contact the delinquent borrower by personal visit or phone and document the attempts or contact. If no response is received by the end of the month, Tribal Housing will issue a Notice of Delinquency and allow the borrower five (5) business days to respond/contact the Tribal Housing in order to negotiate an extension, payback agreement, or pay amount owed in full.

## 2. Delinquency

The Tribal Business Council amended the Foreclosure and Recording Statutes on October 9, 2003 and these are the guidelines used for delinquencies. A copy of the Statute will be posted at the Tribal Housing Office and may be obtained by request.

The Tribal Business Council adopted Resolution # 00-175-DSB on May 11, 2000. This resolution created a Debt Repayment Policy and Wage Withholding Process for Tribal employees. See Exhibit A – Resolution No. 00-175-DSB.

Person's using payroll deduction and direct deposit must assure that such methods result in full payment by the first (1<sup>st</sup>) of each month, the same as required of those paying by money order.