



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

**A Resolution Entitled: “*Authorization of Fort Berthold Housing Authority to Convey Lots within the Sandhill Addition in New Town, North Dakota to Eligible Purchasers, and remedies related thereto.*”**

**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 (l) 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,** The Fort Berthold Housing Authority (“FBHA”) is an agency chartered by the Tribes to provide affordable housing and homeownership opportunities to tribal members by engaging in affordable housing activities pursuant to the Native American Housing Assistance and Self-Determination Act (“NAHASDA”), 25 U.S.C. § 4101 et seq.; and

**WHEREAS,** The FBHA receives funding from the United States Department of Housing and Urban Development (HUD) to achieve its purposes through an annual block grant under NAHASDA; and

**WHEREAS,** In 1978, the FBHA purchased a 16-acre tract of land within the City of New Town and within the exterior boundaries of the Fort Berthold Reservation, legally described as follows:

The unplatted portion of the Southeast Quarter (SE1/4) of Section Seventeen (17), Township One Hundred Fifty-two (152), Range



Ninety-two (92), lying North of Highway #23, containing 16 acres more or less, excluding any portion thereof not owned of record by grantor; subject to a prior reservation of all mineral interests of record including gas and oil and the right of egress and ingress for the purpose of mining or drilling for the same, and subject to all valid rights of way.

Said Addition being referred to herein as “the Sandhill Addition”; and

**WHEREAS,** The FBHA desires to convey or sell home lots within the Sandhill Addition to Tribal members pursuant to HUD’s Section 184 loan program and other programs offered through the federal government or the FBHA’s housing policies; and

**WHEREAS,** Lenders who finance the purchase of said lots for Tribal members require a Title Insurance Owner’s Policy insuring that the FBHA is the lawful owner of record of the Sandhill Addition with the authority to sell lots within the Sandhill Addition and execute and deliver a warranty deed transferring lawful title; and

**WHEREAS,** The Title Insurance Company, Old Republic National Title Insurance Company, requires assurance from both the Tribes and the FBHA that the FBHA is legally authorized to convey lots within the Sandhill Addition by a warranty deed, and that an adequate legal remedy exists against the Tribes and the FBHA in the event any claim is made that any conveyance of all or part of the Sandhill Addition is void, voidable or in violation of the Tribes’ or FBHA’s power.

**NOW THEREFORE BE IT RESOLVED,** that notwithstanding anything to the contrary contained in any Tribal Ordinance, the FBHA is authorized, empowered and directed to execute, acknowledge and deliver any and all agreements, instruments of payment, certificates and other documents of any nature, and is authorized to take any and all other actions as may be necessary or appropriate to convey any lot or lots within the Sandhill Addition to any buyer or buyers; and

**BE IT FINALLY RESOLVED,** that the Tribes hereby authorizes and grants a limited waiver of the Tribes’ sovereign immunity from suit for equitable relief only to the extent necessary to give, and for the limited and express purpose of giving Old Republic National Title Insurance Company a right to bring suit, directly or by subrogation against the Tribes and the FBHA, in case any claim is ever made claiming that any conveyance by the FBHA of all or any portion of the Sandhill lot is void, voidable, or in violation of the Tribes’ or FBHA’s power.

### 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, 4 were present at a Regular Meeting thereof duly



called, noticed, convened, and held on the 8<sup>th</sup> day of February 2007; 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 8<sup>th</sup> day of February 2007.

**ATTEST:**

  
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Secretary, V. Judy Brugh  
Tribal Business Council

  
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Chairman, Marcus Wells, Jr.  
Tribal Business Council