



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

**A Resolution Entitled:** , *“Approval of Loan Modification Agreement for the Renewal of the Revolving Line of Credit with Native American Bank in the amount of \$8.5 Million for General Operating Purposes of the Tribe”*

**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,** Article VI, Sections 3, 5(a), 5(c), and 5(j) of the constitution of the Three Affiliated Tribes provides that the Tribal Business Council shall have the power to manage the economic affairs of the Three Affiliated Tribes and to administer funds within the exclusive control of the Tribes and thereby has the power to borrow funds that are necessary for the Tribe to continue exercising all of the powers of government; and

**WHEREAS,** The Tribal Business Council finds that the revenues of the Tribe do not always coincide with expenditures and that revenues owed or coming to the Tribe might not be received by the Tribe at the same pace as Tribal expenses become due; and

**WHEREAS,** Pursuant to Resolution 05-83 NH the Tribal Business Council authorized a Revolving Line of Credit for up to \$8.5 million Dollars with the Native American Bank , Denver, Colorado which was duly secured pursuant to a promissory Note dated March 22, 2006 and which is set to mature on March 23<sup>rd</sup>, 2008 ; and



**WHEREAS,** There is currently a balance due of \$8,318,317.66 on said line of credit up through the original maturity date; and

**WHEREAS,** The Native American Bank has offered to renew said line of credit until March 23<sup>rd</sup>, 2009 pursuant to a commercial debt modification agreement under the same terms and conditions as the original line of credit; and

**WHEREAS,** The Bank will require that the line of credit continues to be secured by certificate of deposit with said bank; and

**WHEREAS,** The Tribal Business Council has determined that continuing the revolving line of credit with Native American Bank pursuant to said Modification Agreement is in the best interests of the Tribe and is necessary to sustain the stable operation of the Tribal government; and

**NOW, THEREFORE BE IT RESOLVED,** that the Tribal Business Council of the Three Affiliated Tribes hereby approves the Commercial Debt Modification Agreement dated March 22, 2008 between the Three Affiliated Tribes of the Fort Berthold Indian Reservation and the Native American Bank in the amount \$8,500,000 for the renewal of the original line of credit under the following terms and conditions:

1. Loan Amount: up to \$8,500,000 aggregate (can be one note or any variation of sums up to \$8,500,000.)
2. Loan Type: Open end, multiple advance line of credit.
3. Term: 12 months with maturity date of March 23<sup>rd</sup>, 2009.
4. Payments: monthly interest beginning March 26<sup>th</sup>, 2008 or whenever funds are advanced on the line.
5. Bank CD Interest rate: 3.06% fixed for 12 months.
6. Interest rate: 4.56% fixed for 12 months.
7. Origination fee: None.
8. Transaction fee: None.
9. Security: Certificates of Deposit to be held at Native American Bank (Bank CD) with minimum balances of up to the line of credit at said Bank.
10. Guarantee: None.
11. Prepayment penalty: None.
12. Other conditions same as those set forth in the original loan documents.
13. Expenses: none





**BE IT FINALLY RESOLVED**, that the Tribal Business Council hereby authorizes Tribal Chairman Marcus Wells, Jr. to execute said Loan Modification Agreement on behalf of the Tribe.


**CERTIFICATION**

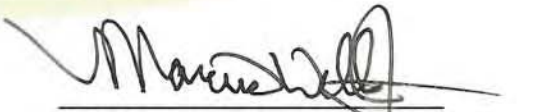
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 7 members of whom 5 constitute a quorum, 5 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 10<sup>th</sup> day of April 2008; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 5 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 10<sup>th</sup> day of April 2008.

**ATTEST:**

  
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Acting Tribal Secretary, Mervin Packineau  
Tribal Business Council  
Three Affiliated Tribes

  
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Tribal Chairman, Marcus Wells Jr.  
Tribal Business Council  
Three Affiliated Tribes