



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

A Resolution Entitled, "Authorization of amendments to leases between the Three Affiliated Tribes and the Fort Berthold Housing Authority for the Parshall Bay Lease and the Hilltop Addition Lease in connection with the Arikara Homes Tax Credit Project".

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, 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 its enrolled members; 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, Article VI, Section 5 (I) 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

WHEREAS, Pursuant to Article VI, Section 5 (I) of the Constitution the Tribal Business Council has the authority to make assignments and leases of tribal lands and otherwise manage tribal lands, interests in tribal lands and property upon such lands in conformity with Article IX of the Constitution; and

WHEREAS, On May 1, 2009, the Three Affiliated Tribes and the Fort Berthold Housing Authority entered into a ground lease, lease contract number 09-TH008-59, covering tribal fee land within the Parshall Bay Subdivision ("the Parshall Bay lease") for a period of fifty years, for purposes of constructing housing for low income families; and

WHEREAS, On March 9, 2011, Three Affiliated Tribes, acting by and through the Northeast Segment Community Board, and Fort Berthold Housing Authority entered into a ground lease within the Hilltop Addition, in Parshall, North Dakota (the "Hilltop lease") covering tribal fee land for purposes of constructing housing for low income families; and

WHEREAS, On April 14, 2011 the Tribal Business Council passed Resolution No. 11-041-VJB approving sub-leases of the Parshall Bay and Hilltop leases to Arikara Homes Limited Partnership for purposes of constructing housing for low income families utilizing low income housing tax credits, (the "Arikara Homes Project"); and





WHEREAS, The Fort Berthold Housing Authority has requested amendments to the Parshall Bay and Hilltop Leases to extend the lease terms from fifty years to sixty-five (65) years, to be effective as of March 9, 2011 (the date the Hilltop lease was executed), which are necessary in order for the tax credit investor to obtain a legal opinion that the tax benefits to investors in the Arikara Homes Project will be available based upon a 65 year lease term, an industry minimum standard for leaseholds in fee land, said legal opinion being necessary to close on the tax credit financing for the Arikara Homes Project; and

WHEREAS, The Fort Berthold Housing Authority has requested an additional amendment to the Hilltop lease to correct a minor surveyor's error in the legal description; and

WHEREAS, the Tribal Business Council has determined that it is appropriate and in the best interests of the Tribe to approve the requested amendments to the leases; now

THEREFORE BE IT RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby authorizes and approves the following amendments to the Parshall Bay lease:

1. The first sentence of Section 3 of the Parshall Bay lease is amended to state as follows:

3) TERM: Lessee shall have and hold the described premises for a term of sixty five (65) years beginning on March 9, 2011.

BE IT FURTHER RESOLVED, That the Tribal Business Council of the Three Affiliated Tribes hereby ratifies the Hilltop lease and authorizes and approves the following amendments to the Hilltop lease:

1. Section 1 of the Hilltop lease is amended to state as follows:

1. PREMISES. The Lessor hereby leases to the Lessee the following real property located within the Hilltop Addition in Parshall, Mountrail County, North Dakota, described as follows (collectively, the "Premises"):

All of Lots 7 and Part of Lot 8 Block 2, All of Lot 16 and Part of Lot 15 Block 1, and adjacent streets and alleys, Hilltop Addition to the City of Parshall, County of Mountrail, State of North Dakota, described as follows:

Commencing at the Southwest corner of said Block 1; thence South 89°59'00" East (assumed bearing) along the South line of said Block 1 a distance of 140.00 feet to the Southeast corner of Lot 8 of said Block 1, the Point of Beginning; thence North 00°10'00" East along the East line of Lots 7 and 8 of said Block 1 a distance of 95.00 feet; thence South 89°16' 02" East a distance of 400.03 feet to a point on the West line of Lot 15 Block 2; thence South 00°10'00" West along the West line of Lots 15





and 16 of said Block 2 a distance of 90.00 feet to the Southwest corner of Lot 16 of said Block 2; thence North 89°59'00" West along the South line of said Blocks 1 and 2 a distance of 400.00 feet, more or less to the Point of Beginning. Said parcel contains 0.85 acres more or less together with rights-of-way and easements of record.

2. The first sentence of Section 3 of the Hilltop lease is amended to state as follows:

3. TERM. The Lease shall be for a period of sixty five (65) years, beginning on March 9, 2011.


BE IT FURTHER RESOLVED, That all other provisions of the leases shall remain in full force and effect; the Tribal Chairman and Secretary of the Three Affiliated Tribes or designated representatives are hereby authorized to execute the amendments to the leases on behalf of the Tribe.

CERTIFICATION

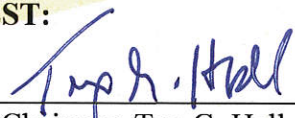
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the Tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 7 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 10th day of June, 2011, that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 7 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 10th day of June, 2011.



Tribal Secretary V. Judy Brugh
Tribal Business Council
Three Affiliated Tribes

ATTEST:


Tribal Chairman Tex G. Hall
Tribal Business Council
Three Affiliated Tribes

