



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

A Resolution entitled, "Approval of Partition of Allotment 594A and Settlement with Dale Little Soldier Regarding His Ownership In Fee and Use of Allotment 594A"

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, pursuant to Article III, Section 1 of the Constitution and By-Laws of the Three Affiliated Tribes, the Tribal Business Council is the governing body of the Tribes; and

WHEREAS, pursuant to Article 5(i) and Article IX of the Constitution and By-laws of the Three Affiliated Tribes, the Tribe has all necessary power to regulate and manage lands owned by the Tribe; and

WHEREAS, the Tribe has an undivided one-third interest in the 320 acres of Allotment 594A, located approximately three miles west of the Tribal building and straddling State Highway 23; and

WHEREAS, the other owners of Allotment 594A include the Howard family, which owns, collectively, an undivided one-third interest in Allotment 594A, and Dale Little Soldier, who owns an undivided one-third interest in fee simple of Allotment 594A; and

WHEREAS, except for an existing business establishment on the property called Mann Enterprises, and the current activities of Dale Little Soldier, acting through his business called Beaver Creek, LLC, the property is unimproved, and no utilities are provided to the land being used by Dale Little Soldier; and

WHEREAS, the owners of Allotment 594A now desire to partition Allotment 594A (surface acres only) to make the land usable by all parties for future business development, with the partition to be accomplished in accordance with the engineer's drawings attached hereto as Exhibit A; and

WHEREAS, the partition as drawn will allow highway access for each parcel of land owned by the three entities involved in the partition; and

WHEREAS, the parties understand that the partition will require the approval of the Bureau of Indian Affairs real property office; and



WHEREAS, because Dale Little Soldier has been using the property from December, 2011 through the present, and has not heretofore executed a business lease with the Tribe and the Howards for the property, Dale Little Soldier will make a one-time payment to the Howards of \$80,000; and a one-time payment to the Three Affiliated Tribes of \$80,000, as payment in full for the partition; and the Tribe has agreed to waive its monetary compensation and distribute its \$80,000.00 to the Howard family; and

WHEREAS, as required by the BIA, prior to the approval of this resolution, Dale Little Soldier will place the total of \$160,000 in escrow with the Bureau of Indian Affairs, to be disbursed only upon the approval of the partition by the Tribe and by the required members of the Howard family in accordance with BIA procedures for such a partition, and in accordance with the attached Escrow Agreement, with such agreement stating that the funds in the escrow account may be distributed by the BIA only upon approval of the partition by the BIA and by the landowners involved, and with such escrow agreement stating that the amount will be available for 120 days, and after that time period will be returned to Dale Little Soldier, unless the Tribe and the Howards make the formal request for a partition with the BIA within that time period; and if the BIA refuses to escrow the monies, said monies shall be escrowed into a mutually agreed upon account; and

WHEREAS, From the attached drawings, the Tribe has selected Option B for the partitions, with Dale Little Soldier to receive Tract 1, the Tribe to receive Tract 3, and the Howard family to receive Tract 2 as depicted on the drawings; it being understood that all options have equal acreage and equal access to Highway 23; and that on the basis of Option B, a request for partition to be filed with the BIA Agency for Fort Berthold as soon as possible; and

WHEREAS, it is understood that upon approval of this resolution by the Tribal Business Council, and approval of the partition and settlement in writing by the Howards, and upon deposit of the above amount with the BIA according to the escrow agreement, the Tribe will immediately provide to the BIA the necessary permission for easements to be obtained to provide all necessary utilities to the designated properties being used by the parties including Dale Little Soldier.

NOW THEREFORE BE IT RESOLVED that the Tribal Business Council does hereby approve the filing of an application with the Bureau of Indian Affairs (BIA) Agency for Fort Berthold on the appropriate BIA forms on behalf of the Three Affiliated Tribes to permanently partition Allotment 594A in accordance with the engineer's drawings attached hereto, with the Tribe having selected Option B, and with Dale Little Soldier receiving Tract 1 as depicted on Option B, the Tribe receiving Tract 3 of Option B and the Howard family Tract 2 of Option B, such that both Dale Little Soldier, the Tribe and the Howard family will have adequate and immediate access to State Highway 23 as a result of the partition, subject to the deposit of \$160,000 in an escrow account to be held by the BIA pending the



submission of a partition application by both the Tribe and the Howard family and subject to the terms of the escrow agreement; and

NOW THEREFORE BE IT FURTHER RESOLVED that upon passage of this resolution, and approval of the settlement by the Howard family regarding the partition of Allotment 594A, the Tribal Business Council will immediately assist in providing the necessary permission for utility rights of way to the property presently being used by Dale Little Soldier; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Tribal Business Council hereby authorizes the Chairman or any other duly elected officer of the Tribal Business Council to execute any and all documents required to request approval of the partition by the BIA and any further documents that are necessary to permit the partition to become effective; and

NOW THEREFORE BE IT FURTHER RESOLVED, that the Tribal Business Council will assist in obtaining the approval of the Howard family for the settlement contained herein; and

NOW THEREFORE BE IT FINALLY RESOLVED that this Resolution hereby supersedes and replaces and all conflicting resolutions, policies, documents or other actions of the Council or any of its members at any time prior to this resolution becoming effective that might affect this settlement.




C E R T I F I C A T I O N

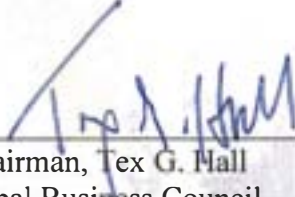
I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Indian Reservation hereby certify that the tribal Business Council is composed of seven (7) members of whom five (5) constitute a quorum, 6 were present at a Regular Meeting thereof duly called, noticed, convened and held on the 13 day of June, 2013, 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 day of June, 2013.



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



Chairman, Tex G. Mall
Tribal Business Council
Three Affiliated Tribes