

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

- WHEREAS,** This Nation having accepted the Indian Reorganization Act of June 18, 1934, and the authority under 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 of the enrolled members thereof; and
- WHEREAS,** The Tribal Business Council of the Three Affiliated Tribes authorized the Roads Department to purchase a 1997 John Deere, 770 BH Motor Grader from RDO Equipment Co., at a Special Meeting on the 14th day of March, 1997; and
- WHEREAS,** RDO Equipment Co. has obtained financing for the Three Affiliated Tribes from Northern Leasing, Inc. of Minot, North Dakota, and has provided the Equipment Lease and other pertinent documents to the Legal Department for the appropriate legal review; and
- WHEREAS,** The proposed Lease Agreement provides that in the event the Lessee, which is the Three Affiliated Tribes, defaults the Lessor, Northern Leasing Inc., can sue for the recovery of all rents due and payable, accrued or thereafter accruing, with respect to any or all items of the Equipment; and
- WHEREAS,** The proposed Lease Agreement further provides that the terms and conditions of the proposed Lease shall be governed by North Dakota law; and
- WHEREAS,** The Three Affiliated Tribes, as Lessee, is a sovereign, governmental Nation of the Mandan, Hidatsa & Arikara Tribes and, as such, has a judicial system and has adopted a Code of Laws pertaining to the Equipment Lease with Northern Leasing, Inc., including possessing such inherent sovereign attributes as immunity from suit; and
- WHEREAS,** The Code of Laws of the Three Affiliated Tribes shall govern the interpretation and enforcement of the terms and conditions of the Lease Purchase Agreement between Lessor and Lessee. (A true and correct photostatic copy of the Equipment Lease with Northern Leasing, Inc., is

attached and incorporated herein identified as "Attachment A"); and

WHEREAS, The Lessor and Lessee agree that the interpretation and enforcement of the Equipment Lease, identified in the preceding paragraph, shall be subject to the jurisdiction of the Fort Berthold District Court; and

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business of the Three Affiliated Tribes hereby grants a limited waiver of immunity from suit in the event the Tribe defaults on the Lease Agreement between Northern Leasing, Inc., (Lessor) and the Three Affiliated Tribes (Lessee), and that such default remedies shall be governed by the Code of Laws of the Three Affiliated Tribes, providing for the recovery of property in dispute, as contained in the Repossession Statute, and this provision shall replace the default provisions contained in the Lease Agreement.

BE IT FURTHER RESOLVED, That any disputes over the terms and conditions of the Lease Agreement shall be resolved in the Fort Berthold District Court of the Three Affiliated Tribes, and that this shall replace the language in the Lease Agreement in reference to the Lease Agreement being governed by North Dakota law.

BE IT FURTHER RESOLVED, That the Chairman of the Three Affiliated Tribes is hereby authorized to execute the Equipment Lease with Northern Leasing, Inc., on behalf of the Three Affiliated Tribes.

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 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 9th day of April, 1997; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 4 members, 2 members opposed, 0


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members abstained, 0 not voting, and that said Resolution has not been rescinded or amended in any way.

Dated this 9th day of April, 1997.

Dayton Spotted Bear
Secretary, Tribal Business Council

ATTEST:


Chairman, Tribal Business Council