

**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 White Shield School District No. 85 is within the boundaries of the Fort Berthold Reservation and serves Tribal members in the area of the tribal community of White Shield; and
- WHEREAS,** The Lumber, Construction and Manufacturing Corporation known as LCM, chartered and owned wholly by the Three Affiliated Tribes, filed a bankruptcy under Chapter 11 of the United States Bankruptcy Act in June, 1994, and discharged in early 1996 all known debts in that bankruptcy and distributed all its known assets to priority creditors; and
- WHEREAS,** White Shield School District No. 85, during construction of an addition to its school, in 1993 paid LCM a total of \$37,630.67 for lumber goods needed for the construction project which were never received, although the check was cashed and the funds deposited with LCM; and
- WHEREAS,** When such goods as ordered from LCM were not received by White Shield School District No. 85, the School District was forced to secure the lumber goods from another source in order to complete the project, for a total cost of \$39,729.90, which White Shield School District No. 85 paid for from existing construction funds available for the project; and
- WHEREAS,** White Shield School District No. 85 was never listed as a creditor of LCM at any time during LCM's bankruptcy, and was unaware of the bankruptcy action; and
- WHEREAS,** LCM now has no assets with which to repay any valid claims against it that may have survived its bankruptcy; and
- WHEREAS,** The Three Affiliated Tribes, although under no formal legal obligation to do so, as the owner of LCM desires to provide restitution to White Shield School District No. 85 for its loss of funds thereby allowing the educational effort of the School District to be improved by that amount; and
- WHEREAS,** The White Shield School District No. 85 is willing to accept the amount offered by the Three Affiliated Tribes as repayment in full of the debt owed to by LCM;

NOW, THEREFORE, BE IT RESOLVED, that the Three Affiliated Tribes, as such funds are available from time to time, hereby authorizes payment to White Shield School District No. 85 to be made in the amount of \$37,630.67, in full satisfaction of the School District's possible claim against LCM.

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, 6 were present at a Special Meeting thereof duly called, noticed, convened, and held on the 23rd day of June, 1997; 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.

Dated this 23rd day of June, 1997.

Daylon Spotted Bear
Secretary, Tribal Business Council

ATTEST:



Chairman, Tribal Business Council