

**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 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 used 1994 John Deere, 770 BH Motor Grader S/N DW770BH539351 from RDO Equipment Co., at a Meeting on the ____ day of October, 1998; and
- WHEREAS,** RDO Equipment has obtained financing for the Three Affiliated Tribes from Deere Credit, Inc., of West Des Moines, Iowa, 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, Deere Credit, Inc., can sue for the recovery of all rents due and payable, accrued or thereafter accruing, with respect to any or all items of 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 Affiliated Tribes, as Lessee, is a sovereign governmental Nation of the Mandan, Hidatsa & Arikara Tribes and, as such, has a judicial system and had adopted a Code of Laws pertaining to the Equipment Lease with Deere Credit, 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 Deere Credit, 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 Three Affiliated Tribes District Court; and

NOW, THEREFORE, BE IT RESOLVED, That the Tribal Business Council 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 Deere Credit, 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 Three Affiliated Tribes District Court of the Fort Berthold Reservation, 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 FINALLY RESOLVED, That the Chairman of the Three Affiliated Tribes is hereby authorized to execute the Equipment Lease with Deere Credit, Inc., on behalf of the Three Affiliated Tribes.

Resolution# 99-_____

Affirmatively approved by the undersigned executives of the Tribal Business Council. To be presented at the next Tribal Council meeting at which a quorum is present.

Member, Tribal Business Council Member, Tribal Business Council

Member, Tribal Business Council Member, Tribal Business Council

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(seven) members of whom 5(five) constitutes a quorum, and that _____ members, constituting a majority of the Tribal Council, whose signatures appear above, voted in favor of the foregoing Resolution.

Dated This ____ day of _____, 1999.

Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council

Resolution# 98-015A JPH

Affirmatively approved by the undersigned executives of the Tribal Business Council. To be presented at the next Tribal Council meeting at which a quorum is present.

Member, Tribal Business Council Member, Tribal Business Council

Member, Tribal Business Council Member, Tribal Business Council

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(seven) members of whom 5(five) constitutes a quorum, and that _____ members, constituting a majority of the Tribal Council, whose signatures appear above, voted in favor of the foregoing Resolution.

Dated This 10th day of Dec, 1998.

Secretary, Tribal Business Council

ATTEST:

Chairman, Tribal Business Council