

**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,** On December 21, 1998, the Executive Committee of the Tribal Business Council of the Three Affiliated Tribes approved the purchase by the Roads Department of a used 1994 John Deere, 770 BH Motor Grader (S/N DW770BH539351) from RDO Equipment Company; and
- WHEREAS,** RDO Equipment has obtained financing for the Three Affiliated Tribes from Deere Credit, Inc., of West Des Moines, Iowa, and provided a proposed Lease Purchase Agreement and other pertinent documents to the Legal Department for the appropriate legal review; and
- WHEREAS,** The proposed Lease Purchase Agreement initially provided that, in the event the Lessee Three Affiliated Tribes defaults, the Lessor Deere Credit, Inc., could 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 Purchase Agreement further provided that the terms and conditions of the proposed Agreement would be governed by North Dakota law; and
- WHEREAS,** The Three Affiliated Tribes are a sovereign governmental Nation of the Mandan, Hidatsa & Arikara Tribes, and have a judicial system and have adopted a Code of Laws which would govern the Agreement with Deere Credit, Inc., including possessing such inherent sovereign attributes as immunity from suit; and
- WHEREAS,** The Lessor and Lessee have agreed to change certain provisions of the proposed Agreement to provide that 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 which Lease Purchase Agreement with Deere Credit, Inc., is attached hereto and incorporated herein); and

**WHEREAS,** The Lessor and Lessee have additionally agreed that the interpretation and enforcement of the Lease Purchase Agreement, as addressed in the preceding paragraph, shall be subject exclusively to the jurisdiction of the Fort Berthold District Court;

**NOW, THEREFORE, BE IT RESOLVED,** That the Tribal Business Council of the Three Affiliated Tribes hereby formally ratifies the prior action taken by the Council's Executive Committee to approve entry into the attached Lease Purchase Agreement with Deere Credit, Inc., in addition to approving the attached Payment/Amortization Schedule (Exhibit B of the Lease Purchase Agreement).

**BE IT FURTHER RESOLVED,** That the Tribal Business Council hereby acknowledges with approval the prior execution by the Chairman of the Three Affiliated Tribes, under the prior authorization and direction of the Council's Executive Committee, of the Lease Purchase Agreement with Deere Credit, Inc., in addition to all other documents relating to this transaction, on behalf of the Three Affiliated Tribes.

**BE IT FURTHER 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 Purchase Agreement between Deere Credit, Inc., (Lessor) and the Three Affiliated Tribes (Lessee), and that all default remedies shall be governed by the Code of Laws of the Three Affiliated Tribes, providing for the recovery of property in dispute in conformity with the Tribal repossession law, and this provision shall replace the default provisions initially contained in the Lease Purchase Agreement.

**BE IT FURTHER RESOLVED,** That any disputes over the terms and conditions of the Lease Purchase Agreement shall be resolved in the Fort Berthold District Court and this provision shall replace the language initially contained in the Agreement referring to the Agreement being governed by North Dakota law.

### 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, 7 were present at a Regular Meeting thereof duly called, noticed, convened, and held on the 18<sup>th</sup> day of May, 1999; that the foregoing Resolution was duly adopted at such Meeting by the affirmative vote of 6 members, 0 members opposed,

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

Dated this 18<sup>th</sup> day of May, 1999.

Daylon Spotted Bear  
Secretary, Tribal Business Council

ATTEST:

[Signature]  
Chairman, Tribal Business Council