

RESOLUTION OF THE
WHITE MOUNTAIN APACHE TRIBE OF THE
FORT APACHE INDIAN RESERVATION

- WHEREAS, the Tribal Council is advised that it has become necessary for the successful completion of ongoing HUD Projects 16-30 and 16-31, to request financial and other assistance from the Aetna Casualty and Surety Company [Aetna]; and
- WHEREAS, Aetna's representative and attorney have met with Development Enterprise management, the Tribal Business Office and the Tribal Attorney, and have negotiated certain terms for the advancement of monies and other assistance to HUD Projects 16-30 and 16-31; and
- WHEREAS, pursuant to said agreement, the details of which, will be reviewed by the Tribal Attorney's Office and are subject to approval by the office of the Chairman, Aetna will advance monies to Development Enterprise in order to meet necessary present and future payroll and material expenses and shall pay past due vendor accounts and in consideration therefore, D.E. will: (1) assign all of its rights to the HUD contract monies for Project 16-30 and 16-31 to Aetna; (2) payment requests shall be paid by the Housing Authority pursuant to a joint check payable to Development Enterprise and Aetna; (3) in the event that HUD contract monies are insufficient to reimburse Aetna fully for monies advanced to the projects, that the Tribe should execute a promissory note to pay the difference over a term of two years at 8.5% interest secured by a security agreement of all rolling stock and equipment owned and possessed by Development Enterprise, and providing that in the event of default said security agreement may be executed upon by Aetna; and
- WHEREAS, Aetna further agrees to exclusive tribal court jurisdiction to enforce the promissory note and security agreement securing said promissory note, but that the Tribe agrees that a visiting Superior Court Judge shall preside as Tribal Judge over any litigation pursuant to said agreements, and further that the Tribe agrees to waive its sovereign immunity to the extent necessary for enforcement of the promissory note and underlying security agreement; and

WHEREAS, Aetna shall require that attorneys and accountant expenses, including transportation, telephone calls, copying costs and other incidental expenses, shall be paid immediately upon final HUD acceptance of the HUD projects aforementioned.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby agrees to the foregoing general terms and conditions of the agreement between Aetna and the White Mountain Apache Tribe, providing for the advancement of monies for HUD Projects 16-30 and 16-31 provided, however, that the details of said agreements shall be negotiated and drafted by the Tribal Attorney and attorneys for the Aetna Casualty and Surety Company and that said final documents shall be subject to approval of the Tribal Attorney's Office as to form only prior to execution by the Tribal Chairman and in his absence, the Vice Chairman.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Chairman and in his absence, the Vice Chairman, to sign any and all necessary documents to carry out the purpose of this resolution.

BE IT FURTHER RESOLVED by the Tribal Council that henceforth no tribal monies shall be utilized in any way whatsoever by transfer, advance or loan, whether or not they are reimbursible, for Development Enterprise HUD Projects 16-30 or 16-31, and that all monies for said projects shall be advanced by Aetna or other non-tribal sources.

The foregoing resolution was on April 21, 1986, duly adopted by a vote of 6 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (i) of the Amended Constitution and Bylaws of the Tribe, ratified by the Tribe June 27, 1958, and approved by the Secretary of the Interior on May 29, 1958, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984)

RESOLVED
APR 21 1986
WHITE MOUNTAIN APACHE TRIBE
Tribal Council



Chairman of the Tribal Council

Secretary of the Tribal Council