



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing a Lease to Rosecilla Dahkoshay, dba War Pony Auto Body & Towing, to Occupy Tribal Building Space for an Auto Body Repair & Towing Business)

- WHEREAS,** Tribal member, Rosecilla Dahkoshay, doing business as War Pony Auto Body & Towing, requests a lease of the Tribal Building located at 508 North Chief Highway, Whiteriver Community, to operate an automobile repair shop, towing business, and other potential automobile-related services; and
- WHEREAS,** pursuant to a Tribal Court judgment against the former owners of the business located at this site (N'dee Auto Body), the Revolving Credit Program was awarded all rights to the business, the business premises and equipment; and
- WHEREAS,** Mrs. Dahkoshay and her husband, Delmer Dahkoshay, the Attorney General's Office and the Revolving Credit Program recently met to negotiate terms for a new business lease and leasehold mortgage for the Tribal building premises, which includes: 1) a lease period of two (2) ten (10) year terms with an automatic renewal; 2) a lease rental fee of Three Hundred Dollars (\$300.00) per month for the first five (5) years, at which time the Tribe may adjust the rent; and 3) a leasehold mortgage to secure the loan agreement with the Revolving Credit Program, Inc., under the sale of its interest in the former N'dee Auto Body business, at a significantly reduced price of Thirty Thousand Dollars (\$30,000.00) to Mrs. Dahkoshay; and
- WHEREAS,** Mrs. Dahkoshay has agreed to purchase and assume operation of the business pursuant to a purchase agreement, loan agreement, and lease and leasehold mortgage terms, and related documents as negotiated with the Attorney General's Office and Revolving Credit Program; and
- WHEREAS,** Mrs. Dahkoshay respectfully requests the Tribe's support of Tribal member businesses in accordance with Resolution No. 05-2005-129; and
- WHEREAS,** the Tribal Council is in support of this arrangement and consents to authorizing a business lease to Mrs. Dahkoshay, doing business as War Pony Auto Body & Towing.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes a business lease to Rosecilla Dahkoshay, dba War Pony Auto Body & Towing, substantially in the form attached hereto, to occupy the Tribal building and premises located at 508 North Chief Highway in Whiteriver, for the purpose of operating an automobile repair shop, towing business, and other potential automobile-related services for a lease period of two (2) ten (10) year terms with an automatic renewal, at a lease rental fee of Three Hundred Dollars (\$300.00) per month for the first five (5) years, at which time the Tribe shall review the rental amount.

Resolution No. 03-2015-37

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby makes the following declarations for purposes of 25 C.F.R. Part 162:

1. The Tribe waives the due diligence and enforcement requirements under 25 CFR §162.417 concerning permanent improvements which may be made within the lease site;
2. The Tribe has negotiated satisfactory compensation under the lease terms and for that purpose waives valuation under 25 CFR §162.420, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest;
3. The Tribe has determined that, except for the review it will undertake in five (5) years, as noted above, it is in the Tribe's best interest to not have compensation reviews and/or adjustments, as would otherwise be required under 25 CFR §162.428(a);
4. The Tribe requests that the Bureau of Indian Affairs waive the requirements under 25 CFR §162.434 for a performance bond or other security, in recognition of the pre-existing use of the premises for the activity authorized under the new lease, as the Tribe has determined that the waiver of a bond is in the Tribe's best interest; and
5. The Tribe confirms, for the purposes of 25 CFR §162.438(f), that the proposed use of the lease site is in compliance with applicable Tribal law.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes Rosecilla Dahkoshay to encumber the leasehold premises for the purpose of the loan agreement with the Revolving Credit Program, Inc., through the use of a leasehold mortgage in favor of Revolving Credit, Inc., a Tribal entity.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that this approval shall be contingent upon completion of all terms negotiated by the parties, including those terms under the purchase and loan agreement, and those terms expressly authorized above.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby reiterates its intent to support Tribal member businesses and directs that all Tribal Government Programs and Enterprises of the Tribe buy goods and services provided by businesses owned and operated by members of the Tribe per Resolution. No. 05-2005-129, subject to compliance with applicable law and regulatory conditions.

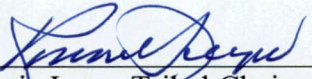
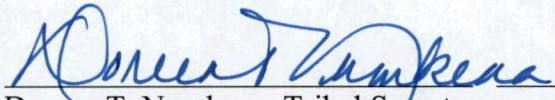
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall supersede and govern over the conflicting subject matter.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances or Federal Laws, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

Resolution No. 03-2015-37

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice-Chairman, is hereby authorized to execute any and all documents necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **MARCH 4, 2015** duly adopted by a vote of **ELEVEN** for, **ZERO** against, and **ZERO** abstentions by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it under the enumerated powers listed in Article IV, Section 1 of the WMAT Constitution, so ratified on September 30, 1993, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

 3/12/15  3-12-2015
Ronnie Lupe, Tribal Chairman Date Doreen T. Numkena, Tribal Secretary Date