



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Approval For Residential Lease To Tribal Member Skyler Lavender for Hondah Homesite Lot A-31)

- WHEREAS,** The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “[t]o negotiate, make, perform contracts and agreements of every description, not inconsistent with federal law or this constitution, with any person, association, or corporation...”, and in Section 1(h), “[t]o regulate the uses and disposition of Tribal property”; and
- WHEREAS,** On August 22, 1997, the Tribal Council approved a residential lease for Hondah Homesite Lot A-31 to Tribal member Doris Robinette; and
- WHEREAS,** Doris Robinette died on February 21, 2108, at which time her daughter, a non-member of the Tribe, purported to sell the lease premises without permission from the Tribe; and
- WHEREAS,** The lease requirements included a prohibition on the sale or assignment of the lease rights unless authorized in advance by the Tribe in writing; and
- WHEREAS,** Non-member Paula Lorraine Lavender bought the home to raise her two children, Skyler Lavender and Dylan Lavender, both of whom are enrolled members of the Tribe; and
- WHEREAS,** The unauthorized sale of the lease property was a default of the lease agreement, making the sale and transfer void, however, the Lavender family has continued to reside at Lot A-31 since that time; and
- WHEREAS,** The Council has now received a request from family member Skyler Lavender, an enrolled member of the Tribe, to obtain a residential lease for Lot A-31 so that he and the Lavender family may continue to live at the premises; and
- WHEREAS,** The requested lease would authorize Skyler’s brother, Tribal member Dylan Lavender, to become a co-lessee under the lease at the time he reaches age 18; and
- WHEREAS,** The lease would have an initial term of 25 years with one additional renewal term of 25 years; and
- WHEREAS,** The Council now concurs with the terms for use of the lease property for the benefit of the family.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves the residential lease for Hondah Homesite Lot A-31, in the form and content reviewed this date, for

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Tribal member Skyler Lavender, with the right to add Dylan Lavender as a co-lessee without further consent of the Tribal Council at the time that Dylan Lavender reaches the age of 18.

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 CFR Part 162:

1. The Tribe has determined that it has negotiated satisfactory compensation and will not require valuation pursuant to 25 CFR 162.320 and 25 CFR 162.326, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest; and
2. The Tribe has determined that it is in its best interest to waive compensation reviews and/or adjustments as would otherwise be required under 25 CFR 162.328.

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 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.

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 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 **DECEMBER 11, 2023** duly adopted by a vote of **FIVE** for, **ZERO** against, and **FOUR** 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 November 10, 2021, and federally recognized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984).

Kasey Velasquez 12-12-2023
Kasey Velasquez, Chairman Date

Vaneysa Johnson 12/13/2023
Vaneysa Johnson, Tribal Secretary Date