

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

**WHEREAS,** Raymond Endfield, Sunrise Park Manager, has requested Tribal Council approval for a limited waiver of sovereign immunity in order to secure a lease-purchase agreement with Caterpillar Financial Services Corporation for three (3) new LMC 3700C Groomers and two (2) used LMC 3700C Groomers to be used at Sunrise Park; and

**WHEREAS,** Sunrise Park desires to finance the above-named equipment through the Caterpillar program and such money has been budgeted for capitol expenses for Sunrise Ski Park; and

**WHEREAS,** the sovereign immunity from suit generally retained by the Indian tribal governments is also retained by the White Mountain Apache Tribe; and

**WHEREAS,** Caterpillar has requested a waiver of tribal sovereign immunity by the White Mountain Apache Tribe applicable to the lease-purchase transactions for the sole purpose of allowing repossession of the equipment in the event of a default by Sunrise Park, the Lessee; and

**WHEREAS,** the Tribal Council of the White Mountain Apache Tribe has considered this matter fully and is fully advised and approves of the limited waiver of sovereign immunity for the sole purpose of repossession of the above-named equipment in the event of default.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and waives its sovereign immunity as to the Caterpillar Lease Purchase Agreement, but only for the sole purpose of allowing repossession of the equipment listed in the attached Exhibit incorporated by reference herein.

**BE IT FURTHER RESOLVED** by the Tribal Council that Chairman Ronnie Lupe and in his absence, by the Vice-Chairman, Lafe Altaha, is hereby authorized to sign all necessary documents and limited waivers of sovereign immunity required by this lease-purchase agreement as provided in this resolution.

The foregoing resolution was on July 9, 1992, duly adopted by a vote of five for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article V, Section 1 (b) (i) (k) 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).



Chairman of the Tribal Council



Secretary of the Tribal Council

**RECEIVED**

JUL 15 1992

FORT APACHE INDIAN AGENCY  
WHITERIVER, ARIZONA