

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

WHEREAS, the Tribal Council, by prior Resolution No. 12-90-282, declared a moratorium on the sale of any Hondah homesite home to a tribal member unless said homes were removed by tribal members from the Hondah homesite area; and

WHEREAS, said resolution directed the Community Development Corporation to take control over any homes abandoned at Hondah Homesites and further supported the donation of Hondah homesite homes to the Community Development Corporation; and

WHEREAS, tribal members Johnathan and Fay Ledemia (Beatty) Kessay have come before the Tribal Council this date and requested permission from the Tribal Council to purchase a home (A-15) from non-members whose leases at the Hondah homesite will soon expire or have expired; and

WHEREAS, the Tribal Council is concerned about future land use in the area, deterioration of the homes, housing shortages for tribal members, and the highest and best use for said Hondah homesite area, and has discussed the advantages and disadvantages of allowing the purchase of Hondah homesite homes whose leases have expired; and

WHEREAS, the Tribal Council concludes that certain exceptions should be made to Resolution No. 12-90-282 on a case-by-case basis, and pursuant to certain conditions outlined herein by the Tribal Council; and

WHEREAS, after due consideration to all interests, the Tribal Council concludes that permission should be granted to tribal members, Johnathan and Fay Ledemia (Beatty) Kessay to purchase a home (A-15) at the Hondah homesite pursuant to the following conditions:

1. The home shall not be re-leased or rented without Tribal Council permission in the form of a resolution;
2. Boundaries of said lots shall not exceed the original leased lot size granted to the original lessee;
3. The purchase of said homes must be negotiated within 90 days of the expiration of the lease, otherwise, said house shall become the property of the Community Development Corporation by donation

or abandonment by the current lessee, unless said lessee removes said home prior to the expiration of 90 days.

4. The Legal Department must review any buy/sell agreement between the tribal member purchaser and seller prior to execution of those documents by the buyer and seller;
5. Any new addition or construction on the premises must be approved by the Tribal Engineering Department;
6. The Tribal Council must approve the removal of trees on the property. The tribal member purchaser shall maintain the improvements and premises to standards of repair, orderliness, neatness, sanitation and safety acceptable to the Tribe, and all electrical wiring, if and when installed shall conform to underwriters specifications;
7. Said premises shall be used for residential purposes only and no purpose that would injure reputation or be in violation of law;
8. No horses or other livestock shall be permitted to be on the premises without the consent of the Tribal Council;
9. Purchaser must obtain written consent of the Tribal Council prior to demolition or removal of the buildings purchased;
10. Purchaser shall, at purchaser's sole cost and expense, keep and maintain all buildings, structures and other improvements on said premises in good order and repair and the whole thereof in a clean, sanitary, neat and attractive condition;
11. The purchaser shall not encumber, assign, or transfer ownership of the premises without the written consent of the Tribe in the form of a Council resolution; and

WHEREAS, the foregoing conditions shall apply to each and every tribal member purchaser of a Hondah homesite home; and

WHEREAS, any sale of a Hondah homesite home to a tribal member without first obtaining Tribal Council authorization by Tribal Council resolution shall be null and void; and

WHEREAS, the Tribal Council is advised that it is the standard requirement of the Revolving Credit Committee to require a 25-year homesite lease before that Committee grants or awards a loan for the purchase of a home to a tribal member; and

WHEREAS, The Tribal Council by previous resolution established a moratorium on homesite leases on the Hondah Homesite area until such time as the Tribal Council makes a policy determination as to the future use of that area; and

WHEREAS, the Tribal Council has made exceptions to this moratorium policy on an individual basis and concludes that in fairness to the tribal members who have been given specific authorization by the Tribal Council to purchase homes in the Hondah area, that the Tribal Council should grant a 25-year homesite lease to said tribal members thereby removing that particular obstacle to obtaining credit from the Revolving Credit Committee.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and grants authority to tribal members, Johnathan and Fay Ledemia (Beatty) Kessay to purchase a home (A-15) in the Hondah homesite, financing to be arranged solely at their own expense, subject to the conditions set forth in this resolution in the Whereas section which are reinstated and reaffirmed as if set out in full herein.

BE IT FURTHER RESOLVED by the Tribal Council that any tribal member who wishes to purchase a home at Hondah homesite must first obtain Tribal Council authorization in the form of a Tribal Council resolution, otherwise said sale or purchase shall be null and void.

BE IT FURTHER RESOLVED by the Tribal Council that any tribal member coming before the Tribal Council for permission to purchase a Hondah homesite home must comply with the conditions set forth in this resolution and by being granted said permission by Council resolution expressly agrees to abide by said conditions.

BE IT FURTHER RESOLVED by the Tribal Council that authorization of a 25-year homesite lease does not in itself grant financing to the tribal member and in the event that the Tribal Revolving Credit Committee declines to finance or to loan money for the purchase of the home negotiated for by the tribal member, then this authorization for a 25-year homesite lease shall be null and void.

BE IT FURTHER RESOLVED by the Tribal Council that authorization for the homesite lease requested is for the specific lot and

house that the tribal member has negotiated to purchase and no other, and that in the event that the tribal member cannot obtain financing or negotiate for the purchase of the particular house at issue, then said tribal member must come again before the Tribal Council and request authorization to purchase another home and for a homesite lease for that particular home.

The forgoing resolution was on December 15, 1993 duly adopted by a vote of NINE for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (h),(i) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

RECEIVED

FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA


Chairman of the Tribal Council


Secretary of the Tribal Council