

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

- WHEREAS**, the Tribal Council of the White Mountain Apache Tribe adopted the White Mountain Apache Tribe Retirement Savings Plan, effective May 1, 1991 ("Plan 3"), which was subsequently amended by the First Amendment to the Plan dated March 18, 1992, as a qualified plan under Section 401(a) of the Internal Revenue Code of 1986 (the "Code"), in order to provide the Tribe's employees with the opportunity to save for their retirement on a tax-favored basis; and
- WHEREAS**, the Tribal Council has decided to expand participation in Plan 3 to allow certain seasonal and temporary employees of the Sunrise Ski Area owned and operated by the Tribe an opportunity to save for their retirement on a taxfavored basis; and
- WHEREAS**, the Tribal Council has decided to eliminate the vesting schedule currently contained in the Plan and to clarify the past treatment of forfeitures under the Plan; and
- WHEREAS**, Section 4.5 of Plan 3 permits Participants to withdraw amounts credited to their Employee Voluntary Contributions Accounts subject to the Plan Administrator's right to limit such withdrawal on a nondiscriminatory basis to once per Plan Year; and
- WHEREAS**, the Tribe is required to make certain technical changes to Plan 3 to maintain its status as a qualified plan under Section 401(a) of the Code in connection with the passage of the Omnibus Budget Reconciliation Act of 1993; and
- WHEREAS**, the First Interstate Bank has requested the Tribe to make certain technical changes to the Plan 3 Trust Agreement to accommodate its service as successor trustee;
- BE IT RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe that the Second Amendment to Plan 3, as presented to the Tribal Council, expanding the participation of Plan 3, making certain technical changes required by changes in the law, and clarifying the treatment of prior forfeitures while eliminating the current vesting schedule be, and hereby is, approved and adopted.

**BE IT FURTHER RESOLVED**, by the Tribal Council of the White Mountain Apache Tribe that the Second Amendment to the Plan 3 Trust Agreement, as presented to the Tribal Council, making certain technical changes requested by First Interstate Bank to accommodate its service as successor trustee be, and hereby is, approved and adopted.

**BE IT FURTHER RESOLVED**, that the Tribal Council of the White Mountain Apache, as Plan Administrator, hereby adopts as its general policy, to be applied on a nondiscriminatory basis, the limitation of withdrawals of Employee Voluntary Contributions to once per Plan Year.

**BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council is hereby authorized to execute said Second Amendment to Plan 3 and such Second Amendment to the Plan 3 Trust Agreement, and to make such changes therein as may be suggested by the Tribe's pension attorneys as long as said changes are merely administrative in nature and do not increase the cost of the plan or seriously detract from the benefits provided to employees.

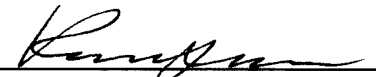
**BE IT FURTHER RESOLVED**, that the proper officers of the Tribe be, and they hereby are, authorized, empowered and directed to file an application, together with any supporting documents, with the United States Treasury Department, with a request for a determination that said Plan 3 and its related Trust Agreement, as amended, meet the requirements of Section 401(a) of the Code, and to execute such powers of attorney, schedules and other documents as may be necessary or required in connection therewith.

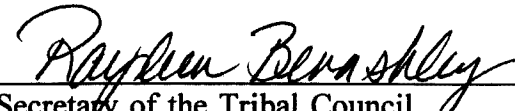
**BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council be, and hereby is, authorized and empowered, in his discretion, to execute such further amendments to Plan 3 and its related Trust Agreement, as may be required in order to obtain the approval of the United States Treasury Department, if, and in his judgment, such amendments are in the best interests of the Tribe.

**BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council be, and hereby is, authorized, empowered and directed to execute any documents necessary in order to appoint a successor Trustee to Plan 3, and that any financial institution selected by the Tribal Treasurer and the Tribal Chairman shall serve, subject to its consent, as Trustee, pursuant to the terms and conditions of Plan 3 and its related Trust Agreement.

**BE IT FURTHER RESOLVED**, that the acts and deeds of the members of the Tribal Council necessary to carry out the intent and purpose of these Resolutions be, and the same hereby are, ratified, confirmed and adopted as the acts and deeds of the Tribe.

The foregoing resolution was on July 14, 1994 duly adopted by a vote of 10 for and 0 against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by Article IV, Section 1 (a), (b), (i), (s), (t), and (u) 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).

  
\_\_\_\_\_  
Chairman of the Tribal Council

  
\_\_\_\_\_  
Secretary of the Tribal Council

A C T I N G

JUL 28 1994