

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

WHEREAS, tribal members Talbert and Sherry Altaha have come before the Tribal Council and advised that they presently have a land assignment in the Diamond Creek area which has been approved by the Land Board, a copy of which is attached to this resolution, and incorporated by reference herein; and

WHEREAS, said land assignment was approved December 8, 1995; and

WHEREAS, Mr. and Mrs. Altaha explain that they wish to have a house built on said land assignment with construction being financed by Bank One, pursuant to the HUD 184 Program; and

WHEREAS, in order to qualify for the HUD 184 Program, the Altahas need a 25 year homesite lease with an option for an additional 25 years on the prior land assignment; and

WHEREAS, the Altahas will be required to encumber their leasehold interest in order to secure the Bank One loan pursuant to the HUD 184 Program; and

WHEREAS, the Tribal Council of the White Mountain Apache Tribe concludes that the prior land assignment approved December 8, 1995, should be converted to a homesite lease so that the Altahas can obtain financing for the construction of a home on said lot pursuant to the HUD 184 program.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby grants a 25 year homesite lease with an option for an additional 25 years, to Sherry and Talbert Altaha, on Sherry Altaha's prior land assignment approved December 8, 1995, the description and location of which is described in the attached Land Assignment form incorporated by reference herein.

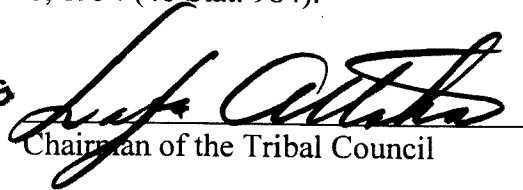
BE IT FURTHER RESOLVED by the Tribal Council that it hereby approves and grants authority to Talbert and Sherry Altaha to encumber the premises and leasehold interest for the purpose of securing a loan through either the Revolving Credit Program or the HUD 184 program only, such financing to be arranged at Talbert and Sherry Altaha's sole expense.

BE IT FURTHER RESOLVED by the Tribal Council that it hereby authorizes the Tribal Chairman and, in his absence, the Vice Chairman, to execute any and all documents necessary to carry out the intent and purposes of this resolution.

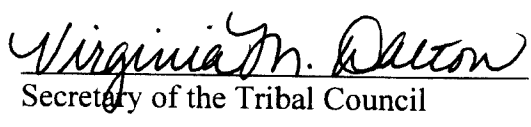
Resolution No. 07-96-137

The foregoing resolution was on July 10, 1996 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 I (a), (b), (i), (m), (n), (q), (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).

ACTING


Chairman of the Tribal Council

RECEIVED
AUG 06 1996
FORT APACHE INDIAN AGENCY
WHITERIVER, ARIZONA


Secretary of the Tribal Council

COPY

400270

WHITE MOUNTAIN APACHE TRIBE
LAND ASSIGNMENT FORM

I. APPLICANT INFORMATION

NAME: ALTAHA, SHERRY ANN ANDERSON DATE: JULY 31, 1995
LAST, FIRST, MIDDLE, MAIDEN

SOCIAL SECURITY NUMBER: 527-41-3414

MAILING ADDRESS: P.O. BOX 2336
WHITERIVER, AZ 85941

OCCUPATION: TEACHER DATE OF BIRTH: 11-5-62

LOCATION OF EMPLOYMENT: WHITERIVER ELEM. SCHOOL

PHONE NUMBER (WORK): 338-4325 (RESIDENCE): 338-1933

MARITAL STATUS (CIRCLE ONE): SINGLE MARRIED DIVORCED OTHER

NUMBER OF DEPENDENTS: 3 DOES THE APPLICANT OWN A HOME? _____

IF SO, GIVE LOCATION & TYPE (HUD, FHA, ETC.): WE ARE IN THE PROCESS OF APPLYING FOR REVOLVING CREDIT (BIA) AND #184 LOAN GUARANTEE; PART OF THEIR APPLICATION IS PROOF OF LAND ASSIGNMENT.
LIST OTHER LANDS WHICH THE APPLICANT IS CLAIMING OR USING (THIS INCLUDES FARMLAND): _____

NAME OF SPOUSE: TALBERT ALTAHA

LIST LANDS WHICH THE SPOUSE IS CLAIMING OR USING: THE LOT BEHIND THE FT. MORMON CHURCH WAS APPROVED BY THE LAND BOARD BUT THAT LOT IS TOO SMALL.

DOES THE SPOUSE OWN A HOME? NO IF SO, GIVE THE LOCATION & TYPE (HUD, FHA, ETC.): _____

already relinquished this lot. SA

LAND ASSIGNMENT FORM

II. ASSIGNMENT INFORMATION

NAME: SHERRY ADANA DATE: JULY 31, 1995

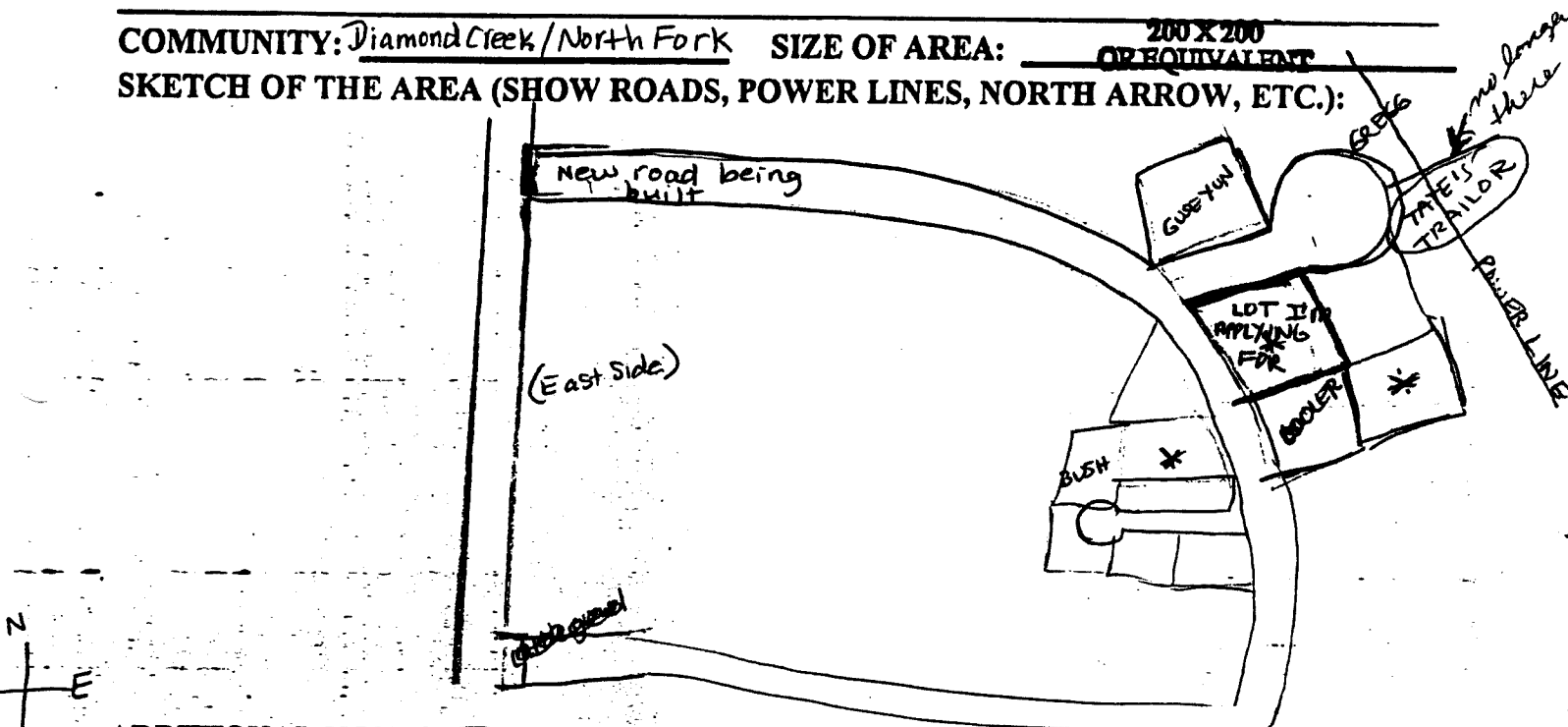
APPLICATION IS MADE FOR (CHECK ONE):

HOMESITE: BUSINESS SITE: OTHER (SPECIFY):

IF OTHER THAN HOMESITE, GIVE BUSINESS OR REASONS FOR REQUEST:

COMMUNITY: Diamond Creek / North Fork SIZE OF AREA: 200 X 200 OR EQUIVALENT

SKETCH OF THE AREA (SHOW ROADS, POWER LINES, NORTH ARROW, ETC.):



ADDITIONAL NOTES: This is the area where the new roads are currently being built. The sketched lots with the asterisk (*) are the lots I'm interested in, but I'm mainly interested in the lot that is highlighted. TO ENHANCE THE LIVING CONDITIONS OF THE MEMBERS OF THE WHITE MOUNTAIN APACHE TRIBE, THE AVAILABILITY OF WATER AND POWER IS A REQUIREMENT FOR AN ASSIGNMENT.

DISTANCE TO THE NEAREST WATER SOURCE: 50ft. (APPROXIMATELY) LESS THAN

DISTANCE TO THE NEAREST POWER SOURCE: 75ft.

LAND ASSIGNMENT FORM

AGREEMENTS AND CONDITIONS OF ASSIGNMENT

NAME: SHERY ALTAHA DATE: July 31, 1995

THE TERMS OF AN ASSIGNMENT FOLLOW (PLEASE READ AND SIGN):

1. A LOT MUST HAVE AN ASSIGNMENT SECURED, PRIOR TO USE, DEVELOPMENT OR OCCUPATION. THE ASSIGNMENT MUST HAVE A SKETCH OF THE LOCATION.
2. THE ASSIGNEE SHALL NOT CONCURRENTLY HOLD MORE THAN ONE ASSIGNMENT FOR A HOMESITE EXCEPT AS FOLLOWS;
 - A. IF THE ASSIGNMENTS ARE IN ONE COMPACT BODY.
 - B. IF THE ASSIGNMENT IS FOR THE CONSTRUCTION OF A NEW HOMESITE.
3. A. CONSTRUCTION OF A RESIDENCE MUST BEGIN WITHIN ONE YEAR OF THE GRANTING OF THE ASSIGNMENT.
 - B. CONSTRUCTION MUST BE COMPLETED AND OCCUPIED WITHIN TWO YEARS OF THE GRANTING OF THE ASSIGNMENT.
 - C. IF THE ASSIGNEE DOES NOT COMPLY WITH EITHER OF THE ABOVE, THE ASSIGNEE SHALL BE GIVEN WRITTEN NOTIFICATION AND ASKED TO SHOW JUST REASON WHY THE ASSIGNMENT SHOULD NOT BE CANCELED. IF THE ASSIGNEE DOES NOT RESPOND WITHIN 30 DAYS AFTER THE DATE OF NOTIFICATION OR IF THE ASSIGNEE HAS UNJUST REASON, THE ASSIGNMENT SHALL BE CANCELED.
4. THE ASSIGNEE MUST BUILD WITHIN THE EXTERIOR BOUNDARIES OF THE ASSIGNMENTS. IF THE ASSIGNEE BUILDS OR FENCES OUTSIDE OF THE EXTERIOR BOUNDARIES, THE WHITE MOUNTAIN APACHE TRIBE THROUGH A DESIGNATED REPRESENTATIVE SHALL GIVE WRITTEN NOTICE TO THE ASSIGNEE. ONCE THE NOTICE IS SERVED, THE ASSIGNEE HAS 60 DAYS FROM THE DATE OF WRITTEN NOTICE TO REMOVE THE PROPERTY. AFTER THAT TIME PERIOD, THE PROPERTY OUTSIDE OF THE BOUNDARIES BECOME THE SOLE PROPERTY OF THE WHITE MOUNTAIN APACHE TRIBE TO DISPOSE OF AS IT SEES FIT.
5. BUILDINGS AND OTHER IMPROVEMENTS PLACED UPON THE ASSIGNED LAND BY THE ASSIGNEE SHALL BE RECOGNIZED AS PERSONAL PROPERTY.
6. IN THE EVENT THE ASSIGNEE RELINQUISH THE ASSIGNMENT, OR UPON CANCELLATION, THEREOF, IMPROVEMENTS MADE BY THE ASSIGNEE UPON THE LAND COVERED BY THE ASSIGNMENT MAY BE SOLD OR REMOVED BY HIM, AND HE SHALL VACATE THE PREMISES WITHIN 60 CALENDAR DAYS FROM THE DATE OF A WRITTEN NOTICE TO DO SO.
7. THE ASSIGNEE SHALL USE THE ASSIGNMENT ONLY EXCLUSIVELY FOR THE PURPOSES FOR WHICH IT WAS ASSIGNED. THE ASSIGNMENT MAY NOT BE SOLD, BUT MAY BE EXCHANGED FOR ANOTHER ASSIGNMENT OR RELINQUISHED.
8. LIVE TREES SHALL BE REMOVED ONLY AS NECESSARY.

LAND ASSIGNMENT FORM**III. AGREEMENTS AND CONDITIONS OF ASSIGNMENT (CONTINUED)**

9. THE ASSIGNEE SHALL NOT ASSIGN OR TRANSFER THIS ASSIGNMENT OR ANY RIGHT OR RIGHT OR INTEREST THERETO, WITHOUT THE EXPRESS CONSENT AND APPROVAL OF THE WHITE MOUNTAIN APACHE TRIBE.

10. ALL TIMBER, WATER RIGHTS, MINERAL RIGHTS, AND THE RIGHT TO TAKE EASEMENTS ON THE LAND FOR PUBLIC PURPOSES ARE RESERVED TO THE WHITE MOUNTAIN APACHE TRIBE

11. IF ANY LIVESTOCK IS KEPT, THEY ARE TO BE MAINTAINED IN SUCH A MANNER AS TO NOT CREATE AN ANNOYANCE OR HAZARD TO THE NEIGHBORING RESIDENCES.

12. THE ASSIGNEE SHALL USE ONLY DESIGNATED ACCESS ROADS FOR ENTRY TO THE ASSIGNMENT.

13. THE ASSIGNEE SHALL MAINTAIN THE IMPROVEMENTS AND PREMISES TO STANDARDS OF REPAIR, ORDERLINESS, NEATNESS AND SAFETY ACCEPTABLE TO THE TRIBE.

14. METHODS OF WASTE DISPOSAL SHALL COMPLY WITH OR EXCEED ANY SPECIFICATIONS SET BY THE PUBLIC HEALTH SERVICE, OR ANY OTHER GOVERNMENTAL OR TRIBAL BODY THAT IS CONCERNED WITH SANITATION.

15. TIME IS HEREBY DECLARED TO BE THE ESSENCE OF THIS AGREEMENT.

THIS AGREEMENT SHALL BE BINDING ON THE HEIRS, EXECUTIVE , ADMINISTRATORS AND ASSIGNS OF THE PARTIES HERETO.

17. THE TITLE TO ALL TRIBAL REAL PROPERTY IS HELD IN THE NAME OF THE UNITED STATES OF AMERICA IN TRUST FOR THE TRIBE. NO INTEREST IN TRIBAL REAL PROPERTY CAN BE ACQUIRED EXCEPT AS AUTHORIZED BY THE LAWS OF THE TRIBE, OR THE LAWS OF THE UNITED STATES AND EXCEPT WITH THE EXPRESS WRITTEN CONSENT OF THE COUNCIL.

IT IS UNDERSTOOD AND AGREED BY THE ASSIGNED THAT IS THE SAID ASSIGNED OR HIS SUCCESSOR OR ASSIGNS FAIL TO MAKE A GOOD AND PROPER USE OF SAID LANDS AND PREMISES, OR VIOLATE ANY OF THE TERMS OF THIS CONTRACT, THE TRIBAL COUNCIL MAY TERMINATE THIS ASSIGNMENT AGREEMENT.

IT IS FURTHER UNDERSTOOD AND AGREED BY THE ASSIGNEE THAT IF HE VIOLATES ANY OF THE TERMS OR CONDITIONS OF THIS AGREEMENT OR FAILS TO MAKE GOOD AND PROPER USE OF SAID LANDS AND PREMISES, AND THAT THE TRIBAL COUNCIL AND/OR LAND BOARD FAIL TO TAKE THE NECESSARY STEPS TO TERMINATE THIS AGREEMENT, THEN THE SUPERINTENDENT OF THE FORT APACHE AGENCY MAY TERMINATE SAID AGREEMENT OR USE ANY OTHER REMEDY TO INSURE PROPER USAGE OF THE LAND OR TO CORRECT ANY VIOLATIONS.

LAND ASSIGNMENT FORM

III. AGREEMENTS AND CONDITIONS OF ASSIGNMENT (CONTINUE)

THE ASSIGNEE CONVENANTS AND AGREES TO AFOREMENTIONED CONDITIONS OF ITS ASSIGNMENT AND FURTHER AGREES TO ABIDE BY THE REGULATIONS AND ORDINANCES OF THE WHITE MOUNTAIN APACHE TRIBE AND THOSE PRESCRIBED BY THE SECRETARY TO THE INTERIOR RELATIVE TO THE ASSIGNS OF INDIAN TRIBALLY OWNED TRUST LANDS, WHICH BY REFERENCE ARE MADE PART OF THIS ASSIGNMENT AGREEMENT.

July 31 1995
DATE

Sherry Altava
SIGNATURE OF ASSIGNEE

APPROVED BY THE LAND BOARD:

DATE: 8 Sept 95

[Signature]
CHAIRMAN, LAND BOARD

Rimona E. the/ok
MEMBER

Cather T Lupt
MEMBER

[Signature]
MEMBER

APPROVED:

12-8-95
DATE

[Signature]
TRIBAL CHAIRMAN
W.M.A.T.

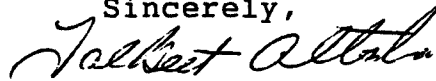
July 10, 1996

To Tribal Council Members,

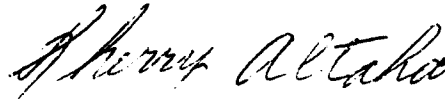
We are writing this letter to make a request concerning Land Assignment. Our request is as follow: We would like to request that the Land Assignment be turned to a Land Lease. The reason is as follow: We are planning to apply for a Home Mortgage loan through Bank One to have a house built on this lot.

We would greatly appreciate it if you, the Tribal Members, would approve our request as soon as possible so that we can begin the application process for a mortgage loan through Bank One.

Sincerely,



Talbert Altaha



Sherry Altaha

xc: Land Board Committee

*Approved by Tribal
Council on 7-10-96
at Tribal Council
Meeting*