

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

WHEREAS, the Tribal Council is advised that additional funding has become available or may become available for residential mortgages on the Fort Apache Indian Reservation; and

WHEREAS, the Tribal Council is further advised that the Leasehold Mortgage provisions of the Housing and Construction Code limit the mortgage foreclosure procedures to VA, FHA, FNMA and HUD; and

WHEREAS, it would be in the best interest of the Tribe to amend Section 7.5 of the Leasehold Mortgage provisions of the Housing and Construction Code to include other lenders as approved by the Tribal Council; and

WHEREAS, the Tribal Council recommends that said proposed amendments attached hereto be posted for public comment as required by the Constitution.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs the Tribal Council Secretary to post the proposed amendments to the Housing and Construction Code in each District for ten days as required by the Constitution.

The foregoing resolution was on August 08, 1997, duly adopted by a vote of eight for and zero against by the Tribal Council of the White Mountain Apache Tribe, pursuant to authority vested in it by the White Mountain Apache Tribal Constitution, including Article IV, Sections 1 (a), h), (i), (m), (n), (t) and (u) of the Constitution of the Tribe, ratified by the Tribe on 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

for a loan from the Farmer's Home Administration.

SECTION 7.4 LIMITATION ON LEASED GROUND

- A. The ground to be leased to individual Indians shall not exceed one acre.
- B. The Tribe can lease said ground to said housing authority for as long a period as the law allows.

SECTION 7.5 LEASEHOLD MORTGAGES

A. PURPOSE

The purpose of this Chapter of the Housing and Construction Code is to avail the White Mountain Apache Tribe and its members of financing for the construction and/or purchase of family residences on trust land within the jurisdiction of the Fort Apache Indian Reservation by prescribing procedures for the recording, priority and foreclosure of leasehold mortgages including but not limited to, mortgages given to secure loans guaranteed by the Department of Veterans Affairs under the Native American Veteran Direct Loan Program authorized under Title 38 U.S. Code § 3761 et. seq. (hereinafter VA), Farmers Home Administration (hereinafter FHA), the Federal National Mortgage Association (FNMA) and Section 184 Indian Housing Loan Guarantee Program pursuant to Section 184 of the Housing and Community Development Act, P.L. 102-550 (hereinafter HUD), or other lender approved by Tribal Council resolution, provided that under no circumstances, including default and forfeiture, shall a non-member of the Tribe be permitted to become a lessee or otherwise hold a leasehold interest within the Fort Apache Indian Reservation.

B. DEFINITIONS

- (1) **Lease** shall mean the lease of trust property for which a Leasehold Mortgage, as defined in this document, has or will be given.
- (2) **Leasehold Mortgage** shall mean any mortgage of a lease of trust property given to secure loans and shall include loans guaranteed by VA, FHA, FNMA and HUD.
- (3) **Leasehold Mortgage Foreclosure Proceeding** shall mean a proceeding in the Tribal Court:
 - (a) To foreclose the interest of the Mortgagor(s), and each person or entity claiming through the Mortgagor(s).
 - (b) To assign such Lease to the Lender and/or Secretary or the Secretary's