

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

- WHEREAS, the White Mountain Apache Community Development Corporation (CDC) is preparing to enter into a limited partnership agreement with Edison Capitol for the development and operation of twenty (20) low income housing units in McNary; and
- WHEREAS, the housing units shall receive an allocation of federal low income housing tax credits, pursuant to the Internal Revenue Code; and
- WHEREAS, to be eligible for the allocation of tax credits, the Internal Revenue Code requires that the housing project must meet certain criteria; and
- WHEREAS, the Tribal Council in May 1996 approved a master lease between the CDC and the Tribe for the land on which the low income housing project was to be developed; and
- WHEREAS, the Council has been advised that certain revisions must be made to the master lease in order to qualify for the allocation of low income housing tax credits; and
- WHEREAS, it is recommended that the original lease between the Tribe and the CDC be rescinded in order that a new lease be executed containing the needed terms and conditions; and
- WHEREAS, the CDC Board of Directors on December 1, 1997, authorized the relinquishment of its 1996 lease with the Tribe in order for a new lease to be executed; and
- WHEREAS, the primary changes between the 1996 lease and the new lease document are as follows:
- a. The term of the agreement shall be changed from 25 years to 32 years in order to assure that the lease is in existence for the entire low income housing tax credit compliance period, as required under the Internal Revenue Code.

- b. The lessee shall be changed from the CDC to the White Mountain Apache Limited Partnership, which is the partnership between the CDC, acting as the general partner, and the investor Edison Capitol, acting as the limited partner. This change is necessary for the investor to receive the tax credits which have been allocated for the project.
- c. The limitation that all project tenants be members of the White Mountain Apache Tribe shall be changed to incorporate the standards of the White Mountain Apache Housing Authority waiting list, so that in order to be eligible for residency in the project an applicant must first be dully enrolled on the Housing Authority waiting list; and

WHEREAS, the Council, in recognition of the extreme shortage of safe and adequate housing within the reservation concludes that these changes are acceptable to permit the receipt of approximately 1.7 million dollars in financing for the project; and

WHEREAS, neither the CDC nor the Tribe will incur any obligation to repay the financing, provided these standards are adopted and enforced; and

WHEREAS, as result of these changes the Tribe will implement housing restrictions and eligibility requirements which are the same as those enforced through the White Mountain Apache Housing Authority.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that for the reasons stated above, it hereby accepts the relinquishment from the CDC of the 1996 lease to the CDC for the land on which the low income housing project is to be located, and the Council authorizes the Tribal Chairman, or in his absence, the Vice-Chairman, to execute any documents needed to implement the relinquishment or rescission of the 1996 lease.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby approves a lease between the Tribe and the White Mountain Apache Limited Partnership for the real property on which the twenty (20) low income housing residential units are being developed in McNary, Arizona.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approves the changes and conditions to the lease document described above and further approves the substance of the lease document it has reviewed and hereby authorizes the Tribal Chairman or in his absence the Vice-Chairman to execute a final lease document, subject to his discretion, provided that the final document is in substantially similar form to document reviewed this day.

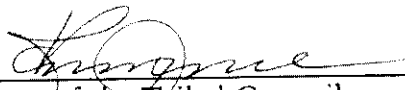
BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it authorizes the Chairman, or in his absence, the Vice-Chairman, to execute all documents necessary on behalf of his authority to complete the low income tax credit project so that the funds from the tax credit allocation and the matching HOME Grant shall become available to fund the project.

The foregoing resolution was on December 17, 1997, 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 (a), (b), (e), (h), (i), (j), (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).


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WHITE MOUNTAIN APACHE TRIBE
WHITENBER, ARIZONA



Chairman of the Tribal Council



Secretary of the Tribal Council