

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

- WHEREAS, family members of the late Mary Lou Benally, have come before the Tribal Council concerning a transfer of Mrs. Benally's home site; and
- WHEREAS, the Tribal Council is advised that on October 30, 1998, the Land Board approved Mrs. Benally's use of Lot A-105 in the Hondah Homesites; and
- WHEREAS, on November 4, 1998, the Tribal Council approved the Land Board's actions pursuant to Resolution No. 11-98-256; and
- WHEREAS, prior to her death, Mrs. Benally and her husband were in the process of preparing this home site for construction of a new home through the Navajo Relocation Program; and
- WHEREAS, Mrs. Benally's husband is a member of the Navajo Tribe and therefore, is not eligible for an assignment of land on the Fort Apache Indian Reservation; and
- WHEREAS, Mrs. Benally's son, Eric Steven Benally, is a member of the White Mountain Apache Tribe, is over the age of 18 years, and wishes to assume sole responsibility of his mother's land and home, and all his siblings are in agreement to this request; and
- WHEREAS, the Tribal Council has considered this request and believes it would be in the best interest of the Benally family to grant this request.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby terminates the late Mary Lou Benally's interest in the homesite located at Hondah Homesites Lot A-105, to her son, Eric Steven Benally.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it approves a 25 year lease, with an automatic 25-year renewal, to tribal member Eric S. Benally, for the premises described as Hondah Homesite Lot A-105, pursuant to the following conditions:

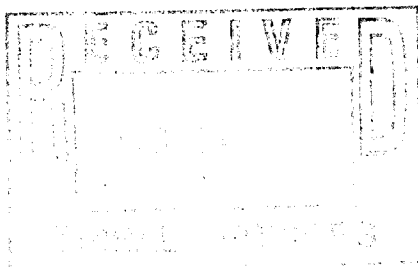
1. Construction of the home shall commence within ninety (90) days, weather permitting, and shall be completed within two years of the date of this resolution;

2. The premises shall not be re-leased or rented without Tribal Council permission in the form of a resolution;
3. Boundaries of the leased premises shall not exceed the original land assignment described herein;
4. Any new addition or construction of the premises must be approved by the Tribal Engineering Department;
5. The Tribal Council must approve the removal of any trees on the property.
6. Said premises shall be used for residential purposes only and no purpose that would injure reputation or be in violation of law;
7. No horses or other livestock shall be permitted to be on the premises without the consent of the Tribal Council;
8. Lessee shall, at Lessee's sole cost and expense, keep and maintain all building structures and other improvements on said premises in good order and repair and the whole thereof in a clean, sanitary, neat and attractive condition;
9. The Lessee shall not encumber, assign or transfer ownership of the premises without the written consent of the Tribe in the form of a Tribal Council Resolution;
10. No commercial business is allowed to take place on the premises, such as auto repair, nurseries, junk yards, or any other wholesale or retail business that would detract from a residential appearance;
11. Lessee shall obtain certification that water and septic/sewer facilities are available from the Tribe or IHS prior to adding any improvements to structures located on the premises, or constructing or adding any improvements on the premises.

BE IT FURTHER RESOLVED by the Tribal Council that violation of any of the foregoing conditions shall make this authorization for a lease null and void.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the Tribal Chairman, or in his absence, the Vice Chairman or other duly authorized representative, to execute any and all documents necessary to carry out the intent of this resolution.

The foregoing resolution was on September 21, 2000, duly adopted by a vote of SEVEN 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), (h), (i), (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

Margaret Baba-Walk
Chairman of the Tribal Council

Andy Harvey-Burnette
Secretary of the Tribal Council