



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

**(Approving Additional Encumbrance for Housing Authority Rehabilitation Project AZ 16-36)**

- WHEREAS,** pursuant to Article IV, Section 1(a) of the Constitution of the White Mountain Apache Tribe, *inter alia*, the Tribal Council has the authority to represent the Tribe and act in all matters that concern the welfare of the Tribe; and
- WHEREAS,** the White Mountain Apache Housing Authority (“Housing Authority”), as the Tribally Designated Housing Entity of the Tribe, is responsible for carrying out the Indian Housing Plan of the Tribe (“IHP”) and to provide affordable housing pursuant to the Native American Housing Assistance and Self-Determination Act of 1996 (“NAHASDA”); and
- WHEREAS,** the Housing Authority, in furtherance of its approved IHP, as adopted and amended to date under NAHASDA, has applied for an allocation of Tax Credits (“Tax Credits”) from the Arizona Department of Housing (“ADOH”), which will permit the Housing Authority to cause the rehabilitation of forty-nine (49) dwelling units, comprising a portion of its previously developed housing project, known as Project No. AZ 16-36 (“Project AZ 16-36”); and
- WHEREAS,** in connection with the rehabilitation of Project No. AZ 16-36 through the Tax Credit Program, the Tribal Council approved a new and updated Lease for the forty-nine (49) dwelling units known as Project AZ 16-36 to the Housing Authority and authorized it to sublease the Project Leasehold Property to the Tax Credit Partnership; and
- WHEREAS,** the Housing Authority subleased the Project Leasehold Property to an Arizona limited partnership known as WMAHA Limited Partnership #3, the Tax Credit Partnership, in which the Sublease provides for consent to a mortgage on the Leased Premises in favor of the Housing Authority securing a loan in the amount of \$1,984,500.00 for the acquisition of the forty-nine (49) buildings on the Leased Premises, namely the Project AZ16-36 dwelling units; and
- WHEREAS,** the Housing Authority applied to the Federal Housing Financing Board (“FHLB”) and received an allocation of Affordable Housing Program (“AHP”) grant funding in the amount of \$514,000.00 (“AHP Funding”) which will be used to directly reduce the Housing Authority’s financial obligation to the WMAHA Limited Partnership #3 and which will require the recording of the Deed of Trust and Assignment of the Deed of Trust to secure the AHP Funding as an additional mortgage under the Lease and Sublease for Project No. AZ 16-36; and
- WHEREAS,** the Tribal Council, as the duly empowered and authorized governing body of the Tribe, believes it to be in the best interests of the Tribe to adopt this Resolution to (1) consent to the additional encumbrance of the leased premises by the White Mountain Apache Housing Authority in the amount of \$514,000.00, in order for the Housing Authority to secure the AHP Funding under the Lease and Sublease for Project No. AZ 16-36, and;

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(2) to allow the recording of the Deed of Trust and Assignment of the Deed of Trust to secure the AHP Funding in favor of the Housing Authority.

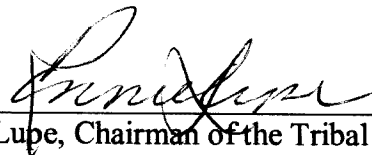
**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and consents to an additional mortgage of the leased premises by the White Mountain Apache Housing Authority, in the amount of \$514,000.00, to secure the AHP Funding under the Lease and Sublease for Project No. AZ 16-36.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby authorizes the recording of the Deed of Trust and Assignment of the Deed of Trust with the Bureau of Indian Affairs Title Plant in order to secure the AHP Funding in favor of the Housing Authority.

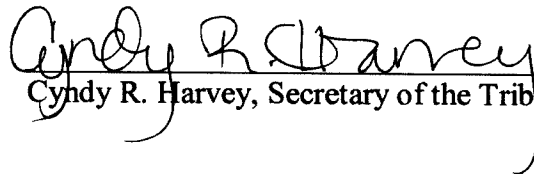
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that in the event that this Resolution conflicts with a prior Resolution or Policy, this Resolution shall govern.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that the Chairman, or in his absence, the Vice Chairwoman, is hereby authorized to execute any and all document necessary to effectuate the intent of this Resolution.

The foregoing resolution was on **September 2, 2009** duly adopted by a vote of **NINE** for and **ZERO** against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (h), (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).



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Ronnie Lupe, Chairman of the Tribal Council



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Cyndy R. Harvey, Secretary of the Tribal Council