



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

**(Authorizing the Lease of the Tribe's Sawmill Site)**

- WHEREAS,** the Tribal Council, previously authorized the execution of a lease between the Tribe and WMATCO, L.L.C., a wholly owned Tribal company for the FATCO sawmill site in order to resume operations using federal New Market Tax Credit financing; and
- WHEREAS,** since that date, the Tribe and WMATCO have held additional negotiations with the New Market Tax Credit financing partners over the transaction terms; and
- WHEREAS,** those negotiations have resulted in additional terms and conditions for the sawmill lease, as discussed with the Council and shown in the lease document reviewed this date; and
- WHEREAS,** the proposed revisions add clarification to the rights and duties of the parties and their assigns under the transaction, but do not alter the terms specifically referenced in prior Resolution 05-2013-113 approving the lease agreement; and
- WHEREAS,** the Tribal Council wishes to authorize execution of the revised lease reviewed this date, while maintaining and reaffirming the approval for the lease terms and conditions arising under 25 C.F.R., Part 162, as done in Resolution 05-2013-113.

**BE IT RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it hereby approves and authorizes the revised proposed lease agreement, in substantially similar form to that reviewed this date between the Tribe and WMATCO, L.L.C., a wholly owned Tribal company, for the FATCO sawmill site.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that this Resolution is to supplement prior Resolution 05-2013-113, and is made for the sole purpose of authorizing additional terms and conditions contained in the revised lease agreement, and for that reason, all declarations, conditions, and consents in Resolution 05-2013-113 remain in effect, including the following declarations about certain conditions which would otherwise be required by federal regulation, 25 C.F.R. Part 162:

1. The Tribe waives the due diligence and enforcement requirements under 25 CFR §162.417 concerning permanent improvements which may be made within the lease site;
2. The Tribe has negotiated satisfactory compensation under the lease terms and for that purpose waives valuation under 25 CFR §162.420, and the Tribe further states that accepting the negotiated compensation and waiving the valuation is in the Tribe's best interest;

**Resolution No. 06-2013-136**

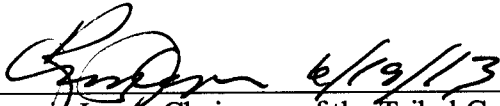
3. The Tribe has determined that it is in the Tribe's best interest to not have compensation reviews and/or adjustments, as would otherwise be required under 25 CFR §162.428(a); and
4. The Tribe requests that the Bureau of Indian Affairs waive the requirements under 25 CFR §162.434 for a performance bond or other security, in recognition of the performance conditions imposed under the New Market Tax Credit financing transaction.

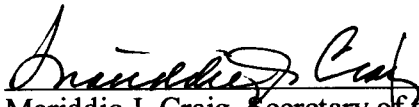
**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it authorizes WMATCO, L.L.C., and the Tribe, through its representatives, to encumber the leasehold premises for the purpose of the New Market Tax Credit financing, through the use deed of trust in favor of RDP 18, LLC, an Iowa limited liability company, RDP 20, LLC, an Iowa limited liability company, and CCM Community Development V, LLC, a Maine limited liability company, as shown in the proposed lease and attachments.

**BE IT FURTHER RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that it authorizes and recognizes the deed of trust instrument as a valid and enforceable security interest in the real property under Tribal law; and in addition, the Tribe expressly authorizes the use and application of Arizona law for the enforcement of a deed of trust arising under the lease.

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

The foregoing resolution was on **JUNE 12, 2013** duly adopted by a vote of **SIX** 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), (e), (f), (h), (i), (k), (l), (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).

  
\_\_\_\_\_  
Ronnie Lupe, Chairman of the Tribal Council

  
\_\_\_\_\_  
Mariddie J. Craig, Secretary of the Tribal Council