

SISSETON-WAHPETON SIOUX TRIBE

CHAPTER 62

FORCIBLE ENTRY & UNLAWFUL DETAINER CODE

S. W. S. T. CODE
 Amendment
 New Adoption
Judicial Approved

Council Adopted
12-09-93

This Code is intended to establish procedures which will allow for lawful eviction from premises upon order of the Tribal Court.

62-01-01 FORCIBLE ENTRY AND UNLAWFUL DETAINER

No person shall make entry into lands or tenements except in cases where entry is allowed under law, and in such cases the person shall not enter by force, but only in a peaceable manner.

62-02-01 UNLAWFUL DETENTION OF LANDS OR TENEMENTS

When any person has made unlawful or forcible entry into lands or tenements, and detains the same, or having peaceably entered, unlawfully detains the same, the person entitled to the premises may recover possession thereof in the manner hereinafter provided. A seizure under Section 62-03-01 through 62-03-03 for which there is not a defense under Sections 62-03-04 through 62-03-06, constitutes unlawful detention by a holder.

62-03-01 RECOVERY OF POSSESSION

When any person holds over lands or tenements after a sale of those lands or tenements on an execution, a judgement, the foreclosure of a mortgage where the time for redemption has passed, or after termination of contract to convey the same, provided that if the person holding such lands or tenements after the sale, foreclosure, or termination has received at least one month's written notice of the termination of his/her possession or tenancy as a result of the sale, foreclosure, or termination; then in all such cases the person entitled to the premises may recover them from the person holding them over.

62-03-02 In all cases when any person holds over lands or tenements after termination of the time for which they are leased or demised to that person, or to the persons from whom that person subleasing, then in all such cases the person entitled to them may recover.

62-03-03 When any person holds over lands or tenements contrary to the conditions or covenants of the lease or agreement under which that person holds, or after rent becomes due according to the terms of such lease or agreement; or when any tenant at will holds over after the determination of any such estate by notice to quit; in all such cases the person entitled to the premises may recover possession thereof in the manner hereinafter provided.

- 62-03-04 It shall be a defense to an action for recovery of the premises following the alleged termination of a tenancy by notice to quit for the defendant to prove by a fair preponderance of the evidence that:
1. the alleged termination was intended in whole or in part as a penalty for the defendant's good faith attempt to secure or enforce rights under a lease or contract, oral or written, or under the laws of the Sisseton-Wahpeton Sioux Tribe, any of its government entities, or of the United States; or
 2. the termination was intended in whole or in part as a penalty for the defendant's good faith report to a governmental authority of the plaintiff's violation of any health, safety, housing or building codes or ordinances.
- 62-03-05 If the notice to quit was served within 90 days of the date of the act of the tenant coming within Section 62-03-04, subsections 1. or 2. the burden of proving that the notice to quit was not served in whole or in part for a retaliatory purpose shall rest with the plaintiff.
- 62-03-06 In any proceeding for the restitution of the premises upon the ground of nonpayment of rent, it shall be a defense thereto if the tenant establishes by a preponderance of the evidence that the plaintiff increased the tenant's rent or decreased the services as a penalty in whole or in part for any lawful act of the tenant as described in Section 62-03-04, subsection 2., providing that the tenant tender to the court or to the plaintiff the amount of rent due under the tenant's original obligation.
- 62-03-07 Nothing herein shall limit the right of the lessor pursuant to the provisions of Section 62-03-04, subsection 1., to terminate a tenancy for a violation of a lawful, material provision of the lease or contract, whether written or oral, or to hold the tenant liable for damage to the premises caused by the tenant or a person acting under the tenant's direction or control.
- 62-04-01 **NO RESTITUTION IF HOLDER OR TENANT HOLDS OVER FOR THREE YEARS**
If a party holds over lands or tenements after the termination of that person's lease, then no restitution shall be made under this chapter of those lands or tenements of which the party complained if the person's ancestors, or those under whom the person holds the premises, have been in quiet possession for three years after the termination of the lease before the filing of the complaint. This Section shall not apply to those lands upon which a foreclosure or mortgage or leasehold interest has been ordered, noticed and for which a period of redemption has expired.

62-05-01 COMPLAINT AND SUMMONS

The person complaining shall file a complaint with the Tribal Court, describing the premises of which possession is claimed in sufficient detail to identify them, stating the facts which authorize the recovery, and praying for restitution of the premises. The court shall issue a summons, commanding the person against whom the complaint is made to appear before the court on a day and at the place in the summons. The appearance shall not be less than seven (7), nor more than fourteen (14) days from the day on which the summons was issued. A copy of the complaint shall be attached to the summons, which shall state that the copy is attached and that the original has been filed.

62-05-02 SUMMON; HOW SERVED

The summons shall be served at least seven (7) days prior to the date set for hearing in the manner provided for service of a summons in the Rules of Civil Procedure of the Sisseton-Wahpeton Sioux Tribe.

62-06-01 ANSWER; TRIAL

After return of the summons, at the time and place appointed therein, the defendant, on appearing, may answer the complaint. In the answer all matters, whether in excuse, justification, or avoidance of the allegations shall be set forth, in accordance with the Rules of Civil Procedure. The court shall hear and determine the action, but may continue the trial pursuant to Section 62-07-01. Such matter shall only be heard by the assigned judge. Such matters shall not be determined by a jury trial. The proceedings in such trials shall be the same as in other civil actions, except as is provided otherwise in this Chapter.

62-07-01 CONTINUANCE AND BOND

The court, in its discretion, may continue the trial sua sponte or by motion of the parties. Except in an action upon a written lease signed by both parties thereto, if the defendant or the defendant's agent or attorney shall make oath that the defendant cannot safely proceed to trial for want of a material witness, and names the witness, and states that the defendant has made due effort to secure the presence of the witness, and believes that the continuance, if allowed, will result in the presence of the witness at trial, or will permit the deposition of the witness to be taken and introduced at trial, and shall give bond conditioned to pay to the plaintiff all rent which may accrue during the pendency of the action, together with all costs and damages consequent upon such continuance, the court shall continue the trial for such time as may appear necessary, not exceeding three (3) months.

62-08-01 JUDGEMENT; EXECUTION

If the court finds for the plaintiff, the court shall immediately enter judgement that the plaintiff have restitution of the premises and tax the costs for the plaintiff. The court shall issue execution in favor of the plaintiff for the costs and also immediately issue a writ of restitution. Upon showing by the defendant that restitution of the premises would work a substantial hardship upon the defendant or the defendant's family, the court shall stay the writ of restitution for a reasonable period, not exceeding seven days. If the court finds for the defendant, the court shall enter judgment for the defendant, tax costs against the plaintiff, and issue execution therefore.

62-09-01 WRIT OF RESTITUTION; EFFECT OF APPEAL

If the party against whom the judgment for restitution is rendered or the party's attorney states to the court an intent to take an appeal, a writ of restitution shall not issue for twenty-four (24) hours after judgment. In an action on a lease, against a tenant holding over after the expiration of the term thereof, or termination of the lease by notice to quit, such writ may issue immediately, notwithstanding such notice of appeal only if the plaintiff gives a bond conditioned to pay all costs and damages in the event that the appellate court reverses the judgment of restitution and a new trial is ordered.

62-10-01 APPEAL; STAY

A party who feels aggrieved by the judgment may appeal within ten (10) days, except that if the party appealing remains in possession of the premises, bond shall be conditioned to pay all costs of such appeal and the party shall abide any order the court may make therein, and shall pay all rents and other damages justly accruing to the party excluded from possession during the pendency of the appeal. Upon the taking of such appeal all further proceedings in the case shall be stayed, except that in an action on a lease against a tenant holding over after the expiration of the term of the lease or termination by notice to quit, if the plaintiff gives bond as provided in Section 62-07-01 a writ of restitution shall issue as if no appeal had been taken and the appellate court shall thereafter issue all needful writs and processes to carry out any judgement which may be rendered in such court.

62-11-01 APPEAL AFTER ISSUANCE OF WRIT; STAY

If a writ of restitution has issued before the taking of an appeal, the court shall give appellant a certificate of the allowance thereof. Upon being served with such a certificate, the officer having the writ shall cease all further proceedings thereunder, and if the writ has not been completely executed the defendant shall remain in possession of the premises until a determination of the appeal, but this Section shall not apply to a case where the judgement of restitution has been entered on a lease against a tenant holding over after the expiration of the lease term, or after the termination of the lease period by notice to quit.

62-12-01 DISMISSAL OF APPEALS

In all cases of appeal, the appellate court shall not dismiss or quash the proceedings for want of form only, provided they have been conducted substantially in accordance with the provisions of this Chapter. Amendments may be allowed at any time, upon such terms as to the court may appear just, in the same cases and manner and to the same extent as in civil actions. the court may compel the Tribal Court, by attachment, to make or amend any return which is withheld or improperly or insufficiently made.

62-13-01 EXECUTION OF THE WRIT OF RESTITUTION

62-13-02 GENERAL

The officer holding the writ of restitution shall execute the same by making a demand upon the defendant if found upon the reservation, or any adult member of the defendant's family holding possession of the premises, and that the defendant leave, taking family and personal property from such premises within twenty-four (24) hours after such demand, unless otherwise ordered by the court. If the defendant fails to comply with the demand, the officer shall bring, if necessary, the force of the Sisseton-Wahpeton Sioux Tribe and whatever assistance may be necessary, at the cost of the complainant, and shall remove the said defendant, together with family and any and all personal property from the premises. The defendant shall be restrained from the premises, and possession shall immediately be placed in the plaintiff. In case the defendant cannot be found upon the reservation, and there is no person in charge of the premises detained, so that demand for the premises cannot be made upon the defendant, then the officer shall be authorized to enter the premises, breaking in if necessary, and the property of the defendant shall be removed and stored in a place designated by the plaintiff as provided in Section 62-14-01.

62-14-01 REMOVAL AND STORAGE OF PROPERTY

In a case where the defendant's personal property is to be stored in a place other than the premises, the officer shall remove all property of the defendant at the expense of the plaintiff.

62-14-02 The plaintiff shall have a lien upon all property so removed, which lien shall be for the reasonable cost of removing, properly caring for, and storing the same, as well as the costs of transporting the property to a suitable place for storage. In the case where the defendant shall refuse to make immediate repayment of the costs of removal from the premises of the property, the plaintiff shall have the right to enforce such lien by detaining the defendant's personal property until the lien is paid, or in case of nonpayment, for sixty (60) days after the execution of the writ, and shall have the right to enforce the lien and foreclose the same by public sale.

62-14-03 In cases where the defendant's property is to be stored on the premises, the officer shall enter the premises, breaking in if necessary, and the plaintiff may remove the defendant's personal property. The plaintiff must prepare an inventory of the property and mail a copy to the defendant's last known address, or, if the defendant has provided a different address, to that address. The inventory must include the following:

1. a listing of the items of personal property and a description of the condition of the property;
2. the date, the signature of the plaintiff or the plaintiff's agent, and the name, address, and telephone number of a person authorized to release the personal property; and
3. the name and badge number of the officer.

62-14-04 The officer shall retain a copy of the inventory. The plaintiff is responsible for the proper removal, storage, and care of the defendant's personal property and is liable for any damage, loss, or injury to the defendant's personal property caused by the plaintiff's failure to exercise care in regard to it as a reasonably careful person would exercise under similar circumstances.

62-14-05 The plaintiff shall notify the defendant of the date and the approximate time the officer is scheduled to remove the defendant, family, and personal property from the premises. The notice must be sent by certified, registered mail. In addition, the plaintiff must make a good faith effort to notify the defendant by telephone. The notice must be mailed as soon as the information regarding the date and approximate time the officer is scheduled to enforce the writ is known to the plaintiff, except the scheduling of the officer to enforce the writ need not be delayed because of the notice requirement. The notice must inform the defendant that the defendant and the defendant's personal property will be removed from the premises in the event the defendant has not vacated the premises by the time specified in the notice.

62-15-01 PENALTY; WAIVER PROHIBITED

Unless the premises have been abandoned, a plaintiff, agent, or other person acting under the plaintiff's direction or control who enters the premises and removes the defendant's property in violation of this Section is liable for damages pursuant to Section 62-14-03. The provisions of this Section may not be waived or modified by any oral or written lease or other agreement.

62-16-01 UNLAWFUL REMOVAL OR EXCLUSION; RECOVERY OF POSSESSION

62-16-02 UNLAWFUL EXCLUSION OR REMOVAL

For purposes of this Section, "unlawfully removed or excluded" means actual or constructive removal or exclusion. Actual or constructive removal or exclusion may include the termination of utilities, or the removal of doors, windows, or locks. Any tenant who is unlawfully removed or excluded from lands or tenements may recover possession of the premises in the following manner:

1. The tenant shall present a verified petition to the Tribal Court which shall:
 - a. describe the premises of which possession is claimed and the owner of the premises;
 - b. state the facts and grounds that demonstrate that the removal or exclusion was unlawful including a statement that no judgment or writ of restitution have been issued in favor of the owner and against the petitioner as to the premises and executed in accordance with Sections 62-08-01 and 62-16-02; and
 - c. ask for possession thereof.
2. If it clearly appears from the specific grounds and facts stated in the verified petition or by separate affidavit of the petitioner or petitioner's counsel or agent that removal or exclusion was unlawful, the court shall immediately order that the petitioner have possession of the premises.
3. The petitioner shall furnish monetary or other security if any as the court deems appropriate under the circumstances for payment of all costs and damages the defendant may sustain if the order subsequently found to have been wrongfully obtained. In determining the appropriateness of any security the court shall consider petitioner's ability to afford monetary security.
4. The court shall direct the order to the officer and the officer shall execute the order immediately upon the defendant, if found, or the defendant's agent or other person in charge of the premises, for possession of the premises. If the defendant fails to deliver the premises, or otherwise comply with the demand, the officer shall take whatever assistance may be necessary and immediately place the petitioner in possession of the premises. The officer shall also serve the order and verified petition or affidavit without delay upon the defendant or agent, in the same manner as a summons is required to be served in a civil action in the Tribal Court.

62-16-03 WRITTEN MOTION AND NOTICE SERVED

The defendant by written notice and notice served by mail or in person upon the petitioner or the petitioner's agent or attorney at least two days prior to the hearing date on the motion may obtain dissolution or notification of the order for possession, issued pursuant to 62-16-02, clause 2., unless petitioner proves the facts and grounds upon which the writ is issued. A defendant bringing a motion pursuant to this Section may recover possession of the premises only in accordance with the provisions of Section 62-03-01 to Section 62-13-01 or as otherwise provided by law. Upon dissolution of the order, the court shall tax costs to the petitioner, and may allow damages and reasonable attorney's fees for the wrongful granting of the order for possession. If the order is affirmed the court shall tax costs against the defendant and may allow petitioner reasonable attorney's fees.

62-16-04 ORDER ISSUED

An order issued under Section 62-16-02, clause 2., or affirmed or dissolved under Section 62-16-03 is a final order for purposes of appeal and either party aggrieved by the order may appeal within ten (10) days after the entry of the order. If the party appealing remains in possession of the premises, bond shall be conditioned to pay all the costs of the appeal, to abide by the order the court may make and to pay all rent and other damages justly accruing to the party excluded from possession during the pendency of the appeal.

62-16-05 PROVISION; ORAL OR WRITTEN

Any provisions, whether oral or written, of any lease or other agreement whereby any provision of this Section is waived by a tenant is contrary to public policy and is void.

62-16-06 ADDITIONAL AND SUMMARY REMEDY

The purpose of this Section is to provide an additional and summary remedy for tenants unlawfully removed or excluded from rental property and, except as where expressly provided in this Section, shall not apply to leasehold interests under a mortgage or other exclusively non-rental relationships.

62-16-07 The provisions of this Section shall only apply to tenants and buildings as those terms are defined in the definition Section this Chapter.

62-17-01 HUD REPRESENTATIVE AUTHORIZATION

As part of the FHA § 248 Program, representative of the Department of Housing and Urban Development are authorized to have access to property on the Reservation included in the program for the purpose of serving the property in case of recovery of possession and restitution of the property.

62-18-01 NO WAIVER OF SOVEREIGN IMMUNITY

This Code is not a waiver of the Sisseton-Wahpeton Sioux Tribe sovereign immunity from suit. Nothing contained within this Code shall constitute nor be construed as a waiver of the Sisseton-Wahpeton Sioux Tribe's sovereign immunity from suit.

62-19-01 SEVERABILITY

If any clause, sentence, paragraph, section, or part of this code shall, for any reason be adjudicated by any Court of competent jurisdiction, to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

S.W.S.T. CODE

Amendment

New Adoption

Judicial Approved

9-24-88

Council Adopted

3-01-88

Sisseton-Wahpeton Sioux Tribe

Lake Traverse Reservation

P. O. Box 509

Agency Village, South Dakota 57262

Phone (605) 698-3911

RESOLUTION NO. SWST-93-201

ESTABLISHING THE LIEN PRIORITY PROCEDURE AS DESCRIBED IN THE LAW OF THE STATE OF SOUTH DAKOTA FOR THE PURPOSES OF LIEN ENFORCEMENT BY HUD ON LANDS OF THE SISSETON-WAHPETON SIOUX TRIBE ALSO KNOWN AS THE SISSETON-WAHPETON DAKOTA NATION

WHEREAS, the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation of the Lake Traverse Reservation is organized under a Constitution and Bylaws by members of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and

WHEREAS, the said Constitution and By-laws mandates at ARTICLE II, Section 1, that the Tribe shall be governed by the Tribal Council, and at ARTICLE VII, Section 1, that the Tribal Council shall have the power to (a) represent the Tribe in all negotiations with Federal, State and local governments; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (f) to deposit Tribal funds to the credit of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonable necessary to carry into effect the foregoing purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Tribe; and (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

WHEREAS, the Tribal Council of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation wishes to establish a lien priority procedure.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation hereby adopts the attached Ordinance 93-201, which establishes a lien priority procedure as described in the law of the State of South Dakota for the purposes of lien enforcement by HUD on lands of the Sisseton-Wahpeton Sioux Tribe also

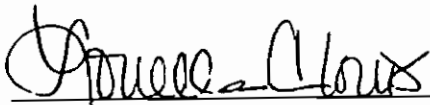
known as the Sisseton-Wahpeton Dakota Nation.

CERTIFICATION

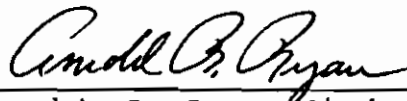
We, the undersigned duly appointed Chairperson and elected Treasurer of the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council, which is composed of 18 members, of whom 13 members, constituting a quorum, were present at a Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council meeting duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota on December 9, 1993, by a vote of 11 for, 0 opposed, abstained, 1 absent from vote, 1 not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 9th day of December, 1993.

ATTEST:



Louella Cloud, Treasurer
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-
Wahpeton Dakota Nation



Arnold, R. Ryan, Chairman
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-Wahpeton
Dakota Nation



Sisseton-Wahpeton Sioux Tribe

Lake Traverse Reservation

P. O. Box 509

Agency Village, South Dakota 57262

Phone (605) 698-3911

RESOLUTION NO. SWST-93-202

ADOPTING THE SISSETON-WAHPETON SIOUX TRIBE ALSO KNOWN AS THE SISSETON-WAHPETON DAKOTA NATION FORCIBLE ENTRY & UNLAWFUL DETAINER ORDINANCE


- WHEREAS, the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation of the Lake Traverse Reservation is organized under a Constitution and Bylaws by members of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and
- WHEREAS, the said Constitution and By-laws mandates at ARTICLE II, Section 1, that the Tribe shall be governed by the Tribal Council, and at ARTICLE VII, Section 1, that the Tribal Council shall have the power to (a) represent the Tribe in all negotiations with Federal, State and local governments; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (f) to deposit Tribal funds to the credit of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonable necessary to carry into effect the foregoing purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Tribe; and (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and
- WHEREAS, the Tribal Council of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation wishes to establish a Forcible Entry and Unlawful Detainer Ordinance.
- NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation hereby adopts the attached Ordinance 93-02, which establishes a Forcible Entry and Unlawful Detainer Ordinance.

CERTIFICATION

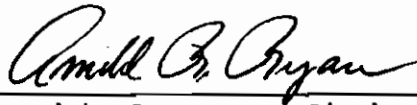
We, the undersigned duly appointed Chairperson and elected Treasurer of the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council, which is composed of 18 members, of whom 13 members, constituting a quorum, were present at a Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council meeting duly noticed, called, convened and held at the Tiwakan Tio Tipi, Agency Village, South Dakota on December 9, 1993, by a vote of 11 for, 0 opposed, abstained, 1 absent from vote, 1 not voting, and that said resolution has not been rescinded or amended in any way.

Dated this 9th day of December, 1993.

ATTEST:



Louella Cloud, Treasurer
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-
Wahpeton Dakota Nation



Arnold, R. Ryan, Chairman
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-Wahpeton
Dakota Nation



Sisseton-Wahpeton Sioux Tribe

Lake Traverse Reservation

P. O. Box 509

Agency Village, South Dakota 57262

Phone (605) 698-3911

RESOLUTION SWST-93-204

ESTABLISHING SISSETON-WAHPETON DAKOTA NATION COMPLIANCE WITH FHA SECTION 248 PROGRAM REQUIREMENTS

- WHEREAS, the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation of the Lake Traverse Reservation is organized under a Constitution and Bylaws by members of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966; and
- WHEREAS, the said Constitution and By-laws mandates at ARTICLE II, Section 1, that the Tribe shall be governed by the Tribal Council, and at ARTICLE VII, Section 1, that the Tribal Council shall have the power to (a) represent the Tribe in all negotiations with Federal, State and local governments; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (f) to deposit Tribal funds to the credit of the Tribe; (g) to take actions by ordinance, resolution or otherwise which are reasonable necessary to carry into effect the foregoing purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Tribe; and (i) to adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and
- WHEREAS, the Sisseton-Wahpeton Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council has determined that it will promote the social advancement and public health of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation to participate in the FHA Section 248 Program which will allow Tribal members to obtain financing for homes on the Reservation; and
- WHEREAS, The Tribal Council of the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation hereby adopts the attached Ordinance 93-03, which establishes the Sisseton-Wahpeton Sioux Tribe also known as the Sisseton-Wahpeton Dakota Nation to comply

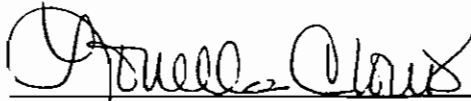
with FHA Section 248 Program Requirements.

CERTIFICATION

We, the undersigned duly appointed Chairperson and elected Treasurer of the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council, which is composed of 18 members, of whom 13 members, constituting a quorum, were present at a Sisseton-Wahpeton Sioux Tribal Council also known as the Sisseton-Wahpeton Dakota Nation Tribal Council meeting duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota on December 9, 1993, by a vote of 11 for, 0 opposed, 0 abstained, 1 absent from vote, 1 not voting, and that said ordinance has not been rescinded or amended in any way.

Dated this 9th day of December, 1993.

ATTEST:



Louella Cloud, Treasurer
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-
Wahpeton Dakota Nation



Arnold, R. Ryan, Chairman
Sisseton-Wahpeton Sioux Tribe
also known as Sisseton-Wahpeton
Dakota Nation

