

RESOLUTION NO. 202-22
OF THE GOVERNING BODY OF THE
YAVAPAI-APACHE NATION

A Resolution Terminating Land Sublease 601-006-08 and
First Amendment to Land Sublease 601-010-09

WHEREAS: The Yavapai-Apache Tribal Council (“Council”) is authorized to represent the Yavapai-Apache Nation (“Nation”) and act on all matters that concern the health and welfare of the Nation, and to make decisions not inconsistent with or contrary to the Constitution of the Yavapai-Apache Nation (“Constitution”) as provided under Article V(a) of the Constitution; and

WHEREAS: The Council is authorized to regulate the use and disposition of all land within the jurisdiction of the Nation and to veto the disposition, lease or encumbrance of tribal lands made without the consent of the Nation as provided under Article V(e) and (f), respectively, of the Constitution; and

WHEREAS: The Council is authorized to manage the economic affairs of the Nation, and to appropriate and regulate the use of the Nation’ funds, as provided under Article V(i) and (k), respectively, of the Constitution; and

WHEREAS: The Council, as the legislative body of the Nation, is authorized to take any and all actions necessary and proper for the exercise of its Constitutional powers and duties, including those powers and duties not enumerated, and all other powers and duties now or hereafter delegated to the Council, or vested in the Council through its inherent sovereignty, as provided under Article V(w) of the Constitution; and

WHEREAS: The Secretary of the Interior or his authorized representative approved Land Sublease 601-006-08 on March 10, 2008, entered into by and between the Yavapai-Apache Nation Tribal Housing (YANTH) as “Sublessor” and Nadine Jackson as “Sublessee” for 417 Tall Old Man Street, Camp Verde, Arizona 86322, covering 0.26 acres situated on the Yavapai-Apache Nation, Lot 9, Tunlii Phase I in Yavapai County, State of Arizona; and

WHEREAS: The Secretary of the Interior or his authorized representative approved the First Amendment to Land Sublease 601-010-09 on April 10, 2009, entered into by and between the Yavapai-Apache Nation Tribal Housing (YANTH) as “Sublessor” and Nadine Jackson as “Sublessee” for 417 Tall Old Man, Camp Verde, Arizona 86322; and

WHEREAS: The Mortgage Deed of Trust 601-051-09, entered into by and between the Wells Fargo Bank, NA as “Lender” and Nadine Jackson as “Borrower” for 417 Tall Old

Man Street, Camp Verde, Arizona 86322, was recorded in the Bureau of Indian Affairs Land Title Records Office on November 17, 2009; and

WHEREAS: The First Amendment to the Land Sublease, pursuant to Section 12 – Sublease and Assignment, states nothing in the Sublease shall prevent the lender from foreclosing or instituting other appropriate proceedings under law in the event of default of any mortgage or other loan agreement by the Sublessee; and

WHEREAS: On June 27, 2017, Wells Fargo Bank, NA, as “Assignor” executed a Corporate Assignment of Deed of Trust to The Secretary of Housing and Urban Development, as “Assignee” for Mortgage Deed 601-051-09 due to a default on the mortgage; and

WHEREAS: On February 25, 2021, through Council Resolution No. 34-21, the Council authorized the purchase of the Note for the defaulted Mortgage, and on March 18, 2022, the Secretary of Housing and Urban Development, as “Assignor” executed an Assignment of Deed of Trust to Yavapai-Apache Nation, as “Assignee” for the Mortgage Deed 601-051-09, which was recorded in the Bureau of Indian Affairs Land Title and Records Office on July 5, 2022 as Document Number 601-022-0005; and

WHEREAS: The First Amendment to the Land Sublease, at Section 16 – Default, states that the interest in the Sublease estate acquired by the Sublessor shall not merge with any other estate held by the Sublessor as long as the leasehold estate and any improvements on the Leased Premises are mortgaged or pledged as security for a loan; however, the Mortgage Note and the Mortgage Deed of Trust are now held by the Nation and no longer held by a lender or Federal Agency; and

WHEREAS: The Sublease estate and the Nation’s interest in the estate merge making the Land Sublease and the First Amendment to the Land Sublease null and void.

NOW THEREFORE BE IT RESOLVED that the Yavapai-Apache Nation Tribal Council, in Council assembled, at which a quorum is present, hereby terminates Land Sublease 601-006-08 and the First Amendment to Land Sublease 601-010-09 for the property at 417 Tall Old Man Street, Camp Verde, Arizona 86322.

BE IT FURTHER RESOLVED that the YANTH Executive Director shall issue a Notice of Termination to the Sublessee advising of the basis for the termination of Land Sublease 601-006-08 and the First Amendment to Land Sublease 601-010-09 and the deadline to vacate the property, which shall be determined by the YANTH Executive Director but shall be no less than ninety (90) days from the date of the Notice.

BE IT FINALLY RESOLVED that the Chairwoman and Vice-Chairman, or either of them, are hereby authorized to take such further action as deemed necessary to carry out the purposes and intent of this Resolution.

CERTIFICATION

I hereby certify that the foregoing resolution was adopted by an affirmative vote of the Tribal Council, with a quorum in attendance, presented for approval on November 3 2022, by a vote of 8 5 in favor, 0 opposed and 3 abstaining, pursuant to the authority contained under the Constitution of the Yavapai-Apache Nation as cited above.

Tanya Lewis

Tanya Lewis, Chairwoman

ATTEST:

Karla Reimer

Karla Reimer, Council Secretary

Approved as to Form:

Aisa Estenson

Office of the Attorney General