

COMMISSIONER'S ORDER NO. 277-98

Natural Resources

A Commissioner's Order authorizing approval of Mille Lacs Band of Chippewa Indians Department of Natural Resources (Department) to enter into a Memorandum of Understanding with MINNESOTA CHIPPEWA TRIBAL HOUSING CORPORATION on land on which the Band has applied for trust status recognition by the United States.

WHEREAS: the Commissioner of Natural Resources has the power to regulate natural resources within the jurisdiction of the Mille Lacs Band of Chippewa Indians through 11 MLBSA § 2003; and

WHEREAS: the use of lands is a natural resource under the jurisdiction of the Mille Lacs Band of Chippewa Indians; and

WHEREAS: the Commissioner of Natural Resources has concurred with the Spiritual Advisor of the Band; and

WHEREAS, the Mille Lacs Band of Chippewa (hereinafter "the Band") wishes to provide band members with affordable housing on land held in trust by the United States of America on behalf of the Mille Lacs Band of Chippewa, or on land on which the Band has applied for trust status recognition by the United States of America, and

WHEREAS, Minnesota Chippewa Tribal Housing Corporation (hereinafter "Home Loan") wishes to make available to Band members program funds according to program guidelines, which guidelines require that all such loans be properly and effectively secured and

WHEREAS: nothing herein or the application thereof shall be construed by any government, agency, person or circumstance as a waiver by the Non-Removable Mille Lacs Band of Chippewa Indians of the solemn, special trust obligation of the United States of America; and

WHEREAS: pursuant to the provisions of 11 MLBSA § 2003 the Commissioner of Natural Resources is empowered to execute the said Memorandum of Understanding for the Mille Lacs Band of Chippewa Indians Department of Natural Resources.

NOW THEREFORE, by the authority vested in me by the Mille Lacs Band of Chippewa Indians under tribal law, I, Don Wedll, Commissioner of Natural Resources for the Mille Lacs Band of Chippewa Indians hereby concur with the following Memorandum of Understanding. It is understood and agreed by and between the Band and Home Loan that:

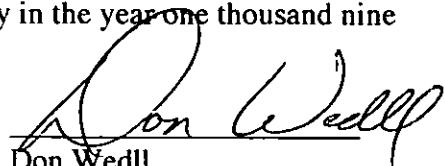
1. Both the Band and Home Loan will encourage and assist Band members in applying for funding through the Home Loan program.
2. The parties do not wish to prevent home loan financing to Band members solely because the land underlying the residence is owned by the Band in fee while the Band is seeking trust status for that land.
3. The Band will not issue land leases unless they give Home Loan loans first lien priority. Any such lease or leases shall ensure that Home Loan loans will be satisfied before all other property debts.
4. The Commissioner of Natural Resources has issued an order authorizing the Mille Lacs Band's DNR Real Estate Office to record all mortgage transactions relating to tribally owned lands or lands held in trust for and under the jurisdiction of the Mille Lacs Band of Ojibwe.
5. The Band will make available to Home Loan for the enforcement of this security interest the Band Court and Band law enforcement to assist in enforcing the security provisions of said loans.
6. The parties recognize that in the event of a default and in the absence of an agreement to the contrary, Home Loan will not have recourse to obtain title to the underlying property, and resell said property to satisfy the loan balance, both for legal reasons relating to tribal sovereignty and for practical reasons relating to the Band's desire to acquire and consolidate Band land.

Therefore, the Band, through a duly enacted ordinance, shall guarantee that any loan balances which remain unpaid after reasonable efforts by Home Loan to obtain payment pursuant to program guidelines will be paid and the Band will satisfy the financial obligation of the defaulting party in legal tender, either through an outright payment according to the amount a mortgage foreclosure would entail or assume payments under all prior terms and conditions of said mortgage.

7. The Band and Home Loan are aware that at least two loans have been made on land owned in fee by the Band, which land awaits a ruling on an application for trust status. It is the intent of the parties that the terms of this Memorandum on Understanding shall apply to those two properties as well as subsequent properties covered by this agreement

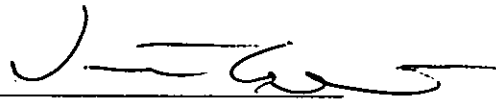
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DATED at Vineland, Minnesota this 6th day of May in the year one thousand nine hundred and ninety-eight.



Don Wedll
Commissioner of Natural Resources

APPROVED AS TO FORM,
EXECUTION AND NUMBERING



Jim Genia
Solicitor General

OFFICIAL SEAL OF THE BAND