SHINGLE SPRINGS BAND OF MIWOK INDIANS
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P.O. Box 1340, Shingle Springs CA 95682
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RESOLUTION 2016-18

SUBJECT: APPROVAL OF AMENDMENTS TO THE GOVERNANCE CODE.

WHEREAS, the Shingle Springs Band of Miwok Indians (the "Tribe") is a federally recognized Indian tribe eligible for the special programs and services provided by the United States to Indians because of their status as Indians and is recognized as possessing powers of self-government; and

WHEREAS, the Shingle Springs Tribal Council is the duly-elected governing body of the Tribe and is authorized to act on behalf of the Tribe; and

WHEREAS, the Tribe, on June 19, 1976 did adopt the Articles of Association for the management of all Tribal affairs; and

WHEREAS, Article VI Section l(h) of the Articles of Association authorizes the Tribal Council to regulate by an Enrollment Ordinance the rules and regulations governing Tribal Membership; and

WHEREAS, on December 17, 2015, the Tribal Council adopted an Amended Enrollment Ordinance; and

WHEREAS, on January 16, 2016, the Tribe hosted a Special Election under Article X, Section 1 of the Articles of Association whereby the Tribal members voted 104-46 in favor of amending the Articles of Association in order to make the 2016 membership roll the base roll of the Tribe; and

WHEREAS, on February 4, 2016, the Tribal Council adopted a Governance Code, for the purpose of compiling all of the ordinances related to the governance of the Tribe; and

WHEREAS, the Tribal Council now desires to add the Enrollment Ordinance to the Governance Code, to amend the Code so that the base roll of the Tribe is the 2016 membership roll consistent with the Articles of Association, and to add in other administrative matters; and

WHEREAS, the Tribal Council has reviewed the attached amendments to the Governance Code and has determined that it is consistent with the Tribe's goals in the operation of the Tribe.

NOW THEREFORE, BE IT RESOLVED that the Tribal Council hereby enacts and adopts the amended attached "Governance Code" as an ordinance of the Tribe, and authorizes the Chairman or his designee to execute any and all documents and agreements necessary as may be required to give effect to the transactions, herein contemplated, and to take such other actions as may hereby be necessary and appropriate to carry out the obligations there under.

BE IT FURTHER RESOLVED, that this Governance Code supersedes and replaces all previous ordinances or resolutions in conflict with this one; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 11th day of February, 2016 at which time a quorum of 7 *was present, this resolution was duly adopted by a vote of* 5 *FOR,* 1 *AGAINST,* 1 *ABSTAINED, and said resolution has not been rescinded or amended in any form.*

Nicholas [signature] — February 11, 2016

Chairperson — Date

ATTEST:

Jessica [signature] — February 11, 2016

Secretary — Date

SHINGLE SPRINGS BAND OF MIWOK INDIANS GOVERNANCE CODE

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TITLE I. Enrollment Ordinance

SUBJECT: RULES & PROCEDURAL REQUIREMENTS GOVERNING THE ENROLLMENT ACTIVITIES OF THE SHINGLE SPRINGS BAND OF MIWOK INDIANS.

WHEREAS, the determination by the Shingle Springs Band of Miwok Indians, a federally-recognized Tribal government ("Tribe"), as to which persons are properly recognized as members of the Tribe constitutes one of its most fundamental powers and rights as a sovereign government;

WHEREAS, Article II of the Tribe's Articles of Association sets forth the requirements for membership in the Tribe; and

WHEREAS, the Tribe has an interest in ensuring the accuracy of its membership roll under Tribal law, while protecting the integrity of the process governing all determinations involving membership in the Tribe; and

WHEREAS, it is the desire of the Tribe to establish rules and procedures which will assure all persons fair and equal treatment with respect to their rights and entitlement to membership within the Tribe, and which also will provide for the maintenance of an accurate Tribal membership roll compliant with Tribal law.

NOW, THEREFORE, BE IT KNOWN that the following rules and procedural requirements governing membership in, and the enrollment activities of, the Tribe are hereby adopted and shall become effective on the date of approval by the Tribe's governing body, its Tribal Council, and shall supersede any and other previously enacted membership ordinance.

SECTION 1. DEFINITION OF TERMS

For purposes of this Ordinance, the word or words listed below shall have the following definitions:

(a) "**Adoption**" shall mean the process of seeking membership into the Shingle Springs Band of Miwok Indians when the individual does not meet the requirements of Section 2 of this Ordinance. Under Section 4 of this Ordinance, the Tribe does not allow adoption.

(b) "**Adoption Records**" shall mean official records which show that an individual, who is biologically qualified for membership in the Tribe under Section 2 of this Ordinance, was adopted by someone who is not his or her biological parents. Adoption records are Secondary Evidence and must accompany a DNA test.

(c) "**Adult Member**" shall mean any member of the Tribe who is over the age of 18.

(d) "**Affidavit**" shall mean a written declaration upon oath made before an authorized official. Affidavits are considered Secondary Evidence and must accompany Primary Evidence supporting an application for enrollment.

(e) "**Ancestor**" shall mean the person from whom an individual claims lineal descent. The ancestor's name must appear on the Base Roll or is a certified member of the Tribe under Article II, Section 1(b) of the Articles of Association.

(f) "**Appeal**" shall mean the process by which an individual who is not satisfied with the decision rendered by the Tribal Council or Enrollment Committee may seek to have his or her entitlement to membership re-considered.

(g) "**Applicant**" shall mean the person seeking to be enrolled as a member of the Tribe.

(h) "**Articles of Association**" is the Tribe's governing document, and shall mean the Articles of Association adopted by the qualified voters of the Tribe on June 19, 1979 and approved by the Secretary of the Interior on December 10, 1979, and any subsequent amendments thereto.

(i) "**Base Roll**" is the original list of persons whose names appear on the 2016 membership roll.

(j) "**Certify**" shall mean the act of endorsing or confirming the statement, recommendation, document, or act. Certifications will be represented by signature(s) of the Enrollment Committee or Tribal Council, as appropriate.

(k) "**Descendant**" means an individual who can prove by documented Primary Evidence, biological descendency from a person listed on the Base Roll, hereby known as an ancestor.

(l) "**DNA test(ing)**" is short for deoxyribonucleic acid testing. DNA testing analyzes the genetic material of two or more individuals to show that they are biologically related. The Tribal Council and the Enrollment Committee shall consider all relevant evidence to establish eligibility in the Tribe, however they shall regard DNA evidence as superior in weight, importance, strength, credibility, and more convincing to the mind than any other evidence that a person is a lineal descendant of persons whose names appear on the 2016 Base Roll.

(m) "**Dual Enrollment**" shall mean when a person is officially enrolled or became enrolled with or is a recognized member of two (2) or more tribes or bands simultaneously. Dual Enrollment is strictly prohibited by the Tribe.

(n) "**Enrollment**" shall mean the process of applying for membership and being acknowledged as a member of the Tribe, as set forth in Article II of the Articles of Association of the Shingle Springs Band of Miwok Indians, and pursuant to the terms and provisions of this Ordinance.

(o) "**Enrollment Committee**" shall mean a committee established by the Tribal Council, which, among other duties, shall review the evidence relevant to a person's satisfaction of the Tribe's membership criteria, and recommend to the Tribal Council whether a person is entitled to membership within the Tribe, pursuant to the processes set forth in this Ordinance.

(p) "**Father**" shall mean the biological father of a child.

(q) "**Indian Tribe**" shall mean any Indian tribe, which is a federally recognized tribe.

(r) "**Member**" shall mean a person who is recognized by the Tribe to be, and enrolled as, a member of the Shingle Springs Band of Miwok Indians.

(s) "**Membership**" shall mean the status of being an enrolled member of a tribe with all attendant rights and privileges accorded the person.

(t) "**Membership Roll**" is the official document of the Tribe which lists the enrolled members of the Tribe.

(u) "**Minor Children**" shall mean the natural children of members of the Tribe under the age of eighteen (18) years.

(v) "**Moratorium**" shall mean an authorized suspension of Tribal enrollment as determined and limited by the Tribal Council.

(w) "**Mother**" shall mean the biological mother of a child.

(x) "**Ordinance**" shall mean this Enrollment Ordinance.

(y) "**Preponderance of Evidence**" shall mean evidence which is of greater weight, or is more convincing than the evidence which is offered in opposition to it; that is evidence which as a whole shows that the fact sought to be proved is more probable than not. Any matter to be proven under this Ordinance shall be proved to the satisfaction of, and/or certified by, the Enrollment Committee and/or the Tribal Council, as required, by a preponderance of the evidence.

(z) "**Primary Evidence**" shall mean evidence which alone can support an application for enrollment in the Tribe. Primary Evidence constitutes official birth certificates and DNA test results showing that an individual is a biological lineal descendant of a person listed on the Base Roll.

(aa) "**Records of the Bureau of Indian Affairs**" shall mean an official document of the United State Department of the Interior, Bureau of Indian Affairs ("BIA"). Such evidence is considered Secondary Evidence and must accompany a birth certificate and/or a DNA test as required in Section 6.

(bb) "**Relinquish**" shall mean the act of voluntarily and formally giving up one's membership in the Shingle Springs Band of Miwok Indians. Relinquishment is only valid if made in writing and signed by the individual giving up his or her right to be a member of the Tribe. Individuals who have relinquished their membership in the Tribe are not eligible to re-apply for membership in the Tribe. An individual who was zero to 18 years of age when his or her membership was relinquished, likely by his or her parent, may reapply for membership in the Tribe until he or she is 21 years of age.

(cc) "**Secondary Evidence**" shall mean evidence which alone does not support an application for enrollment in the Tribe and must be combined with Primary Evidence to prove that an individual is a lineal descendant of a member of the Base Roll. Secondary Evidence includes affidavits and adoption records as defined above.

(dd) "**Tribal Council**" shall mean the duly elected and recognized governing body of the Tribe, as defined in Article III of the Articles of Association.

SECTION 2. MEMBERSHIP

The membership of the Shingle Springs Band of Miwok Indians shall consist only of those persons who have filed applications for membership in the Tribe *and* who are qualified to be a Member under the following criteria:

(a) Persons listed on the current membership roll as of the date of adoption of the amended Articles of Association, and their biological lineal descendants, who are all biological lineal descendants of either Pamela Cleanso Adams or Annie Hill Murray Paris who were listed on the "1916 Census Roll of the Indians at and near Verona in Sutter County, California; also 15 living in Sacramento," regardless of whether the ancestor through whom eligibility is claimed is living or dead

SECTION 3. NON-ELIGIBILITY

(a) If a person who meets the above eligibility requirements for membership has been allocated on another reservation, is officially enrolled with or is a recognized member of some other tribe or band, or has relinquished his or her membership with the Shingle Springs Band of Miwok Indians, such person shall not be eligible for membership with the Shingle Springs Band of Miwok Indians.

> (i) A "recognized member of another tribe or band" is a person whose name is listed on the census or membership roll of another tribe or band, or has received a land use assignment on another reservation.

(b) An allotment or an interest in an allotment acquired through inheritance shall not, in itself, bar enrollment with the Tribe.

(c) An individual conceived through purchased and/or donated spermatozoa or ova (the term includes any reproductive technique involving a third party (*e.g.* a sperm and/or egg donor) of a Tribal member is not eligible for membership in the Tribe.

SECTION 4. ADOPTION

(a) Only individuals qualified for enrollment under Section 2 may be members of the Tribe. The Tribe shall not allow exceptions of any kind regarding membership criteria for any person, and there shall be no honorary membership in the Tribe. Persons legally adopted by members of the Tribe are not eligible for enrollment unless they independently meet the requirements of this Ordinance.

SECTION 5. THE ENROLLMENT COMMITTEE

(a) The Tribal Council shall appoint an Enrollment Committee which shall, under the guidance of a Committee Chairperson, carry out the duties and responsibilities of the Tribe's enrollment program pursuant to this Ordinance. Such Committee shall be composed of seven (7) enrolled

members of the Tribe. The Tribal Council shall appoint at least one Committee Member from each of following families; Adams, Fonseca, Godsey, Murray, Olanio, and Tayaba. If a family has no one willing to serve on the Committee, then the Tribal Council shall choose someone from another family to fill the position. In order to transition to having all six families represented on the Committee, future vacancies shall be filled by individuals of families currently unrepresented on the Committee. Committee Members shall serve staggered five (5) year terms, which shall begin on the third Saturday in February. All Committee actions shall be done by a majority vote of a quorum of the Committee.

(i) Following approval of this Ordinance by the Tribal Council, all current Committee members' terms will be for the length of time outlined in Tribal Council Resolution 2015-85.

(ii) All Committee members, excluding individuals 17 years old and younger, must submit to a background test upon appointment to the Committee and in January of every year and may not serve on the Committee if they have been convicted of any felonies or crimes of fraud against the Tribe within the last five years.

(b) The Committee shall select its Chairperson from within its own ranks. Upon the recommendation of his or her fellow Enrollment Committee members, any member may be removed from the Committee at such time that it is clearly evident that he or she has neglected his or her duties as a member, shown partiality in the enrollment process, or displayed other acts which are detrimental to the Tribe's enrollment program. Such a recommendation must be made by majority vote of the Enrollment Committee and submitted to the Tribal Council for action. Removal authority shall be vested in the Tribal Council. The Tribal Council must act by unanimous vote.

(c) The Enrollment Committee shall be directly responsible to the Tribal Council in ensuring that the enrollment program is being properly, accurately and efficiently implemented and that all persons seeking Tribal membership are receiving full and impartial consideration. All Enrollment Committee members must sign Confidentiality Agreements upon beginning their terms of service in order to protect the sensitive nature of the enrollment information.

(d) Among other duties set forth herein, or that may be assigned by the Tribal Council, the Enrollment Committee shall dispense information regarding the Tribe's membership eligibility requirements and the enrollment program; distribute applications and related forms; receive, review, and approve or disapprove membership applications; and take other appropriate action consistent with the provisions of this Ordinance.

(i) In order to ensure that all Enrollment Committee members are actively participating on the Committee and are involved in the Enrollment functions, each Enrollment Committee member shall spend at least ten (10) hours per year, unpaid, assisting the Enrollment Coordinator in file reviews, organization, and audits. If Enrollment Committee members do not complete the required ten (10) hours of service each year, the Enrollment Committee shall automatically recommend and request removal of the Committee member to the Tribal Council.

(e) The Enrollment Committee and the Tribal Council shall meet at least annually to discuss and act on matters requiring attention, and to discuss Enrollment Committee goals for the year.

(f) The Enrollment Committee shall send quarterly updates notifying the Tribal Membership of changes in the Enrollment Program and reminding them of enrollment deadlines, etc.

SECTION 6. FILING OF MEMBERSHIP APPLICATIONS

(a) All persons desiring membership with the Shingle Springs Band of Miwok Indians must file written applications during a time and at a place specified by the Enrollment Committee. An application for membership may be filed on behalf of a minor, a person who is mentally incompetent, or anyone else in need of assistance, by a parent, guardian, relative, or a member of the Tribal Council or Enrollment Committee. The burden of proof rests upon the person seeking to establish the right to membership in the Tribe, and in that regard, such person must establish every element of his/her eligibility under the Tribe's Articles of Association and this Ordinance. Any matter to be proven for purposes of establishing the right to membership shall be proven to the satisfaction of and/or certified by the Enrollment Committee and/or the Tribal Council, as required, by a preponderance of the evidence.

(b) Evidence. Upon passage of this Ordinance, individuals seeking to establish the right to membership must prove their biological lineal descent from a person identified on the base roll by (i) submitting an original certified birth certificate mailed directly to the Enrollment Officer at its PO Box address from the state or counties vital statistics office, and (ii) conclusive results of maternity/paternity from a DNA test. The Enrollment Committee has the authority to request any other additional evidence on an individual basis. Death certificates, marriage licenses, paternity statements, records of the Bureau of Indian Affairs, affidavits, and adoption records, as defined in Section 1 only, may be used as Secondary Evidence to determine eligibility. The Tribal Council may also allow other evidence to be used to determine eligibility, as outlined in a formal resolution and submitted to the Enrollment Committee.

> (i) Conclusive results of a DNA test shall be 99.98 percent or higher. The Enrollment Committee will not accept DNA tests completed at the Tribe's Tribal Health Program in order to avoid any potential conflict of interest. Additionally, the Enrollment Committee will not accept mitochondrial or siblingship DNA tests as proof of biological descendency.

(c) Only original (including certified) copies of all official documents evidencing eligibility for membership in the Tribe will be accepted. If any amendments have been made to any documentation, evidence supporting and memorializing the amendment must also be submitted to the Enrollment Committee. The Enrollment Committee will keep all original documents in an applicant's file. The Enrollment Committee possesses the right to request and review all documents in an applicant's file at any time.

SECTION 7. APPROVAL OR DISAPPROVAL OF MEMBERSHIP APPLICATIONS

(a) Applications will only be accepted for individual's age zero to 24 months. Enrollment shall be closed to all other individuals, including those reapplying for membership, for a period of five (5) years from the date of approval of this Ordinance.

(b) The Enrollment Committee shall approve or disapprove all applications for membership. Such action shall be based upon the findings of the Committee, members of which shall consider the primary and secondary evidence presented by the applicant, and evaluate all available information which could affect or be relevant to an applicant's eligibility for membership. Such membership shall be established in accordance with the requirements provided under the Tribe's Articles of Association and the provisions of this Ordinance.

(c) A person whose membership application has been disapproved by the Enrollment Committee shall be given written notice of such action and the reason(s) therefore.

(d) Upon approval or disapproval of an application, the Enrollment Committee will forward the application to the Tribal Council, which must certify the action of the Enrollment Committee within 30 days. Upon certification by the Tribal Council, the approval or disapproval of an application will become effective, unless an applicant appeals the decision in accordance with Section 8 of this Ordinance.

SECTION 8. APPEALS

(a) Any person denied membership with the Tribe, after having complied with the requirements of the enrollment program, shall have the right to appeal the disapproval of his or her application to the Tribal Court. The appeal must be in writing and submitted to the Tribal Court within twenty (20) days of the date of the denial letter. Any additional information the applicant may have, or could obtain, which could alter the Committee's decision, as certified by the Tribal Council, must accompany the appeal to the Tribal Court. The filing fee for the appeal to Tribal Court is $250.

> (i) A person denied membership with the Tribe, who was a minor at the time of denial, shall have the right to appeal the decision to the Tribal Court, if an appeal was never made by their parent or guardian to the Tribal Court, within ten (10) years following their 18th birthday. Any additional information the applicant may have, or could obtain, which could alter the Committee's decision should accompany the appeal.

(b) The Tribal Court may decline to accept the appeal if, based on the applicant's evidentiary submission, there is no reason to believe there constitutes a basis to reverse the decision of the Enrollment Committee, as certified by the Tribal Council, when disapproving the application. To the extent the Tribal Court assumes jurisdiction over the appeal, the Tribal Court shall only have jurisdiction to review and set aside the decision of the Tribal Council if the Tribal Court finds the decision to be without observance of procedure required by this Ordinance. The Tribal Court hearing shall be conducted according to the procedures and rule outlined in the Tribal Court Ordinance and the Tribal Court Rules. Every effort shall be made to resolve the appeal as expeditiously as feasible. The decision of the Tribal Court shall be final.

SECTION 9. PREPARATION OF THE MEMBERSHIP ROLL

(a) After a final decision has been made on all applications and/or information forms submitted for review by the Enrollment Committee, Tribal Council and/or Tribal Court, as the case may be, the membership roll shall be prepared reflecting the names of all persons recognized as members. In addition to the member's last, first, and middle names, the roll shall include such

information as date of birth, enrollment number, address, telephone number, and other information as desired and requested by the Tribe.

(b) The content, and act of providing any, of the lists or roll described within this Section to an appropriate government entity, as necessary, does not in any way waive, surrender, or limit the Tribe's inherent sovereign powers to define membership in the Tribe.

SECTION 10. KEEPING MEMBERSHIP ROLL CURRENT

(a) Corrections to the membership roll, as listed below, may be made at any time by the Enrollment Committee without the approval of the Tribal Council. Such corrections shall include, but are not limited to;

(i) Additions to the roll of persons certified by the Tribal Council as members of the Tribe.

(ii) Removal from the roll, the names of persons who have relinquished, in writing, their membership in the Shingle Springs Band of Miwok Indians, or persons who were disenrolled by action of the Enrollment Committee and Tribal Council pursuant to this Ordinance.

(A) The names of deceased persons shall remain on the roll, however they will be noted as deceased on the roll.

(iii) Other corrections such as date of birth, name and address changes, sex designation, and spelling errors, provided such corrections are supported by satisfactory evidence.

SECTION 11. DISENROLLMENT

(a) The following shall be grounds for disenrollment of any member:

(i) A person who obtained enrollment by fraud, deceit, or misrepresentation.

(ii) A person who obtained enrollment by error, provided that no person shall be disenrolled on the basis of an error in his or her enrollment application if within one year of discovery of the error, the person takes the appropriate steps to remedy the error. Individuals enrolled by error alternatively may be subject to suspension under Section 11(c)(ii).

(iii) A person who enrolled with or became a recognized member of another tribe or band without relinquishing his/her membership with the Shingle Springs Band of Miwok Indians. This includes disenrollment for Dual Enrollment, as defined in Section 1, which is strictly prohibited by the Tribe.

(iv) A person who is a descendant of a person disenrolled pursuant to (i) of this Section and does not otherwise meet the membership criteria of the Ordinance.

(b) Authority and Obligations Regarding Review of Member Eligibility. The Enrollment Committee and the Tribal Council each have the right to review the membership eligibility of any Tribal member in their own discretion and on their own volition, at any time, for any reason. In addition, when the Enrollment Committee has received a verified written statement from an individual Tribal member outside the Tribal Council or Enrollment Committee, with the author of the statement's notarized signature, citing specific allegations that provide a basis for disenrollment of another Tribal member, the Enrollment Committee must review the specified member's enrollment files to determine whether all requirements for membership have been met. The Enrollment Committee and Tribal Council each possess the authority to request from any Tribal member, in writing, any evidence necessary to evaluate his or her membership eligibility as set forth herein.

(c) Enrollment Committee Action. The Enrollment Committee bears the burden of initiating disenrollment of a Tribal member. Specifically, the Enrollment Committee bears the burden of demonstrating, to the satisfaction of the Tribal Council, that evidence in the Tribal records and the member's files fails to show the member satisfies the membership criteria under the Tribe's Articles of Association. To that end, the Enrollment Committee shall examine all information and records in the Tribe's files that are relevant to the matter in question. The Enrollment Committee shall have the authority to ask the individual member for any additional information the Committee determines to be relevant to his or her membership eligibility, including a DNA test. Where membership eligibility is being evaluated pursuant to Sections 11(a)(i), 11(a)(ii) or 11(a)(iv), the Enrollment Committee may also seek extrinsic evidence from other publicly available, official sources bearing on a particular individual's lineal descent from a member on the Base Roll. In the event the Enrollment Committee determines there is insufficient evidentiary basis to support a person's membership in the Tribe, the Committee may take one of two following actions:

(i) Disenrollment Recommendation. In the event the Enrollment Committee concludes the evidence in the Tribe's records, and any further evidence collected from the member and otherwise, fails to support the individual's satisfaction of the Tribe's membership criteria, the Committee may conclude the member should be disenrolled, and recommend the Tribal Council take disenrollment action. The recommendation of disenrollment may include not only the identified individual member, but all persons who descend from that individual and who claim membership within the Tribe solely through that individual. The Tribal Council must notify the affected individual(s) of any disenrollment recommendation within seven (7) days of the Enrollment Committee's action, and provide further additional notice of a potential disenrollment action no less than fourteen (14) days prior to any hearing before the Tribal Council. Before any final disenrollment action is taken, and pursuant to Section 11(d), the affected individual(s) will have the right to submit evidence to the Tribal Council that is probative of his/her/their lineal descent from a person on the Base Roll.

(ii) Suspension. Alternative to the recommendation for disenrollment, the Enrollment Committee may recommend that any identified individual be suspended as a member of the Tribe for no longer than one (1) year in order to obtain any necessary evidence to validate his or her enrollment and to satisfy the Tribe's membership criteria. The Tribal Council must certify the proposed suspension action within seven (7) days of receipt of

the Enrollment Committee's recommendation for the suspension to be effective. Upon any certification of the Enrollment Committee's recommendation, the Tribal Council shall issue a Notice of Suspension to each affected person(s), to be delivered by certified mail. Placement of an individual on suspension may not necessarily affect the Tribal member status or benefits of the individual's heirs, unless explicitly stated by the Enrollment Committee, and certified by the Tribal Council.

(A) Interim Loss of Benefits. During the period of suspension, the individual will have no rights as a member of the Tribe, including participation in Tribal government, unfettered access to Tribal lands, and receipt of benefits attributable to membership, including per capita payments and housing preference. However, during this suspension period, while the individual is provided the opportunity to collect and present evidence demonstrating his or her entitlement to membership in the Tribe, all monetary benefits otherwise provided the individual will be held in abeyance, subject to retroactive payment upon his or her demonstration to the Enrollment Committee and Tribal Council that he or she satisfies the Tribe's membership criteria.

(B) Correction of Deficiencies/Restoration of Membership Status. Once an individual has corrected any deficiencies in the Tribe's records, and/or proven to the Enrollment Committee that he or she satisfies the Tribe's membership criteria, the Enrollment Committee will recommend to the Tribal Council that the individual be restored to his or her status as a Tribal Member even if the Tribal Council has imposed a moratorium as described in Section 19. Such recommendations shall only be made during the month of January each year.

(1)If the Tribal Council agrees with the Enrollment Committee recommendation, it must certify the proposed action, and lift the suspension and reinstate the individual's membership status within seven (7) days from the recommendation's receipt, notifying each affected individual of said action by certified mail. Upon reinstatement, the individual is thereby entitled to receive, retroactively, all monetary benefits not received during the period of suspension, including per capita payments, which were withheld during the suspension period pending final resolution of the individual's entitlement to membership.

(2) If the Tribal Council does not agree with the Enrollment Committee's conclusion that the individual(s) has demonstrated his or her right to membership, and rejects the Enrollment Committee's recommendation to lift the suspension, it shall notify the affected individual(s) of his or her right to a hearing pursuant Section 11(d).

(3) Where the membership status of the affected individual's heirs were suspended pursuant to Section 11(c)(ii), on the ground that their membership rested exclusively on that of the affected individual, the Tribal Council will similarly restore the membership status of the affected individual's lineal descendants, upon satisfaction by the affected

individual of this Section 11(c), with the concomitant restoration of any withheld monetary benefits for those lineal descendants.

(d) Potential Disenrollment Action by Tribal Council. In the event the Enrollment Committee recommends the Tribal Council disenroll individual(s) for failing to satisfy the Tribe's membership criteria, or in the event the Tribal Council independently concludes that an individual(s) has failed to meet his or her burden of establishing the right to membership, the Tribal Council shall provide the affected individual(s) a Notice of Potential Disenrollment Action. Said Notice must issue to the member within seven (7) days of the Tribal Council's receipt of the recommendation from the Enrollment Committee, or within seven (7) days of the Tribal Council's independent action. In addition, the Tribal Council will provide written notice to the person at least fourteen (14) days before any scheduled disenrollment hearing. All notices under this Ordinance shall be sent by certified mail.

(i) Right to Hearing Before Tribal Council. The Tribal Council shall provide the individual who is subject to potential disenrollment an opportunity to be heard, with the submission of written argument or briefing, and any supporting evidence and documentation, before taking final action. The Tribal Council shall also allow the affected individual(s) an opportunity for an oral hearing before the Tribal Council. The Tribal Council may impose reasonable procedural and evidentiary limitations on the hearing, including the right for similarly situated individuals who claim membership through the same bloodline or member on the Base Roll, to be represented by a single advocate (legal counsel or otherwise).

(ii) Notice of Potential Disenrollment Action. The Notice of Potential Disenrollment Action shall include the time, date, and place of the hearing before the Tribal Council; the procedural and evidentiary rules governing the hearing; the reasons for the recommended disenrollment and any evidence accompanying the Enrollment Committee's recommendation. The Notice shall inform the affected person(s) of the obligation to submit any written argument and documentary evidence by a date certain prior to the hearing; the right for a representative to explain in the hearing why the person(s) should not be disenrolled; and the opportunity to present any further relevant evidence not previously submitted to the Enrollment Committee.

(iii) Tribal Council Decision. Within thirty (30) days after the hearing, the Tribal Council shall take official action, and make known its finding, in a written Tribal Council resolution. The affected person(s) will be sent a copy of the resolution and the policy for re-enrollment in the Tribe, if any.

(iv) Waiver of Hearing. A person who is the subject of the disenrollment proceeding may waive his or her right to a hearing before the Tribal Council. The waiver must be made in writing and delivered to the Tribal Chairperson by certified mail or in person. Such a waiver would not act as a bar for appeal to the Tribal Court, assuming jurisdiction can be established, but may be used as evidence by the Tribe in any Tribal Court proceeding to which the affected party may be entitled. Where applicable, a Tribal member parent and/or guardian may submit a waiver of hearing on behalf of the minor child in the manner described above.

(e) Disenrollment of Lineal Descendants of Persons Subject to Disenrollment. An individual who is subject to disenrollment under Section 11(a)(iv), on the ground that the ancestor(s) through whom the individual claims membership was (were) disenrolled pursuant to Section 11(a)(i) or 11(a)(ii), will be given thirty (30) calendar days following an initial notice from the Enrollment Committee, as certified by the Tribal Council, to provide additional evidence to the Enrollment Committee, including DNA evidence, that shows that they are biologically related to a member of the Base Roll independent of the ancestor(s) line who was (were) disenrolled under Section 11(a)(i) or 11(a)(ii). The Tribal Council may, in its discretion, extend the thirty (30) day deadline by which to provide evidence to the Enrollment Committee. Once the period for providing additional evidence is over, the Enrollment Committee will review the evidence and make a recommendation to the Tribal Council as to whether the individual should be disenrolled under Section 11(a)(iv). Upon receipt of the Enrollment Committee's recommendation, the Tribal Council will vote on the individual's disenrollment from the Tribe. Within thirty (30) days after the vote, the Tribal Council shall take official action, and make known its decision, in a written Tribal Council resolution. The affected party or parties will be sent a copy of the resolution and the policy for re-enrollment in the Tribe, if any.

(f) Appellate Right to Tribal Court. An affected party has the right to appeal the Tribal Council's decision exclusively to the Shingle Springs Tribal Court within thirty (30) days from the date the Tribal Council mailed its final decision by certified mail. The date the notice of decision is mailed begins the 30-day appellate period. The Tribal Court possesses jurisdiction, and shall only review and set aside the decision of the Tribal Council, if the Tribal Court finds it to be without observance of procedure required by this Ordinance.

If the Tribal Court determines that the decision of the Tribal Council should be set aside for the reasons above, the Tribal Court must remand the case to the Enrollment Committee to restart the disenrollment process from the beginning.

A person disenrolled from the Tribe, who was a minor at the time of disenrollment, shall have the right to appeal the decision to the Tribal Court, if an appeal was never made by his or her parent or guardian to the Tribal Court, within ten (10) years following their 18th birthday. The filing fee for the appeal to Tribal Court is $250. Any additional information the disenrolled individual may have, or could obtain, which could alter the Enrollment Committee's decision as to the person's entitlement to membership certified by the Tribal Council, must accompany the appeal. The decision of the Tribal Court shall be final.

(g) Re-application for Membership in the Tribe. Individuals who are specifically allowed by the Tribal Council to re-apply for membership in the Tribe following disenrollment from the Tribe, may re-apply during the January open enrollment period. All individuals re-applying for membership following disenrollment from the Tribe must include DNA test results with their application showing that they are biologically related to a person listed on the Base Roll.

> (i) Individuals re-applying for membership in the Tribe following disenrollment from the Tribe for dual enrollment, does not need to provide DNA test results if his or her birth certificate provides evidence that he or she is biologically related to a descendant of someone listed on the Tribe's Base Roll.

SECTION 12. USE OF THE MEMBERSHIP ROLL

(a) The membership roll, when duly certified and approved, shall be used for all official purposes.

SECTION 13. CONFLICTS OF INTEREST / REQUIRED RECUSALS.

(a) With respect to any individual whose entitlement to membership in the Tribe is in question by action of the Enrollment Committee and Tribal Council pursuant to Section 11(c), said individual may not continue to participate in Tribal government, irrespective of whether said individual is subject to a pending disenrollment proceeding or suspension pursuant to Sections 11(c)(i) or (ii), respectively. Upon issuance of a Notice of Potential Disenrollment Action or a Notice of Suspension under Section 11(c), to be delivered by certified mail within seven (7) days of certification by the Tribal Council, all such participation by the individual must immediately cease pending resolution by the Tribe of the individual's entitlement to membership.

(b) Any person with a potential conflict of interest based on a personal or familial relationship to an individual whose entitlement to Tribal membership is in question by action of the Enrollment Committee may be recused from participation in any particular Tribal meeting of the Enrollment Committee or the Tribal Council involving the membership decision. Any such recusal must be by action of the Tribal Council.

(c) In its discretion, the Tribal Council may determine that individuals who work for the Tribal government and whose entitlement to membership is in question by action of the Enrollment Committee, may not continue to work for the Tribe pending resolution of such issue. The Tribal Council may, in its discretion, fashion particularized remedies and relief designed to diminish any employment-related hardship on the individual(s) pending resolution of their entitlement to membership.

SECTION 14. CONFIDENTIALITY AND ACCESS TO INFORMATION

(a) The Tribal Council and Enrollment Committee recognize that records concerning an individual's enrollment may contain sensitive personal information. These records may also be critical to establishing an individual's eligibility for Tribal membership. Accordingly, the Tribal Council declares that these records are confidential and protected from disclosure by this Ordinance. Only members of the Tribal Council and Enrollment Committee will have access to the records unless specified below. All information will be kept confidential and only will be released as described below.

(i) Release of Information to Outside Parties or Individuals. If a Tribal Member desires to have any enrollment information released by the Enrollment Committee or Tribal Council, the individual must complete and provide to the Enrollment Committee officer the Release of Information form developed by the Enrollment Committee. The form must specify which information can be released and to whom it may be released.

(ii) In the event of an emergency, information may be released by the Enrollment Committee or Tribal Council following a majority vote of the Tribal Council evidenced in a Tribal Council Resolution. The Tribal Council Resolution must state the reason for

the release of information, to whom information may be released, and what information may be released. Emergency releases of information should be avoided if possible.

(iii) Enrollment files may be disclosed following a signed Release of Information to:

(A) An individual asking to see the file of his or her parents or children;

(B) An attorney or other person asking to see the file of an individual he or she represents when such representation is authorized in writing;

(C) Tribal departments as required, committees, or officials, federal and state agencies or officials, when:

(1) The information is needed to determine an individual's initial or continuing eligibility for enrollment, aid, services, or other benefits accruing on the basis of Tribal membership or;

(2) Pursuing an investigation or prosecution of alleged or suspected fraud or similar abuse of the enrollment program or;

(3) The information is needed for the purpose of benefiting the Tribe as a whole as determined by resolution of the Tribal Council.

(iv) The signed Release of Information form and a notation must be made in the Tribal Member's file following the release of information documenting who, what, when, and where the information was released and to whom.

(v) Information made available shall not be used for any purpose other than an individual's eligibility for enrollment, aid, services, or other benefits as relating to Tribal Membership.

(vi) File Review. A note shall be entered in each file reviewed under Section (a) above or for any other purpose, showing who reviewed the file, the date reviewed, and the purpose of the review.

(vii) The files shall be stored in a place physically secure from access by unauthorized persons.

(viii) Electronic files shall be stored and processed in such a way that unauthorized persons cannot retrieve the information by means of computer, remote terminal, or other means.

(ix) The Tribal department, Enrollment Committee, or Tribal officials shall on a continuing basis instruct all personnel who have access to the files as to the confidential nature of the files, and the requirements of this Section. Failure of any Tribal employee to comply with the confidential provisions set forth in this statement shall result in disciplinary action as determined by the Tribal Council.

SECTION 15. FRIVOLOUS, MALICIOUS, OR FRAUDULENT BEHAVIOR

(a) Frivolous, Malicious or Fraudulent Behavior. If the Enrollment Committee or Tribal Council finds a Tribal member or another individual committed or abetted any frivolous, malicious or fraudulent behavior relating to the Ordinance, including but not limited to, failing to comply with document request deadlines required by the Enrollment Committee and/or intentional enrollment in the Tribe with the intent to commit fraud, the Tribal Council or Tribal Court shall have the right to levy a fine on the individual or Tribal member of not more than five thousand dollars ($5,000) per occurrence (which may be each year of fraudulent enrollment) to remedy the frivolous, malicious, or fraudulent behavior. Furthermore, the Enrollment Committee or Tribal Council shall have the right to levy fines in the amount of $500 per week for each week an individual fails to provide documents as requested by the Enrollment Committee or Tribal Council. In addition, the Tribal Council or Tribal Court shall have the right to assess against the individual or Tribal member any others fees associated with the behavior incurred by the Tribe, including the cost of DNA analysis and attorney fees.

(b) All fines under this action will be withheld from the member's per capita payments until satisfied in accordance with the Tribe's Per Capita Policy or due to the Tribe's Fiscal Office within 30 days of the date of the fine. On a case-by-case basis payment arrangements may be made with the Fiscal office.

(c) An individual or member who is fined may appeal such fine in the Tribal Court. The Tribal Court shall have jurisdiction only to determine if the process in this section was applied appropriately and process such fines upon Tribal members and individuals.

SECTION 16. COMMUNICATION WITH MINORS REGARDING ENROLLMENT

(a) All communications from the Enrollment Committee or Tribal Council to a minor regarding enrollment matters, including notices of decisions, will be mailed to the Tribal member parent and known guardian and/or custodian, if addresses are provided or known to the Committee. The Enrollment Committee shall additionally mail all communications directly to the minor once the minor reaches the age of 14.

(b) Upon the Tribal member minor's 18th birthday, a minor shall have the right to request a copy of all communications from the Enrollment Committee or Tribal Council regarding enrollment matters, as reflected in his or her enrollment file.

SECTION 17. SEVERABILITY

(a) If any part of this Ordinance is found to be void and without legal effect, the remainder of the Ordinance shall continue to remain in full force and effect, as though such part had not been contained therein.

SECTION 18. AMENDMENTS

(a) This Ordinance may be amended by the Tribal Council at a duly called regular or special meeting.

SECTION 19. MORATORIUM

(a) Nothing in this Ordinance shall be deemed to limit the authority of the Tribal Council to impose a moratorium on Tribal enrollment at such time and for such reasonable period as the Tribal Council shall determine necessary to protect Tribal interests.

TITLE II.

(THIS TITLE IS RESERVED)

TITLE III.

(THIS TITLE IS RESERVED)

TITLE IV.

(THIS TITLE IS RESERVED)

TITLE V.

(THIS TITLE IS RESERVED)

TITLE VI.

(THIS TITLE IS RESERVED)

TITLE VII.

(THIS TITLE IS RESERVED)

TITLE VIII.

(THIS TITLE IS RESERVED)

TITLE IX.

(THIS TITLE IS RESERVED)

TITLE X. MORTGAGE LENDING CODE

A. Lien Priority

All mortgage loans recorded in accordance with the recording procedures set forth in this Code, including Leasehold Mortgages, and including loans made, guaranteed, insured or held by a governmental agency, shall have priority over any lien not perfected at the time of such recording and any subsequent lien or claim excepting a lien or claim arising from a tribal leasehold tax assessed after the recording of the mortgage. (In those cases where the government direct, guaranteed or insured mortgage is created as a second mortgage, the loan shall assume that position.)

B. Recording of Mortgage Loan Documents

(1) The Land Assignment Committee, if none established then the Tribal Council with the Tribal Secretary acting as Tribal Recording Clerk shall maintain in the Tribal Real Estate program a system for the recording of mortgage loans and such other documents as the Tribe may designate by laws or resolution.

(2) The Tribal Recording Clerk shall endorse upon any mortgage loan or other document received for recording:

(a) The date and time of receipt of the mortgage or other document;

(b) The filing number, to be assigned by the Tribal Recording Clerk, which shall be a unique number for each mortgage or other document received and;

(c) The name of the Tribal Recording Clerk or designee receiving the mortgage or document.

Upon completion of the above-cited endorsements, the Tribal Recording Clerk shall make a true and correct copy of the mortgage or other document and shall certify the copy as follows:

_____ Tribe)

)ss.

Indian Reservation)

I certify that this is a true and correct copy of a document received for recording this date.

Given under my hand and seal this _____ day of _____.

(SEAL) _____

(Signature)

_____

(Date)

The Tribal Recording clerk shall maintain the copy in the records of the recording system and shall return the original of the mortgage loan or other document to the person or entity that presented the same for recording.

(3) The Tribal Recording Clerk shall also maintain a log of each mortgage loan or other document recorded in which there shall be entered:

(a) The name(s) of the Borrower/Mortgagor of each mortgage loan, identified as such;

(b) The name(s) of the Lender/Mortgagee of each mortgage loan, identified as such;

(c) The name(s) of the grantor(s), grantee(s) or other designation of each party named in any other documents filed or recorded;

(d) The date and time of the receipt;

(e) The filing number assigned by the Tribal Recording Clerk; and

(f) The name of the Tribal Recording Clerk or designee receiving the mortgage or document.

(4) The certified copies of the mortgage loan and other documents and the log maintained by the Tribal Recording Clerk shall be made available for public inspection and copying. Rules for copying shall be established and disseminated by the Tribal Recording Clerk.

(5) All mortgages will be recorded with the BIA in addition to any Tribal recording provisions.

C. Foreclosure Procedures

(1) A Borrower/Mortgagor shall be considered to be in default when he or she is thirty (30) days past due on his or her mortgage payment(s)or is in violation of any covenant under the mortgage for more than 30 days to the Lender/Mortgagee (i.e. the 31st day from the payment due date).

(2) When a Borrower/Mortgagor is thirty days past due on his or her mortgage and before any foreclosure action or activity is initiated, the Lender/Mortgagee shall complete the following:

(a) Make a reasonable effort to arrange a face-to-face interview with the Borrower/Mortgagor. This shall include at least one trip to meet with the Borrower/Mortgagor at the mortgaged property.

(b) Lender/Mortgagee shall document that it has made at least one phone call to the Borrower/Mortgagor (or the nearest phone as designed by the Borrower/Mortgagor, able to receive and relay messages to the Borrower/Mortgagor) for the purpose of trying to arrange a face-to-face interview.

(3) Lender/Mortgagee may appoint an agent to perform the services of arranging and conducting the face-to-face interview specified in this action.

(4) When the Borrower/Mortgagor is past due on three installment payments and at least ten (10) days before initiating a foreclosure action in Tribal Court, the Lender shall advise the Borrower/Mortgagor in writing by mail or by posting prominently on the unit, with a copy provided to the Tribe, as follows:

(a) Advise the Borrower/Mortgagor that information regarding the loan and default/delinquency will be given to credit bureaus.

(b) Advise the Borrower/Mortgagor of homeownership counseling opportunities/programs available through the Lender or otherwise.

(c) Advise the Borrower/Mortgagor of other available assistance regarding the mortgage/default.

(d) In addition to the preceding notification requirements, the Lender/Mortgagee shall complete the following additional notice requirements (i) notify the Borrower/Mortgagor that if the Leasehold Mortgage remains past due on three installment payments, the Lender/Mortgagee may ask the applicable governmental agency to accept assignment of the Leasehold Mortgage if this is an option of the governmental program; (ii) notify the Borrower/Mortgagor of the qualifications for forbearance relief from the Lender/Mortgagee, if any, and that forbearance relief may be available from the government; and (iii)

provide the Borrower/Mortgagor with names and addresses of government officials to whom further communications may be addressed, if any.

(5) If a Borrower/Mortgagor is past due on three or more installment payments and the Lender/Mortgagee has complied with the procedures set forth in the first part of this Section, the Lender/Mortgagee may commence a foreclosure proceeding in the Tribal Court by filing a verified complaint as set forth in Section D. of this Code.

D. Foreclosure Complaint and Summons

(1) The verified complaint in a mortgage foreclosure proceeding shall contain the following:

(a) The name of the Borrower/Mortgagor and each person or entity claiming through the Borrower/Mortgagor subsequent to the recording of the mortgage loan, including each Subordinate Lienholder (except the Tribe with respect to a claim for a tribal leasehold), as a defendant;

(b) A description of the property subject to the mortgage loan;

(c) A concise statement of the facts concerning the execution of the mortgage loan and in the case of a Leasehold Mortgage the lease; the facts concerning the recording of the mortgage loan or the Leasehold Mortgage; the facts concerning the alleged default(s) of the Borrowers/Mortgagor; and such other facts as may be necessary to constitute a cause of action;

(d) True and correct copies of each promissory note, mortgage, deed of trust or other recorded real property security instrument (each a "security instrument") and any other documents relating to the property and if a Leasehold Mortgage, a copy of the lease and any assignment of any of these documents; and

(e) Any applicable allegations concerning relevant requirements and conditions prescribed in (i) federal statutes and regulations (ii) tribal codes, ordinances and regulations; and/or (iii) provisions of the promissory note, security instrument and if a Leasehold Mortgage, the lease.

(2) The complaint shall be verified by the Tribal Court Clerk along with a summons specifying a date and time of appearance for the Defendant(s).

E. Service of Process and Procedures. Any foreclosure complaint must be in writing, and must be delivered to the Borrower/Mortgagor in the following manner:

(1) Delivery must be made by an adult person and is effective when it is:

(a) Personally delivered to a Borrower/Mortgagor with a copy sent by mail, or

(b) Personally delivered to an adult living in the property with a copy sent by mail, or

(c) Personally delivered to an adult agent or employee of the Borrower/Mortgagor with a copy sent by mail.

(2) If the notice cannot be given by means of personal delivery, or the Borrower/Mortgagor cannot be found, the notice may be delivered by means of:

(a) Certified mail, return receipt requested, at the last known address of the Borrower/Mortgagor, or

(b) Securely taping a copy of the notice to the main entry door of the property in such a manner that it is not likely to blow away, and by posting a copy of the notice in some public place near the premises, including a tribal office, public store, or other commonly-frequented place and by sending a copy first class mail, postage prepaid, addressed to the Borrower/Mortgagor at the premises.

(3) The person giving notice must keep a copy of the notice and proof of service in accordance with this section, by affidavit or other manner recognized by law.

F. Cure of Default

Prior to the entry of a judgment of foreclosure, any Borrower/Mortgagor or a Subordinate Lienholder may cure the default(s) under the Mortgage by making a full payment of the delinquency to the Lender/Mortgagee and all reasonable legal and Court costs incurred in foreclosing on the property. Any subordinate Lienholder who has cured a default shall thereafter have included in its lien the amount of all payments made by such Subordinate Lienholder to cure the default(s), plus interest on such amounts at the rate stated in the note for the mortgage. There shall be no right of redemption in any Leasehold Mortgage Foreclosure proceeding.

G. Judgment and Remedy

This matter shall be heard and decided by the Tribal Court in a prompt and reasonable time period not to exceed sixty (60) days from the date of service of the Complaint on the Borrower/Mortgagor. If the alleged default has not been cured at the time of trial and the Tribal Court finds for the Lender/Mortgagee, the Tribal Court shall enter judgment:

(1) Foreclosing the interest of the Borrower/Mortgagor and each other defendant, including Subordinate Lienholder, in the mortgaged property and

(2) Granting title to the property to the Lender/Mortgagee or the Lender's Designated Assignee; in the case of a Leasehold Mortgage, the Lease and the Leasehold Estate

will be assigned to the Lender/Mortgagee or the Lender's Designated Assignee, subject to the following provisions

(a) The lender shall give the Tribe the right of first refusal on any acceptable offer to purchase the Lease and the Lessee's leasehold interest in the property described in the lease which is subsequently obtained by the Lender or Lender's Designated Assignee.

(b) The Lender or Lender's Designated Assignee may only transfer, sell or assign the Lease and Lessee's leasehold interest in the property described in the Lease to a Tribal member, the Tribe, or the Tribal Housing Authority;

(c) The Mortgagee has the right to convey the leasehold interest to the Secretary of HUD without providing the right of first refusal to the Tribe for Section 248.

H. Foreclosure Evictions

Foreclosure evictions shall be handled according to the general eviction process set forth below.

(1) Jurisdiction. The provisions of this Section H. shall apply to all persons and property subject to the governing authority of the Tribe as established by the Tribal Constitution, Tribal Code, or applicable federal law.

(2) Unlawful Detainer. A Lessee, Sublessee, or other occupant of a Leasehold Estate subject to a Leasehold Mortgage shall be guilty of unlawful detainer if such person shall continue in occupancy of such Leasehold Estate without the requirement of any notice by the Lessor, after such person's Leasehold Estate has been foreclosed in a Leasehold Mortgage foreclosure proceeding in the Tribal Court;

(3) Complaint and Summons. The lender or Federal Agency (which made, guaranteed or insured the mortgage loan) as appropriate, shall commence an action for unlawful detainer by filing with the Tribal Court, in writing, the following documents:

(a) A complaint, signed by the lender or Federal Agency, or an agent or attorney on their behalf:

(i) Citing facts alleging jurisdiction of the Tribal Court;

(ii) Naming as defendants the mortgagors and any other record owner (including Sublessees and subordinate lienholders), of which the complainant has record notice (except the Tribe with respect to a claim for a Tribal tax on the Leasehold Estate subject to the Leasehold Mortgage);

(iii) Describing the Leasehold Estate subject to the Leasehold Mortgage;

(iv) Stating the facts concerning (1) the execution of the lease and the Leasehold Mortgage; (2) the recording of the Leasehold Mortgage; and (3) the facts upon which he or she seeks to recover;

(v) Stating any claim for damages or compensation due from the persons to be evicted; and

(vi) Otherwise satisfying the requirements of the Tribal Court.

(b) A copy of the summons, issued in accordance with established Tribal Court rules and procedures, requiring the defendants to file a response to the complaint by the date specified in the summons. The deadline specified in the summons for filing a response shall be no less than 6 nor more than 30 days from the date of service of the summons and complaint. The summons shall notify the defendants that judgment will be taken against them in accordance with the terms of the complaint unless they file a response with the court by the date specified in the summons.

(4) Service of Summons and Complaint. A copy of the summons and complaint shall be served upon the defendants in the manner provided by the Tribal Court rules for service of process in civil matters. In the absence of such Tribal Court rules, the summons and complaint shall be served by one of the following two methods.

(5) Procedures for Service of Notice. Notices required or authorized in the immediately preceding section shall be given in writing either by:

(a) delivering a copy personally to the Borrower/ Mortgagor or to any other occupant under color of law, or to any adult residing on the Leasehold Estate and, if applicable, to any Sublessee; or

(b) posting said notice in a conspicuous place near the entrance to said Leasehold Estate, and sending an additional copy to the Lessee or to any other occupant under color of law, and, if applicable, to the Sublessee, by certified mail, return receipt requested, properly addressed, postage paid.

Proof of service may be made by affidavit of any adult person stating the he has complied with the requirements of one of the above methods of service.

(6) Power of the Tribal Court. The Tribal Court shall enter an Order of Repossession if:

(a) Notice of suit is given by service of summons and complaint in accordance with the procedures provided herein; and

(b) The Tribal Court shall find during pre-trial proceedings or at trial that the Lessee, Sublessee, or other occupant under color of law of the Leasehold Estate subject to the Leasehold Mortgage is guilty of an act of unlawful detainer.

Upon issuance of an Order of Repossession, the Tribal Court shall have the authority to enter a judgment against the defendants for the following, as appropriate: (1) back rent, unpaid utilities, and any charges due the Tribe, any applicable Housing Authority, or Sublessor under any sublease or other written agreement (except for a Leasehold Mortgage); (2) any and all amounts secured by the Leasehold Mortgage that are due the lender (or Federal Agency); and (3) damages to the property caused by the defendants, other than ordinary wear and tear. The Tribal Court shall have the authority to award to the prevailing party its costs and reasonable attorney's fees in bringing suit.

(7) Enforcement. Upon issuance of an Order of Repossession by the Tribal Court, Tribal law enforcement officers shall help plaintiffs enforce same by evicting the defendants and their property from the unlawfully occupied Leasehold Estate. In all cases involving the lender or Federal Agency, the Order of Repossession shall be enforced no later than 45 days after a pre-trial proceeding or trial in which the Tribal Court finds against defendants, subject to Paragraph H(7) below, and provided, that no party exercised the right to cure a default or right of first refusal as described in Paragraphs F and G above.

(8) Continuances in Cases Involving the Lender or Federal Agency (which originally made, insured or guaranteed) the mortgage loan. Except by agreement of all parties, there shall be no continuances in cases involving the lender or Federal Agency that will interfere with the requirement that the Order of Repossession be enforced not later than 45 days after a pre-trial proceeding or trial in which the Tribal Court finds against defendants, subject to the sound discretion of the Court.

I. No Merger of Estates

There shall be no merger of estates by reason of the execution of a Lease or a Leasehold Mortgage or the assignment or assumption of the same, including an assignment adjudged by the Tribal Court, or by operation of law, except as such merger may arise upon satisfaction of the Leasehold Mortgage.

J. Certified Mailing to Tribe

In any foreclosure proceedings on a Leasehold Mortgage where the Tribe is not named as a defendant, a copy of the summons and complaint shall be mailed to the Tribe by certified mail, return receipt requested, within five (5) days after the issuance of the summons. If the lessor is not the Tribe, this notice will also be mailed to the lessor at the same time the notice is mailed to the Tribe. If the location of the lessor cannot be ascertained after reasonable inquiry, a copy of the summons and complaint shall be mailed to the lessor in care of the Superintendent of the applicable agency of the Bureau of Indian Affairs.

K. Intervention

The Tribe or any Lessor may petition the Tribal Court to intervene in any Lease or Leasehold Mortgage foreclosure proceeding under this Code. Neither the filing of a petition for intervention by the Tribe, nor the granting of such petition by the Tribal Court shall operate as a waiver of the sovereign immunity of the Tribe, except as may be expressly authorized by the Tribe.

L. Appeals

Appeals under this Code shall be handled in accordance with the general tribal appellate provisions.

CERTIFICATION

As a duly-elected official of the Shingle Springs Band of Miwok Indians, I do hereby certify that, at a meeting duly called, noticed, and convened on the 11th day of February 2016 at which time a quorum of 7 was present, this Governance Code was duly adopted by a vote of 5 FOR, 1 AGAINST, 1 ABSTAINED, and said Code has not been rescinded or amended in any form.

Tribal Chairperson — *February 11, 2016* Date

ATTEST:

Tribal Secretary — *February 11, 2016* Date