

RESOLUTION
COLORADO RIVER TRIBAL COUNCIL

A Resolution to Adopt Procedure Regarding Abandonment of Tribal
Property by Tenant

Be it resolved by the Tribal Council of the Colorado River Indian Tribes, in ~~regular~~ ^{SPECIAL} meeting assembled
on June 10, 1994

WHEREAS, the Colorado River Indian Tribes ("Tribes") desire to retake and protect their assets in the event that a tenant abandons either leased or rented homes or land; and

WHEREAS, the Tribes have no laws, procedures, or guidelines by which to effect such retaking and protection of their assets in the event of abandonment by the tenant:

NOW, THEREFORE, BE IT RESOLVED that the Colorado River Indian Tribes through its Tribal Council adopts the following procedure regarding abandonment of Tribal property by the tenant:

DEFINITION OF ABANDONMENT:

Tribal-owned rental or leased property ("Property") is considered abandoned:

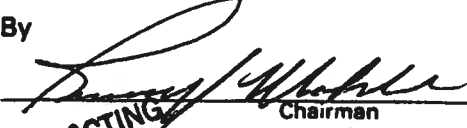
- (1) When a tenant is absent from the property without notice to the Tribes for at least sixty (60) days;
- (2) When rent is outstanding and unpaid for ninety (90) days; and
- (3) When there is no reasonable evidence, other than the presence of the tenant's personal property, that the tenant is occupying the unit.

The foregoing resolution was on June 10, 1994 duly approved by a vote of
5 for, 0 against and 0 abstaining, by the


Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Section
1.c. Article VI of the Constitution and By laws of the Tribes, ratified by the Tribes on March 1, 1975 and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984). This resolution is effective as of the date of its adoption.

COLORADO RIVER TRIBAL COUNCIL

By



 ACTING Chairman



 Secretary

LANDLORD ACTION UPON TENANT ABANDONMENT:

- A. When all three criteria, above, are met, the Tribes may retake the property provided:
- (1) the Tribes send the tenant a notice of abandonment by certified mail, return receipt requested, addressed to the tenant's last known address and to any of the tenant's alternate addresses known to the Tribes; and
 - (2) the Tribes post a notice of abandonment on the door to the property for ten (10) days.
- B. After ten (10) day, if no personal property of the tenant's remains in or on the property, the Tribes may retake the property and re-rent or re-lease the property at fair market value. Any security deposit and interest thereon held by the Tribes from the tenant is forfeited by the tenant. The Tribes may apply that security deposit and interest to past due rents and other reasonable costs incurred by the Tribes because of the tenant's abandonment.
- C. (1) If personal property of the tenant's remains in or on the property after abandonment the Tribes have a landlord lien upon said personal property and may remove all personal property. The tenant must be notified of the location of the personal property through the method set forth above and be given opportunity to retrieve personal property.
- (2) The Tribes must hold the tenant's personal property for sixty (60) days after the date of the notification letter that the property had been seized. If the tenant makes no effort to recover the personal property, the Tribes may sell the personal property, retain the proceeds, and apply them to the tenant's outstanding rent. Storage costs incurred by the Tribes shall be the responsibility of the tenant. The tenant shall not be relieved of any financial obligation to the Tribes outstanding after said proceeds are applied to the arrearages. For twelve months after the sale, the Tribes must keep records of the proceeds of the sale. If the personal property is valueless, the Tribes may dispose of the personal property as the Tribes find appropriate.

- (3) If personal property of the tenant's remains in or on the property after abandonment, the Tribes may retake the property and re-rent or re-lease the property at fair market value after removing and storing the personal property. Any security deposit or interest thereon from the tenant held by the Tribes is forfeited by the tenant. The Tribes may apply that security deposit and interest to past due rents and other reasonable costs incurred by the Tribes because of the tenant's abandonment.
- D. Administrative costs incurred by the Tribes in the amount not to exceed \$500.00 as a result of tenant abandonment shall be the responsibility of the tenant. These administrative costs shall be in addition to attorney's fees, court costs, interest on arrearages or judgment or penalties.
- E. As to Tribal Members, this procedure may be waived at the discretion of the Resource Development Committee or the Tribal Council so long as Tribal Members similarly situated are treated alike.
- F. This policy may be amended at any time by Tribal Council.
- G. In the event that this procedure conflicts with an executed and approved lease, the lease provisions will apply to the abandonment.
- H. In addition to the above, the Tribes may pursue any other available legal remedies, including, but not limited to, suit to collect any outstanding arrearages, damages or fees.

BE IT FINALLY RESOLVED that the Tribal Council Chairman and Tribal Council Secretary or their designated representatives are authorized to sign any and all documents necessary to implement this action.