

FILED NOV - 5 1998

COURT OF THE SHAKOPEE MDEWAKANTON
SIOUX (DAKOTA) COMMUNITY

CARRIE L. SVENDAHL
CLERK OF COURT

COUNTY OF SCOTT

STATE OF MINNESOTA

In re: The Petition of Paula Sutton

Case No. 316-98

FINDINGS OF FACT AND ORDER

On October 5, 1998, Paula Sutton filed a Petition for a disbursement of funds, under the Gaming Revenue Allocation Amendments to the Business Proceeds Distribution Ordinance of the Shakopee Mdewakanton Sioux (Dakota) Community ("the Community"), Ordinance No. 10-27-93-002; and on November 3, 1998 a hearing was held, before the undersigned, on that Petition. The Petitioner was present during the hearing, as were the Petitioner's daughter and son, [REDACTED] and [REDACTED], and the Petitioner's infant grandson [REDACTED]

[REDACTED] Also present was William Hardacker, staff legal counsel for the Community. The Petitioner's son, [REDACTED], was not present. The Petitioner testified under oath, and verified the correctness of the statements made in her Petition. Mr. Hardacker informed the Court that the Business Council of the Community did not oppose the relief requested in the Petition.

Based upon the testimony submitted at the hearing, I find the following facts:

1. The Petitioner is the mother and legal guardian of [REDACTED] born April 16, 1984; [REDACTED], born April 16, 1985; and [REDACTED], born July 10, 1987. The

Petitioner is not a member of the Community. The Petitioner, her three children, and her grandson reside in Soudan, Minnesota, although the Petitioner's son [REDACTED] temporarily is staying in Duluth, Minnesota to attend school.

2. The father of [REDACTED] was Alfred Crooks, who died on September 11, 1992. Alfred Crooks was a member of the Community.

3. [REDACTED] gave birth to a son, [REDACTED], on August 30, 1998.

4. The Petitioner was employed by the Bois Forte Band of Chippewa Indians until the birth of [REDACTED]. Her wages from the Bois Forte Band were approximately \$800.00 per month, net. The Petitioner ended her employment to provide care for her grandson, to enable [REDACTED] to return to school.

5. The Petitioner receives social security benefits in the amount of \$1,140.00 per month, which represents a payment of \$380.00 for each of the Petitioner's three children.

6. [REDACTED], [REDACTED], and [REDACTED] each have been listed as participants in the Community's Children's Trust Fund since 1991. The Trust Fund therefore receives a payment for each of them each month. Those payments are in excess of the amount which the Petitioner seeks to assist her in the care of her children.

7. The Petitioner seeks to receive, from the payments that otherwise would go to the Trust Fund, the sum of \$1,595.00 per month, or \$531.66 from each of the funds of her three children. The Petitioner provided a budget with her Petition, outlining the manner in which she would use the payments she seeks, but the Petitioner did not include any calculation to reflect the increased income tax liability that the Petitioner may experience as a consequence of the receipt of the payments.

8. Section 14.6.A. of Ordinance 10-27-93-002 provides that, upon petition to this Court, and if the Court finds it necessary and appropriate, the Court may order that up to one hundred percent of the payments which would be made to the Children's Trust Fund may be made to the parent of an eligible minor, with whom the minor resides, and that if the eligible parent of such child or children has died, such payments made be made to a non-eligible surviving spouse or legal guardian with whom the child or children reside.

9. The amounts sought by the Petitioner are necessary and appropriate for enhancing the health, education and welfare of the Petitioner's three eligible children.

Therefore, it herewith is **ORDERED:**

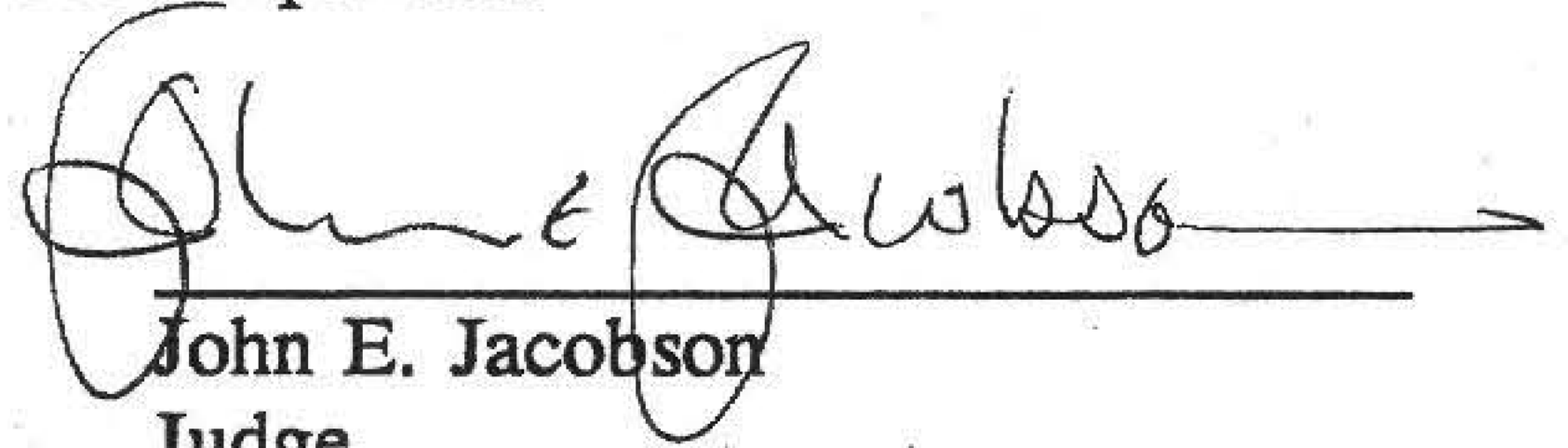
1. The Community will work with the Petitioner to calculate what, if any, additional income tax the Petitioner will be obliged to pay as a consequence of receiving the payments contemplated by this Order, and will arrive at a gross amount of payments that, when aggregate and such projected tax payments are deducted, will yield the Petitioner a total net amount of approximately \$1,590.00 per month.

2. When the calculation ordered by paragraph 1 has been made, the Community shall, pursuant to Section 14.6.A. of Ordinance No. 10-27-93-002, make monthly payments to the Petitioner, in the calculated gross amounts, from the available monthly net proceeds of the businesses of the Community that would otherwise have been paid into the Children's Trust Funds for [REDACTED], [REDACTED], and [REDACTED]. Such payments shall be taken in equal one-third shares from the amounts that otherwise would have been paid into each child's trust account.

3. Another hearing will be held at 1:00 p.m. on May 5, 1999, in the Courtroom of the

Community, at which time the Petitioner will provide a report to the Court on the manner in which the payments contemplated by this Order have been expended.

November 5, 1998



John E. Jacobson
Judge