

COURT OF THE SHAKOPEE MDEWAKANTON SIOUX COMMUNITY

COUNTY OF SCOTT

STATE OF MINNESOTA

Anita Barrientez,
Plaintiff,

v.

The Shakopee Mdewakanton
Sioux Community,
Defendant,

v.

Minnesota Dakota Indian
Housing Authority,
Third-Party Defendant.

MEMORANDUM AND
ORDER

No. 007-88

Memorandum

On March 26, 1992, the parties in this action jointly moved for a Stipulated Judgment with respect to a portion of the matters at issue. The parties filed a Joint Motion, which attached an Affidavit of the Chairman of the Shakopee Mdewakanton Sioux Community ("the Community"), Stanley R. Crooks, and an affidavit of the Executive Director of the Minnesota Dakota Housing Authority ("the MDIHA"), Dale R. Childs, together with a certified copy of Resolution No. 3-12-92-009 ("the Resolution") of the General Council of the Community.

The Resolution authorized Chairman Crooks to execute a lease to the Plaintiff, Anita Barrientez, for the lands

("the Lands") which are at issue in this matter, a description of which is attached hereto as Exhibit 1. The affidavits of Chairman Crooks and Executive Director Childs acknowledge that the Bluedog Law Office presently represents both the Community and the MDIHA, and state that the Community and the MDIHA waive the conflict of interest that exists because of this dual representation. The Joint Motion indicates that all parties agree that it would be appropriate for this Court to resolve the issue of the Plaintiff's right to occupy the lands at issue by entering an order directing the implementation of their settlement. The settlement agreement described by the Joint Motion, and authorized by the Resolution contemplates the execution, by the Community, of a lease to the Plaintiff, for a period of twenty-five years, "with a right to renew".

This matter is by far the oldest matter pending before the Court. It has been the subject of extensive proceedings, and a difficult trial. Throughout, it has been the perception of the Court that a settlement would serve all parties well, if it could be reached; and the Court is aware that all parties, and all counsel, earnestly have sought such a resolution. It therefore is particularly gratifying that, at the end, at least a partial agreement has been reached. The Court commends the parties and all counsel, past and present, for the result.

It therefore is ORDERED:

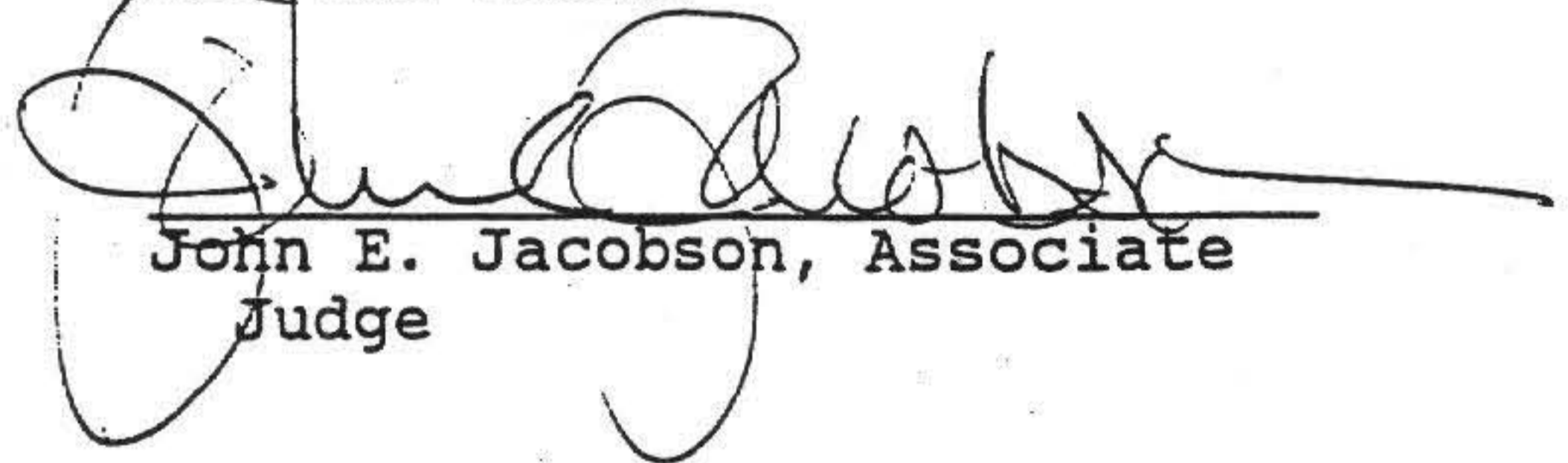
1. That the partial settlement described in the Joint Motion of the parties is approved; and

2. That the parties are directed to enter into the lease contemplated by the Joint Motion within sixty days from the date hereof; and

3. That, within thirty days after the lease contemplated by the Joint Motion has been entered into, the parties are directed to report to the Court, jointly or severally, and to identify the issues which remain unresolved in this matter, and to suggest to the Court a manner in which resolution should be obtained.

March 31, 1992

For the Court:



John E. Jacobson, Associate
Judge