

Chapter I

APPLICATION FOR ASSIGNMENT

Section 1. Application for a Tribal Land Enterprise assignment shall be made on forms designed and provided for that purpose by the Tribal Land Enterprise Office.

Section 2. Each application may include more than one tract of land.

Section 3. The sum of \$25.00 shall accompany each application filed with the Tribal Land Enterprise Office. This fee, which is to cover costs of processing the application, shall be nonrefundable. The \$25.00 fee shall be paid only by, money order, or certified check.

Section 4. The application form shall contain (1) name and complete address of applicant; (2) date application completed; (3) date application received in the Tribal Land Enterprise Office; (4) enrollment number of applicant; (5) legal description of each tract of land requested; and (6) reason and justification in detail for submitting application.

Section 5. A certificate of enrollment shall be attached to each application submitted under this chapter.

Section 6. The Tribal Land Enterprise Board of Directors shall make their determination to grant or deny the application pursuant to the procedures set forth in this chapter on the basis of the information set forth in the application unless further information is allowed, in the discretion of the Board at the meeting provided for in section 11.

Section 7. Upon an application for assignment being filed with the Tribal Land Enterprise Office, Tribal Land Enterprise shall immediately take the necessary steps to procure an appraisal of the land for which an assignment is requested.

Section 8. Notice of application for assignment shall be published three times in a newspaper of general circulation regularly publishing legal notices in the County where the land requested to be assigned is located. The notice shall contain the name and address of the applicant, the legal description of the land, the fact that applicant is requesting an assignment of land, the fact that anyone interested can submit written objections, the fact that anyone wishing to make application will be accepted in the Tribal Land Enterprise office for 30 days following the date of last publication.

Section 9. If the land to which an assignment is sought under this chapter is being leased, rented, or in any other manner used by any person or entity other than the Rosebud Sioux Tribe, a copy of the notice published as set forth in Section 8 shall be delivered to that person or entity personally or by certified or registered mail. Service shall be made to appear by return of service or receipt in the records of the Tribal Land Enterprise.

Section 10. When appraisal of the land for which an assignment is sought under this chapter is received by the Tribal Land Enterprise office, Tribal Land Enterprise shall immediately notify the applicant(s) and/or persons objecting to the assignment of the appraised value of the land. Notification required under this provision shall be made to appear in the records of the Tribal Land Enterprise.

Section 11. The Board of Directors of the Tribal Land Enterprise shall, after the appraisal required by this chapter is completed, make their decision either to grant or reject the application for assignment. The person(s) making an application and/or objecting to the request for assignment shall be notified of the time, date and place where this decision will be made. Notification required under this provision shall be by personal service of registered or certified mail. Notification shall be made to appear in the records of the Tribal Land Enterprise.

Section 12. Objections interposed pursuant to Section 8 of this chapter to the application for assignment shall be considered by the Board of Directors of the Tribal Land Enterprise at the meeting convened pursuant to Section 11. Reasons for objections interposed shall be made to appear by affidavit; provided, however, that the affidavits must be filed within 30 days after the publication provided for in Section 8. The Board of Directors may, in its discretion, allow further evidence to be presented in support of the objections at the meeting convened under Section 11. The reasons for either sustaining or dismissing the objections shall be made to appear in the records of the Tribal Land Enterprise and the decision shall be made known to those filing formal objections.

Section 13. If more than one application is submitted requesting an assignment to the same tract of land, the Board of Directors may, in its discretion, require that sealed bids be submitted by all applicants setting forth the value willing to be paid for the assignment. The sealed bids shall be opened at the meeting convened under Section 11. In no case shall an assignment ever be granted at value below appraisal price.

Section 14. In deciding whether to grant or deny the application for assignment, and, if more than one application is submitted for the same tract of land, to whom the assignment shall be granted, the Board of Directors shall consider the following criteria:

- a. whether the applicant is an enrolled member of the Rosebud Sioux Tribe;
- b. whether the applicant is landless;
- c. sentimental attachment to ancestral land;

- d. value willing to be paid in comparison to the appraised value of the land requested to be assigned;
- e. residence of applicant on the land requested to be assigned to him;
- f. whether the applicant has any leasehold interest in the land requested to be assigned to him;
- g. whether the applicant intends in good faith to establish home or business on the land to be assigned to him;
- h. proximity of established residence to the land requested to be assigned by the applicant;
- i. proximity of land requested to be assigned to other land owned by the applicant;
- j. previous requests for assignment abandoned by applicant because of inability to remit the required consideration for the assignment.

Reasons for rejecting the applicant or awarding an assignment to one person over other persons shall be made to appear in the records of the Tribal Land Enterprise and the decision shall be made known to those filing applications for assignments.

Section 15. The applicant to whom the assignment is granted shall be given six months from the date the assignment is awarded to remit to the Tribal Land Enterprise the required consideration for the value of the assignment.

Section 16. In the event that the applicant to whom an assignment is awarded notifies the Tribal Land Enterprises that he no longer desires to receive the assignment requested, the Tribal Land Enterprise may award the assignment to any of the other persons making applications, after, notice of requested assignment pursuant to Section 8. The alternate assignee shall not have more than six months from the date the assignment was awarded to the primary assignee within which to remit to the Tribal Land Enterprise the required consideration for the value of the assignment.

Section 17. The person to whom an assignment is awarded shall not be entitled to the use of the land assigned in any manner until such time as he has remitted to the Tribal Land Enterprise consideration for the assignment in such amount as specified by the Tribal Land Enterprise.

Section 18. The Tribal Land Enterprise Board of Directors shall have discretion to extend the time in Section 15 within which time the primary or alternate assignee are required to remit consideration for the value of the assignment but in no event shall the time extend exceed the life of the appraisal.

Section 19. If the primary or alternative assignee do not remit the consideration required by the Tribal Land Enterprise for the assignment requested within the time allowed or extensions thereof, no assignment of the land shall be awarded until such time as further application is made pursuant to this chapter.