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ONEIDA LAW OFFICE

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UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS

DAVID V. DILLENBURG  
AND THOMAS G. SLADEK,

Appellants,

v.

**AFFIDAVIT OF DAVID V.  
DILLENBURG**

MIDWEST REGIONAL DIRECTOR,  
BUREAU OF INDIAN AFFAIRS,

Appellee,

Docket Nos. IBIA 15-005  
15-006  
15-007  
15-008



government use authority to levy property taxes on the parcels within their boundaries to fund operations and orderly governance.

4. These property taxes are substantial, amounting annually to thousands of dollars for the typical parcel of property.

5. The applicant parcels are currently subject to property taxes. If these parcels are moved into trust status, those government units will be prevented from collecting property taxes on the applicant parcels. Any transfer to trust will reduce the tax base, which will either mean a heavier tax burden for myself and the rest of the community, or it will mean a reduction in services, to the detriment of myself and the rest of the community.

6. As noted above, I own two rental properties in the very near vicinity of some of the applicant parcels, which I rent out to tenants for income. My property taxes are \$4,674 a year for the 1105 Lacount Rd./2994 Sorenson Dr. parcel and \$4,505 a year for the 2947-2949 Sorenson Dr. parcel. One of the two applicant parcels is less than three blocks from my rental properties and is a duplex. As a duplex, rent is being paid on one, if not both of the duplex units. There is an existing duplex property in trust directly across the street from one of my parcels that is a rental property.

7. Whereas I have property taxes to pay, which will defray the income I make on my properties, the applicant parcels that are rental properties, such as this duplex, will not have those property taxes to pay. As a result of this lower overhead, the Tribe will be able to rent those comparable rental units for a lower amount of money. I have a higher cost of operation than those competing rental properties in trust because property taxes are the single most expensive cost associated with my overhead. Placing these parcels in trust will give those rental properties in trust a decided rental advantage due to the Tribe's lower overhead and ability to charge lower

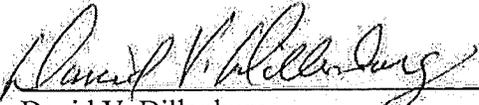
rent, to the detriment of my ability to competitively rent out my properties, which will lower the income I can expect to receive.

8. Vital to the interests of the community, and community members like myself, is the ability of the local units of government to enact and enforce ordinances that provide for peace, safety, order, and security. Ordinances range from matters such as zoning and land use, to maintenance of land and buildings, animal control, criminal conduct, sanitation, nuisance for noise and odors, traffic control, and much more.

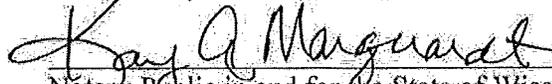
9. The creation of "islands" of land placed in trust status is disruptive to these vital community interests. Confusion is created regarding the jurisdiction of local governmental units over the land and the people. The lack of uniformity in ordinance application results in disputes, disagreements and reduced cohesiveness in neighborhoods. This adversely affects me as an owner of rental units within the community, and depresses my property value as the confusion noted above makes some property buyers reluctant to purchase property in this section of the city.

10. The transfer to trust of the applicant parcels is unauthorized. The Indian Reorganization Act requires that a tribe to be federally recognized as of 1934, which the Oneida Tribe of Indians of Wisconsin is not.

Dated this 30<sup>th</sup> day of December, 2014.

  
David V. Dillenburg

Subscribed and sworn to before me  
this 30<sup>th</sup> day of December 2014.

  
Notary Public in and for the State of Wisconsin  
My Commission expires: 9/19/2017

