

Oneida Nation

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Oneida, WI 54155

BC Resolution # 09-25-24-F

Approval of FY 2025 Annual Limited Waiver of Sovereign Immunity for Real Estate Transactions Insured by First American Title Insurance Company

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** when the Nation acquires new properties and when the Nation conducts fee-to-trust transactions, the Nation enters contracts with title insurance companies for the purpose of insuring the title the Nation is receiving, either deeded directly to the Nation or to the United States in Trust on behalf of the Oneida Nation; and
- WHEREAS,** all of the companies the Nation currently contracts for real estate title work are underwritten by First American Title Insurance Company; and
- WHEREAS,** effective January 1, 2024, First American Title Insurance Company is requiring that all their tribal clients waive sovereign immunity to receive title insurance; and
- WHEREAS,** the Oneida Nation Sovereign Immunity law, in §112.6-2(b) allows for a waiver of sovereign immunity to be made by Oneida Business Committee motion or resolution; and
- WHEREAS,** to continue receiving title insurance policies for real estate transactions underwritten by First American Title Insurance Company, the Oneida Business Committee will need to consider approving a limited waiver of sovereign immunity for each real estate closing OR approve an annual resolution for a limited waiver of sovereign immunity for First American Title Insurance Company on an annual basis; and
- WHEREAS,** requiring Land Management to request a separate limited waiver of sovereign immunity in favor of First American Title Insurance Company for each closing is not efficient and risks the Nation's ability to successfully compete in a time sensitive real estate market; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby provides a limited waiver of sovereign immunity to First American Title Insurance Company that is effective for Oneida Nation Fiscal Year 2025, effective October 1, 2024 and expiring on September 31, 2025, for real estate transactions insured by First American Title Insurance Company and facilitated by a title company that is an approved vendor of the Nation in accordance with the Vendor Licensing Law.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 7 members were present at a meeting duly called, noticed and held on the 25th day of September, 2024; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.



Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."