

NAABIK'ÍYÁTI' COMMITTEE OF THE
23RD NAVAJO NATION COUNCIL - Third Year, 2017

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; CONCURRING WITH THE ACCEPTANCE OF A MONETARY BEQUEST OF FIFTY PERCENT (50%) OF THE BALANCE OF THE TRUST ESTATE OF NANCY H. SINCLAIR TO THE OFFICE OF NAVAJO NATION SCHOLARSHIP AND FINANCIAL ASSISTANCE TO ESTABLISH AN ENDOWED SCHOLARSHIP IN THE NAME OF NANCY H. SINCLAIR; AND DIRECTING THE OFFICE OF NAVAJO NATION SCHOLARSHIP AND FINANCIAL ASSISTANCE TO RECORD THE BEQUEST WITH THE ETHICS AND RULES OFFICE

BE IT ENACTED:

Section One. Authority

- A. Gifts and donations can be made to the Navajo Nation. 2 N.N.C. §1010. Navajo Nation law provides that the President of the Navajo Nation, on behalf of the Navajo Nation, can either accept or decline offers of gifts and donations of property. Gifts or donations, exceeding \$1,000, or estimated values thereof, must be approved by the Naabik'iyati' Committee of the Navajo Nation Council. 2 N.N.C. §§700(A), 1011. All gifts and donations to the Navajo Nation remain property of the Navajo Nation. 2 N.N.C. 1010.

Section Two. Findings

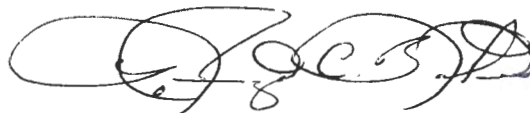
- A. The Estate of Nancy H. Sinclair has bequeathed fifty percent (50%) of the balance of the trust estate to the Office of Navajo Nation Scholarship and Financial Assistance for the establishment of an endowed scholarship fund in the name of Nancy H. Sinclair. See Exhibit "A".
- B. The President of the Navajo Nation has accepted this bequest. See Exhibit "B".
- C. The Office of Navajo Nation Scholarship and Financial Assistance, Department of Dine' Education has further accepted this bequest and identifies Business Unit No. 509007 to be designated the Nancy H. Sinclair Scholarship Fund.

Section Three. Approval

- A. The Navajo Nation hereby concurs with the President of the Navajo Nation's acceptance of the bequest of fifty percent (50%) of the balance of the trust estate of Nancy H. Sinclair to the Office of Navajo Nation Scholarship and Financial Assistance for the establishment of an endowed scholarship fund in the name of Nancy H. Sinclair.
- B. For purposes of accounting and budgeting, and consistent with the intent and purpose of the bequest, the Office of Navajo Nation Scholarship and Financial Assistance shall provide the Office of Management and Budget with appropriate business unit and object code(s), as well as any necessary budget forms.
- C. The Office of Navajo Nation Scholarship and Financial Assistance shall record the receipt of the bequest accepted here with the Ethics and Rules Office as required by 2 N.N.C. §1012.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Naabik'iyáti' Committee of the 23rd Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona), at which a quorum was present and that the same was passed by a vote of 14 in Favor and 00 Opposed, on this 21st day of December, 2017.



LoRenzo C. Bates, Chairperson
Naabik'iyáti' Committee

Motion: Honorable Walter Phelps
Second: Honorable Jonathan L. Hale

Chairperson Bates not voting



**FIRST AMENDMENT AND RESTATEMENT OF THE
NANCY H. SINCLAIR
DECLARATION OF TRUST DATED DECEMBER 29, 1986**

On December 29, 1986, I, Nancy H. Sinclair, as settlor, executed a certain trust agreement with myself, as trustee, wherein I reserved the right at any time or times to amend or revoke the trust agreement in whole or in part by instrument in writing (other than a will) delivered to the trustee.

I hereby amend the trust agreement by revoking Article First through Article Seventh, inclusive and by inserting in lieu thereof the following:

I have transferred to the trustee the property listed in the attached schedule and have caused the trustee to be designated as beneficiary of the life insurance policies described therein. That property, the proceeds of those policies, all additional property received by the trustee from any person by will or otherwise, and all investments and reinvestments thereof, are herein collectively referred to as the "trust estate" and shall be held upon the following trusts:

FIRST: During my lifetime the trustee shall pay so much or all of the income and principal of the trust estate to me or otherwise as I direct. If at any time or times I shall be unable to manage my affairs, the trustee may use such sums from the income and principal of the trust estate as the trustee deems necessary or advisable for the care, support and comfort of myself and any person dependent upon me, or for any other purpose the trustee considers to be for my best interests. Any excess income shall be added to principal.

For purposes of this agreement, I shall be considered to be unable to manage my affairs if I am under a legal disability or by reason of illness or mental or physical disability am unable to give prompt and intelligent consideration to financial matters. The determination as to my inability at any

person. No adjustment shall be made between principal and income or in the relative interests of the beneficiaries to compensate for the effect of elections or allocations under the tax laws made by the legal representative of my estate or by the trustee.

The balance of the trust estate which remains after the foregoing payments have been made or provided for shall be held and disposed of as hereinafter provided.

THIRD: My husband, Stuart H. Sinclair, is deceased. I have no children.

FOURTH: After my death, the trustee shall distribute the balance of the trust estate as follows:

- (a) 50% to the Navajo Relief Fund, a program of the National Relief Charities, with its planned giving office at 13318 Airpark Drive, Elkwood, Virginia, to be used for its Food and Disaster Relief Programs; and
- (b) 50% to the Office of Navajo Nation Scholarship and Financial Assistance Program ("ONNSFA") of Window Rock, Arizona. The ONNSFA, a Navajo Nation government program that provides financial aid and services to Navajo people pursuing higher education, shall use this gift to establish an endowed scholarship fund which to be known as the Nancy H. Sinclair Scholarship Fund. In accordance with the endowment investment and spending policy of the ONNSFA, the income from this Fund is to be used to provide financial assistance to meet the educational expenses of deserving students in all areas of study at the college level. If it should be found that all or part of the income from this Fund is no longer needed for the purposes stated, then such income may be used for such other purposes as the Board of Directors of the ONNSFA shall deem advisable and in the best interests of the

ONNSFA and the students it assists, giving consideration to my goals as evidenced by the purposes designated herein.

In the event either the Navajo Relief Fund or the Office of Navajo Nation Scholarship and Financial Assistance Program is not in existence or is not an organization described in Internal Revenue Code Sections 170(b)(1)(a), and 2055(a) or 7871(a) or 7871(d) at the time any property is distributable to it under this instrument, the trustee shall distribute the trust property otherwise distributable to it to one or more other organizations, each of which is engaged in comparable activities and is then described in Internal Revenue Code Sections 170(b)(1)(a) and 2055(a) or 7871(a) or 7871(d), as the trustee in its sole discretion selects. .

FIFTH: The following provisions shall apply to the trust estate and to each trust under this agreement:

SECTION 1: The interests of beneficiaries in principal or income shall not be subject to the claims of any creditor, any spouse for alimony or support, or others, or to legal process, and may not be voluntarily or involuntarily alienated or encumbered. This provision shall not limit the exercise of any power of appointment.

The rights of beneficiaries to withdraw trust property are personal and may not be exercised by a legal representative, attorney in fact or others.

SECTION 2: Income received after the last income payment date and undistributed at the termination of any estate or interest shall, together with any accrued income, be paid by the trustee as income to the persons entitled to the next successive interest in the proportions in which they take that interest, except that upon my death the undistributed income shall be added to principal.

SECTION 3: For convenience of administration or investment, the trustee may hold

may not be exercised by my legal representative, attorney in fact or others.

In all other respects, I confirm the trust agreement reserving to myself the right further to amend or revoke the same and this amendment thereto.

IN WITNESS WHEREOF, I have signed this amendment and restatement this 24th day of August, 2009.

Nancy H. Sinclair
Nancy H. Sinclair

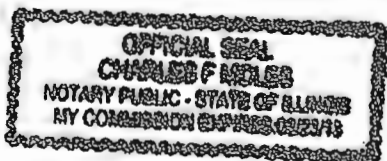
ACCEPTED:

Nancy H. Sinclair
Nancy H. Sinclair, as Trustee

STATE OF ILLINOIS)
) ss.
COUNTY OF COOK)

I, Charles F. Moles, Notary Public, hereby certify that Nancy H. Sinclair, personally known to me to be the same person whose name is signed to the foregoing instrument, appeared before me this day in person and acknowledged that she signed the instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this 24th day of August, 2009.



Charles F. Moles
Notary Public

ACCEPTANCE OF SUCCESSOR TRUSTEE

Date:

Re: Name of Trust

The GLENVIEW STATE BANK accepts the duties and responsibilities of Successor Trustee of the Nancy H. Sinclair Trust dated 12/29/1986, and amended and restated 8/24/2009, effective March 1, 2017.

GLENVIEW STATE BANK
Successor Trustee Aforesaid

By 1/2

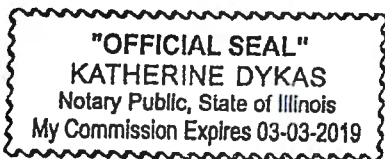
Cheryl L. Westin

Vice President & Trust Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Cheryl L. Westin as Vice President & Trust Officer of the GLENVIEW STATE BANK personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this 1st day of March, 2017.



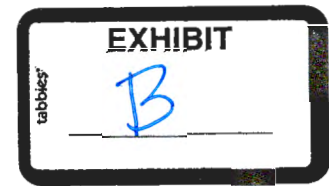
NOTARY PUBLIC



THE NAVAJO NATION

RUSSELL BEGAYE **PRESIDENT**
JONATHAN NEZ **VICE PRESIDENT**

November 28, 2017



Bethany R. Prociuk, CTFA
Trust Administration Officer
Glenview State Bank
800 Waukegan Road
Glenview, IL 60025

Re: Nancy H. Sinclair donation

Dear Bethany,

Thank you for contacting the Navajo Nation on behalf of the Estate of Nancy H. Sinclair. We are grateful for the intentions of Nancy H. Sinclair for her generous donations to the youth of the Navajo Nation.

More than 16,000 Navajo college students apply for funds through the Office of Navajo Nation Scholarship and Financial Assistance. Less than half receive funds to attend college. The Estate of Nancy H. Sinclair will assist more students who would otherwise have been denied funding, because there are not enough funds to assist everyone that applies.

Sincerely,

THE NAVAJO NATION

A handwritten signature in black ink, appearing to read "Russell Begaye".

Russell Begaye, *President*

CC: Rose Graham, Office of Navajo Nation Scholarship and Financial Assistance



THE NAVAJO NATION

RUSSELL BEGAYE
JONATHAN NEZ

Bethany R. Prociuk, CTFA
Trust Administration Officer
Glenview State Bank
800 Waukegan Road
Glenview, IL 60025

September 15, 2017

RE: Charitable contributions to the Navajo Nation are tax deductible

Dear Ms. Prociuk,

Thank you for contacting the Office of Navajo Nation Scholarship and Financial Assistance ("ONNSFA") regarding Mrs. Sinclair's very generous decision to create an endowed scholarship fund naming ONNSFA as the beneficiary. ONNSFA is a Navajo Nation government program that provides financial aid services to Navajo Students pursuing higher education. The Navajo Nation is a federally recognized tribe, which provides substantial governmental services to its members.

The Navajo Nation is eligible to receive charitable contributions that are deductible by the donor for federal income tax, estate tax, and gift tax purposes. Contributions to an organization described in section 170(c) (1) for exclusively public purposes will be tax deductible. (Exhibit 1). Section 170(c) (1) describes states, possessions of the United States, political subdivisions of the foregoing, the United States, and the District of Columbia. Indian tribal governments are treated as states for purposes of deductibility of contributions under section 170(c)(1) of the Code, pursuant to section 7871(a)(1)(A). (Exhibit 2). Revenue Procedure 2008-55 designates that Indian tribal entities that appear on the Department of the Interior, Bureau of Indian Affairs list of federally recognized Indian tribes shall be recognized by the Internal Revenue Service as tribal governments for purposes of section 7871. (Exhibit 3). The Navajo Nation is on the 2017 list of federally recognized Indian tribes published by the Department of the Interior, Bureau of Indian Affairs. (Exhibit 4).

The Navajo Nation has a letter dated June 27, 2016, from the IRS Tax Exempt and Government Entities Division confirming its tax status. (Exhibit 5). Please see attached exhibits. Once again, on behalf of the Navajo Nation and ONNSFA, we thank Mrs. Sinclair and her family for the generous endowment. If you have further questions, please contact the Office of the Controller at (928)871-6308.

Sincerely,

A handwritten signature in blue ink, appearing to read "Pearl Kirk".

Pearline Kirk, Controller
Navajo Nation Office of the Controller

Document No. 008697Date Issued: 08/30/2017**SECTION 164 REVIEW FORM**Title of Document: NANCY H SINCLAIR SCHSHP FUND Contact Name: GRAHAM, ROSEProgram/Division: DEPT OF DINE EDUCATIONEmail: rosegraham@navajo-nsn.gov Phone Number: 928-871-7424/7444

Division Director Approval for 164A: _____

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

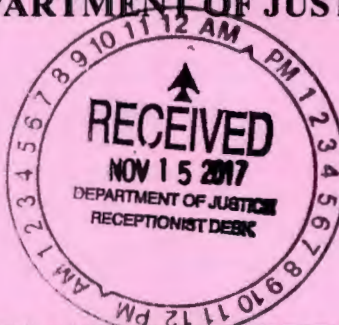
Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: <u>Rose Graham</u>	Date: <u>8-30-2017</u>	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>Depledge - no specific amount</u>	Date: <u>9-14-17</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. OOC: <u>Primmer</u>	Date: <u>10/14/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>Holmes</u>	Date: <u>11/21/17</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Date: <u>10/6/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



NAVAJO NATION DEPARTMENT OF JUSTICE

DOCUMENT REVIEW REQUEST FORM



DOJ
11-15-17 @ 12:48
DATE / TIME
<input checked="" type="checkbox"/> 7 Day Deadline
DOC #: 008697
SAS #:
UNIT: 1759w

5 ☐ RESUBMITTAL

*** FOR NNDOJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE			
DATE OF REQUEST: NOV. 15, 2017		ENTITY/DIVISION: Education	
CONTACT NAME: ROSE Graham		DEPARTMENT: Scholarship	
PHONE NUMBER: 871-7444		E-MAIL: rosegraham@navajo-nsn.gov	
TITLE OF DOCUMENT: Action relating to donation in excess of 1,000.00 from the estate of Nancy H. Sinclair			
DOJ SECRETARY TO COMPLETE			
#133			
DATE/TIME IN UNIT: 11/15/17 @ 1:05		REVIEWING ATTORNEY/ADVOCATE: Chris	
DATE/TIME OUT OF UNIT: 11/21/17 @ 4:00			
DOJ ATTORNEY / ADVOCATE COMMENTS			
INSUFFICIENT. See Memorandum.			
REVIEWED BY: (PRINT) Chris Schneider		DATE / TIME 11/17/17 3:05	SURNAMED BY: (PRINT) Yandis Martinez
DOJ Secretary Called: left voice mail msg		DATE / TIME 11/21/17 3:50pm	
PICKED UP BY: (PRINT)		DATE / TIME:	

Document No. 008697Date Issued: 08/30/2017**SECTION 164 REVIEW FORM**Title of Document: NANCY H SINCLAIR SCHSHP FUND Contact Name: GRAHAM, ROSEProgram/Division: DEPT OF DINE EDUCATIONEmail: rosegraham@navajo-nsn.gov Phone Number: 928-871-7424/7444

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Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input type="checkbox"/>	Statement of Policy or Positive Law:		Sufficient	Insufficient
	1. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)			
	1. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. BRD: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	3. OMB: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	4. OOC: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	5. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:			
	1. Division: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
	2. OAG: _____	Date: _____	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:			
	1. Division: <u>Rose Graham</u>	Date: <u>8-30-2017</u>	<input type="checkbox"/>	<input type="checkbox"/>
	2. OMB: <u>Denial - no specific amount</u>	Date: <u>9-14-17</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	3. OOC: <u>Rose</u>	Date: <u>10/14/17</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	4. OAG: <u>Rose Graham</u>	Date: <u>11/21/17</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

RCS# 690

NAVAJO NATION

Naa'bik'iyati Committee

12/21/2017

04:42:53 PM

Amd# to Amd#

Legislation No. 0482-17

PASSED

MOT Phelps

Concurring with Acceptance of a

SEC Hale

Monetary Bequest of Fifty (50%)
of Balance of the Trust Estate

Yea : 14

Nay : 0

Not Voting : 10

Yea : 14

Begay, K
Begay, NM
Begay, S
BeGaye, N

Crotty
Filfred
Hale
Jack

Perry
Phelps
Slim

Smith
Tsosie
Witherspoon

Nay : 0

Not Voting : 10

Bates
Bennett
Brown

Chee
Damon
Daniels

Pete
Shepherd

Tso
Yazzie