

# Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2000	Subject: Ministerial Guarantee - BARNABY, Sommer/MITCHELL,	Originated by: Steven
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D    M    Y 2 3   0 7   1 2	Province Gepeg

DO HEREBY RESOLVE

THAT the Council of the Band is satisfied with the reputation and financial responsibility of the applicant(s) *Steven Mitchell*, membership number *0510238501* of the *Listuguj Mi'gmaq Government, Quebec Region*, and the said applicant(s) is/are, in the opinion of the Council of the Band, able to repay a loan of *One Hundred and Forty Three Thousand and Four Hundred Dollars (\$143,400.00)* for the purpose, *Construction of housing amortization over a period of Twenty Five (25) years (not to exceed 25 years).*

Financing will be as follows:

This loan will be taken out with *TD Canada Trust*, a lender approved by CMHC pursuant to the National Housing Act, for the purpose of making loans. The definition of "lands" where the *Construction* of housing is proposed is shown in Section 1 of Schedule "A" of the Terms and Conditions for Ministerial Guarantees, as approved by Order In Council P.C. 1999-2000, dated November 4, 1999.

THAT the loan will be for the *Construction* of housing for "Indians" on "lands" (both terms as defined in Section 1 of Schedule "A" of the Terms and Conditions, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999).

Up to and including the amount of \$143,400.00.

Recommended by \_\_\_\_\_.

Approved by \_\_\_\_\_.

Moved: **Wanda Metallic**  
 Seconded: **Calvin Barnaby**  
 Abstain: -  
 Opposed: -  
 Status:  Passed  Defeated  Tabled

Quorum 7

 (Chief)  
 (Councillor)     (Councillor)  
 (Councillor)     (Councillor)     (Councillor)  
 (Councillor)     (Councillor)     (Councillor)  
 (Councillor)     (Councillor)     (Councillor)

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THAT should a default occur, the Council of the Band will assume the borrower(s) responsibilities under the Loan Agreement (No. \_\_\_\_\_) or the Guarantee Agreement (No. \_\_\_\_\_) as set out in Section 12 ("Recovery on Defaulted Loans") of the Terms and Conditions, as approved O.I.C P.C. 1999-2000, dated November 4, 1999.

THAT the Council of the Band has received from the applicant(s) written consent that, upon default of the loan he/she will:

- (i) where applicable, initiate the transfer of any certificate of possession or occupation, location ticket or other documentation held by the applicant(s) in respect of the property referred to in the loan application, to the Council of the Band; and/or
- (ii) vacate the property, having been given reasonable notice by the Council of the Band.

THAT in the event the Council of the Band has not received a written consent from the applicant as per Section 4 above, the Council may apply other remedies according to the policies of the Lands Directorate.

THAT an environmental site assessment has been carried out on the subject property as shown in Section 2.(b) of Schedule "A" of the Terms and conditions for Ministerial Guarantees, as approved by O.I.C. P.C. 1999-2000, dated November 4, 1999, either individually or as part of a sub-division or community assessment, in accordance with the Canadian Standards Association's standard Z768-94 for Environmental Site Assessment (or as may be revised from time to time), and that such assessment confirms that there is no evidence of contamination that may, upon exposure, constitute an identifiable risk to human health or the natural environment.

THAT in the even the borrower(s) default(s) in his/her obligations to the "Lender" as defined in Section 1 of Schedule "A" of the Terms and Conditions for Ministerial Guarantees, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999, the Council of the Band will cause every reasonable effort to be made to have the borrower(s) repay the arrears.

THAT the Council of the Band will, upon default under the loan, and at the request of the Minister, instruct an Agent on its behalf to commence such proceedings as may be necessary against the borrower(s) and the other members of his/her household, to take possession of the property in respect of which the loan was made.

THAT in the event of default of the Borrower(s) the Council of the Band hereby consents to the expenditure of the Band's revenues, or the transfer of such other security deemed acceptable by the Minister, for the purposes of reimbursing the Consolidated Revenue Fund for payments made by Her Majesty to the Lender; and, where Section 89 of the Indian Act is applicable, the Council of the Band shall provide Her Majesty in Right of Canada with a waiver to the application of Section 89 with respect to assets other than land.

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THAT

where under section 4, 5 and 6 of Schedule "A" of the Terms and Conditions for Ministerial Guarantees, as approved by O.I.C. P.C. 1999-2000 dated November 4, 1999:

- (i) the borrower(s) and the existing lender agree to renew an existing loan for another term;
- (ii) the borrower(s) and the existing lender agree to refinance an existing loan;
- (iii) the borrower transfers the loan to a new lender; or
- (iv) the lender assigns the loan to a new lender

and where the borrower(s) default(s) on the loan, the Council of the Band will continue to assume the borrower(s)' responsibilities under the Loan Agreement (No. \_\_\_\_\_) or the Guarantee Agreement (No. \_\_\_\_\_) as set out in Section 12 of Schedule "A", (Recovery on Defaulted Loans") of the Terms and Conditions for Ministerial Guarantees as approved by O.I.C. P.C. 199-2000, dated November 4, 1999.