

West Bank Homeowners Association

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CRIT's Attorney General Fires Back on West Bank in letter to Residents

In a letter to residents, CRIT "Acting" Attorney General Rebecca Loudbear accuses West Bank HoA of providing "misleading information" regarding the recent Tribal Appellate Court decision in *CRIT v French*. However her letter contains no specifics on exactly what information is "misleading". Instead, the CRIT AG acknowledged that the Court rejected CRIT's assertion that a statute of limitations does not apply to Indian Tribes and instead imposed a 3 year statute of limitations on CRIT as reported in the last West Bank Press Release.

What IS misleading of course are statement in the CRIT AG's letter regarding the Court ruling on the western boundary. The fact is that CRIT's own courts refuse to rule on the boundary and instead insist that CRIT law prevents a challenge to land ownership and the location of the boundary:

"Not only does the express language of section 1-311(i) of the CRIT Property Code expressly preclude a former tenant of Tribe from denying or challenging the Tribe's ownership of the former leased property in an eviction proceeding but French's conduct in this matter in taking an assignment of a Permit that expressly acknowledged the Tribe's beneficial ownership of the Leased Property and its location on the Colorado River Indian Reservation and in annually renewing and paying rent for many years under the Permit also estops him from challenging the Tribe's ownership of the land or its location within the Tribe's reservation."

Also misleading in CRIT's letter is the statement that *"The Court also upheld CRIT's right to recover attorney's fees when it prevails in eviction actions"*. Apparently the CRIT AG has not read the opening statement of all rulings handed down by the CRIT Appellate Court:

"NOTE: As provided for in the Law and Order Code "[a]ll decisions" of this Court "... are memorandum decisions that shall not be regarded as opinions of binding precedent in any other cases. See CRIT Law and Order Code, Article II, Chapter B, section 211(d)."

Therefore, the Court did not establish any precedent as asserted by the CRIT Attorney General.

The letter's salutation addressed residents as "Trespasser". We wish to reiterate that Permittees cannot be considered in trespass in accordance with California law. And in accordance with PL280, CRIT cannot consider Permittees in criminal trespass because Indian law can only apply to non-Indians when consistent with state criminal law. Once a landlord grants permission to enter a property, the tenant cannot be considered in trespass. If a lease is terminated and the resident does not vacate, he is considered a holdover tenant, and the matter becomes civil in nature, not criminal.

For residents who have been on their properties for many years, the tactics here by CRIT are no surprise and entirely consistent with their actions in the past.

For further information, please see our website:

www.westbankmembers.com