

## AFFIDAVIT OF ANTHONY G. KATHOL

I, (Affiant) Anthony G. Kathol, resident of 102 School Street, Martin, South Dakota 57551, County of Bennett, State of South Dakota makes the following statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of my knowledge and belief:

On December 18, 2023, it was brought to my attention that the current District 27 State Senator Ms. Red Dawn Foster has voter registration in two states: Colorado and South Dakota. Both voter registrations currently remain active as of March 26, 2024. Reference Exhibits 1 and 2 (pages 5 and 6).

On February 12, 2024, the County of Denver mailed a ballot for the March 5, 2024 Super Tuesday Presidential Primary Election to Ms. Red Dawn Foster's place of residence located at 3838 North Franklin Street, Denver, CO 80205. Moreover, one will see based on the data from the Denver Elections Division Ballottrax posted website, Ms. Foster has been sent multiple ballots since June 2022. Reference attached Exhibit 3 (pages 7 and 8).

On February 23, 2024, at 4:14 PM (Mountain Time), the director of the Oglala Sioux Tribe's Land Office informed me that Ms. Red Dawn Foster presently lives with her cousin Dan Nelson located in a home on the west side of SD Highway 407 South at 114 Moccasin Park Road, Pine Ridge, South Dakota 57770. Reference p. 5 of Ms. Foster's nominating petition for Mr. Nelson's address. This does not match the address identified on her nominating petition that reflects the address of 115 Moccasin Park Road, and is inconsistent with the address on record for her South Dakota voter registration of 119 Moccasin Park Road, Pine Ridge, South Dakota 57770.

As a retired project engineer who worked for the Indian Health Service (IHS) for 21 years, I served the residence of Mr. Dan Nelson under IHS Project AB-03-R15 by extending a community water service line connection from a new water main that was installed parallel to SD Highway 407 South toward the Nebraska-South Dakota border. The aforementioned described work was completed between November 30, 2006 and June 19, 2007. (Reference Exhibit 4 on page 9 of list of project participants with matching number that aligns to the residence number on the drawing. Mr. Dan Nelson maintained the home site lease at that time and continues to not only reside at the residence based on my conversation I had with the director of the OST Land Office on February 23, 2024, but also one can make the argument that he continues to maintain the residential lease agreement on Tribal Tract #T11260 that is held in trust by the Bureau of Indian Affairs (BIA) on behalf of the Oglala Sioux Tribe.

It is highly unlikely that under 25 CFR 162.353 (Reference <https://www.ecfr.gov/current/title-25/section-162.353>), Ms. Foster maintains a sublease at her cousin Dan Nelson's permanent

place of residence based on my own experience of working with BIA Realty Agents throughout my career as a project engineer. I never saw a sublease issued from the BIA.

On March 14, 2024, I contacted Realtor Sheri K. Hussman (605) 867-3589 at the Pine Ridge Agency BIA Realty Office. She informed me that residential home site subleases are not issued. She also said it was illegal for a tribal member to obtain a residential lease and then turn around and then sublease it to another individual. More often than not, the BIA would reassign the lease from the original lessee to the new lessee. Therefore, Ms. Foster would have to have a verifiable lease on file with the BIA to establish permanent residency on the Tribal Tract of land (#T11260) of which she claims as her permanent residence.

Because of the right of privacy and confidentiality requirements, the BIA does not make available for public inspection government documents related to tribally-owned leases unless it is requested through the Freedom of Information Act (FOIA) and would need to be timely in its submission. On March 19, 2024, I submitted a FOIA request to be fast tracked. I have received acknowledgment of my request on March 20, 2024. The FOIA request control number is DOI-BIA-2024-000547. The Bureau of Indian Affairs (BIA) Great Plains Region Office has been requested to provide Ms. Foster's residential leasing information (if it is available). The requested information may not be received in time for submission of this challenge. Therefore, the information under the FOIA request will be appended to this affidavit upon receipt as Exhibit 11 (p. 30).

Regardless of whether or not Ms. Foster has a lease, the OST Land Office director's testimony and Ms. Foster's nominating petition are inconsistent with the records on file both for Adams County and Denver County, Colorado where Ms. Foster maintains two primary residences. Reference Exhibits 5 and 6 (pages 10-25). Moreover, it becomes apparent that when one performs an online search that the county treasurers of both Adams and Denver Counties submit the real estate property tax bill notices to Ms. Foster's primary residence in Colorado located at 9295 Adams Street, Denver, CO 80229, not her primary residence based on her South Dakota voter registration located at 119 Moccasin Road, Pine Ridge, South Dakota 57770, nor the address she writes on her nominating petition. (Reference Figure 3 on page 16 and Figure 5 on page 25 of this affidavit.) Furthermore, the address on her South Dakota voter registration is inconsistent with the addresses reported for Ms. Foster when performing a South Dakota background check on her. Reference Exhibit 7 (page 26).

On March 26, 2024, the South Dakota Secretary of State certified the nominating petition for partisan election for state senator for Ms. Red Dawn Foster as having met the legal requirements for valid petitions. Reference Exhibit 8 (page 27). Under SDCL 12-1-14, "the person in charge of the election shall verify that each person, challenged under SDCL 12-1-13, was a registered voter at the time the person signed the petition by using the registration

documents on file or, for a nominating petition, that the candidate was a resident of the district at the time the declaration of candidacy was signed, in accordance with SDCL 12-6-3.1, and is a registered voter with a party affiliation in accordance with SDCL 12-6-3.2.”

Based on the above referenced information in this sworn affidavit, the nominating petition for partisan election submitted by Ms. Red Dawn Foster is invalid. She is ineligible to file in a public office a nominating petition for partisan election because she filed under oath a petition containing untrue statements of fact and, accordingly, are false instruments. (Reference SDCL 22-11-28.1 and State of South Dakota v. Annette Marie Bosworth, 2017 S.D. 43, <https://uj.s.sd.gov/uploads/sc/opinions/27510.pdf>). Because Ms. Foster’s statements under oath were materially false, the petition is not genuine, which renders them false instruments within the meaning of SDCL 22-11-28.1. The incumbent state senator has misled the registered voters of South Dakota when collecting signatures on her petition while maintaining an active voter registration for 17 ½ years within the State of Colorado since October 10, 2006. She has done little to nothing to expunge her active voter registration in the State of Colorado.

On March 10, 2024, at 2:28 PM, I contacted the Colorado Office of the Secretary of State (303) 894-2200 and spoke with an employee named Jennifer within the State Election Division. Jennifer informed me it is the responsibility of the voter to update their voter registration if they should move to another state. She further explained to me that if the voter failed to vote in two entire election cycles (4 years), the voter registration system is automatically triggered to move the voter’s registration from an “active” to an “inactive” status. She further stated that the voter’s registration would be put in “inactive” status when a mailed ballot or notice is returned to the county auditor’s office because the voter no longer resides at the address on record. Jennifer shared with me that a ballot would not be mailed to a voter once their voter registration has been placed in an “inactive” status. She also explained to me that it is illegal to cast a vote in more than one state and she recommended that I contact the Office of the Attorney General (AG) of either state where the illegal voting activity is occurring to allow the AG to perform an investigation. However, she reminded me that the State of Colorado is not allowed to put a voter’s registration in “inactive” status based on information provided from the general public.

On March 10, 2024, I came across a photo on Google Earth ©2022 taken during the Fall that shows a white vehicle parked in front of Ms. Foster’s primary residence located at 9295 Adams Street, Thornton, CO 80229. The vehicle appears to have license plates from the State of South Dakota (Reference Figure 4 on page 16 of this affidavit). The license plate light blue color looks familiar and appears to be a vehicle registered in South Dakota whereas Colorado license plates are outlined in green with the Rocky Mountains pictured in white in the background. Reference Exhibit 9 (page 28). The photo is unequivocally Ms. Foster’s primary residence in Colorado, but

may not be her vehicle since the license plate number is unidentifiable to protect the anonymity of the vehicle owner, but does make one suspicious as to why a South Dakota vehicle would be parked in the driveway of this particular residence.

In conclusion, Ms. Red Dawn Foster does not have a permanent residence within District 27 as I have demonstrated in the attached exhibits of this affidavit. Under SDCL 12-1-4, it states that "A person retains residence in this state until another residence has been gained. If a person moves from this state to another state or territory with the intention of making it the person's permanent home, the person loses residence in this state." In regard to this affidavit, Ms. Foster has never relinquished title to her properties or surrendered her residency status based on the tax bills mailed to her Colorado address nor did she expunge her voter registration within the State of Colorado as she continues to receive a ballot to her primary place of residence. According to the published information identified on the State of Colorado Secretary of State Website under Voter Registration FAQs, voters are only allowed to have one residence when registering to vote. Reference Exhibit 10 (page 29). Ms. Red Dawn Foster claims three primary residences: two in Colorado and one in South Dakota. Therefore, based on the evidence, the South Dakota Secretary of State must declare Ms. Foster's nominating petition for partisan election for State Senator as invalid.

Anthony G. Kathol  
Signature of Affiant

March 27, 2024  
Date

**ACKNOWLEDGEMENT OF NOTARY**

State of South Dakota, County of Bennett subscribed and sworn to and before me, on 27 day of March, 2024.

Signature Jolene Donovan (SEAL)

NOTARY PUBLIC

My Commission Expires: May 19, 2029



# Exhibit 1: State of Colorado Voter Registration Information of Red Dawn Sally Foster

The screenshot shows a web browser window with the URL <https://www.coloradosos.gov/voter/pages/pub/olvr/regVoterDetail.xhtml>. The page header includes the Colorado Secretary of State logo and name, Jena Griswold, and a search bar. The main content area is titled "My Voter Registration" and includes a warning: "Warning: It is against the law to knowingly submit false information or to tamper with another person's voter registration information." Below the warning, the name "RED DAWN SALLY FOSTER" is displayed. A navigation bar contains tabs for "Voter Details", "Ballot Information", "In Person Voting", and "County & District Information". The "Voter Details" tab is active, showing the following information:

<b>Name</b>	RED DAWN SALLY FOSTER
<b>Birth Year</b>	1974
<b>Registration</b>	
<b>Voter ID</b>	2938709
<b>County registration date</b>	10/10/2006
<b>Registration Status</b>	Active
<b>Party Affiliation</b>	Unaffiliated
<b>Date of Affiliation</b>	10/10/2006
<b>Voter Information</b>	
<b>Residential Address</b>	3838 N FRANKLIN ST, DENVER, CO, 80205

At the bottom of the details section, there are two buttons: "New Search" and "Edit". The footer of the page contains the contact information for the Colorado Secretary of State: "Colorado Secretary of State | 1700 Broadway, Suite 550, Denver CO 80290 | 303-894-2200" and links for "Terms & conditions", "Accessibility statement", and "Browser compatibility". A "Top" button is also present in the bottom right corner.

Figure 1: Screen shot from State of Colorado Secretary of State Website of active voter registration of Ms. Red Dawn Sally Foster. NOTE: Residential address of 3838 N. Franklin Street, Denver, CO 80205.

Source: <https://www.sos.state.co.us/voter/pages/pub/olvr/findVoterReg.xhtml>

## Exhibit 2: South Dakota Voter Registration Information of Red Dawn Sally Foster

The screenshot shows a web browser window with the URL <https://vip.sdsos.gov/PollingPlace.aspx>. The page header features the South Dakota Secretary of State logo and the name **MONAE L. JOHNSON**, along with a "Contact us" link and a portrait of the Secretary. A navigation bar contains links for "Register to Vote", "Pistol Permits", "Lobbyist Registration", "Campaign Finance Reports", and "Search by Subject". The main content area displays the following voter registration information:

**Voter Registration Information for**

**Residence Address**  
Red Dawn Sally Foster  
119 MOCCASIN PARK RD, PINE RIDGE  
Political Party: DEM

**County:** Oglala Lakota  
**Legislative District:** 27  
**County Commissioner District:** Oglala Lakota-4  
**Municipality:**  
**School District:** Oglala Lakota County School District 65-1  
**Precinct:** Pine Ridge 3  
**Special instructions:**

A button labeled "View Sample Ballot" is positioned to the left of a message: "Your sample ballot is not available for viewing yet. \*Not all schools and municipalities currently conduct their elections with this system. If you believe this information is in error, please contact your County Auditor for more information."

Figure 2: Screen shot from State of South Dakota Secretary of State Website of active voter registration of Ms. Red Dawn Sally Foster. NOTE: Residential address of 119 Moccasin Park Road, Pine Ridge, South Dakota 57770.

Source: <https://vip.sdsos.gov/VIPLLogin.aspx>

### Exhibit 3: Notification of Colorado Presidential Primary Ballot Mailed to Ms. Red Dawn Foster

The screenshot shows a web browser window with the URL <https://www.sos.state.co.us/voter/pages/pub/olvr/regVoterDetail.xhtml>. The page header includes the Colorado Secretary of State logo and name, Jena Griswold, and a search bar. The main content area is titled "My Voter Registration" and includes a warning message: "Warning: It is against the law to knowingly submit false information or to tamper with another person's voter registration information." Below this, the name "Name: RED DAWN SALLY FOSTER" is displayed. A navigation menu shows "Ballot Information" as the active tab. A link for "View my sample ballot" is provided. The "Ballot Status" section contains a table with the following data:

Election Name	Election Date	Ballot Status
2024 Denver County Presidential Primary Election	03/05/2024	Your county mailed your ballot on 02/12/2024.

The footer of the page contains contact information for the Colorado Secretary of State and links to "Terms & conditions", "Accessibility statement", and "Browser compatibility".

Figure 3: Notification of mailed 2024 Presidential Primary ballot to Ms. Red Dawn Foster on February 12, 2024.

Source: <https://www.sos.state.co.us/voter/pages/pub/olvr/findVoterReg.xhtml>

ballottrax.coloradosos.gov/voter/dashboard

ballottrax Denver Elections Division

EN - English RED DAWN FOSTER Log Out

### Current Mail Ballot Status

#### 2024 PRESIDENTIAL PRIMARY ELECTION

1/3

Ballot Outbound  
02/12/2024  
Your county elections office has sent your ballot. Visit [GoVoteColorado.gov](https://GoVoteColorado.gov) for more election information.  
Expected Delivery Date: 02/13/2024 - 02/15/2024

**Details**

- Ballot Outbound**  
02/12/2024  
Your county elections office has sent your ballot. Visit [GoVoteColorado.gov](https://GoVoteColorado.gov) for more election information.
- Ballot Received**  
Your ballot has been received! Your voter packet has been received by the county election office.
- Your ballot has been counted!**  
Your ballot has been counted! Thank you for voting!

#### Previous Mail Ballots

2023 COORDINATED ELECTION	Ballot Outbound	✓
2023 MUNICIPAL RUN-OFF	Ballot Outbound	✓
DENVER MUNICIPAL GENERAL	Ballot Outbound	✓
2022 GENERAL	Ballot Outbound	✓
JUNE 28, 2022 PRIMARY	Ballot Outbound	✓

#### Contact Preferences

**OPT-IN EMAIL**

EMAIL

You will receive ballot updates via Email.  
(If you have not received an email update, please check your spam folder and add [doelect@ballottrax.net](mailto:doelect@ballottrax.net) to your contact list.)

**OPT-IN TEXT**

TEXT NUMBER (US NUMBER ONLY)

Example: (303) 333-3333  
You will NOT receive ballot updates via Text Message.

**OPT-IN VOICE**

PHONE NUMBER (US NUMBER ONLY)

Example: (303) 333-3333  
You will NOT receive ballot updates via Voice Call.

**LIMIT NOTIFICATION HOURS**

8:00 AM TO 8:00 PM  
You will only be contacted between the hours of 8:00 AM & 8:00 PM.

Source: <https://ballottrax.coloradosos.gov/voter>



## Exhibit 4

### List of Project Participants for IHS Project AB-03-R15 SD Highway 407 South Water Main Extension and Water Service Connections

#### 407 S. Project

- 1 Dave Brewer
- 2 Larry Eagle Bull
- 3 Mike Merrival
- 4 Ben Tyon
- 5 Steve Shangreaux
- 6 Vern Clifford
- 7 Joe Blue Horse
- 8 Bruce Whalen
- 9 Lenny Brewer
- 10 **Danny Nelson**
- 11 Fanny Nelson
- 12 Joe Locust Sr.
- 13 None
- 14 Donna Pourier
- 15 Calvin Shangreaux
- 16 Charlene Eagle Elk

#### 2 names across HWY 407 S. (east side)

- 1 Joe Locust Jr.
- 2 Mousseaux

#### Plan View of Proposed Water Main Alignment with Water Service Connections

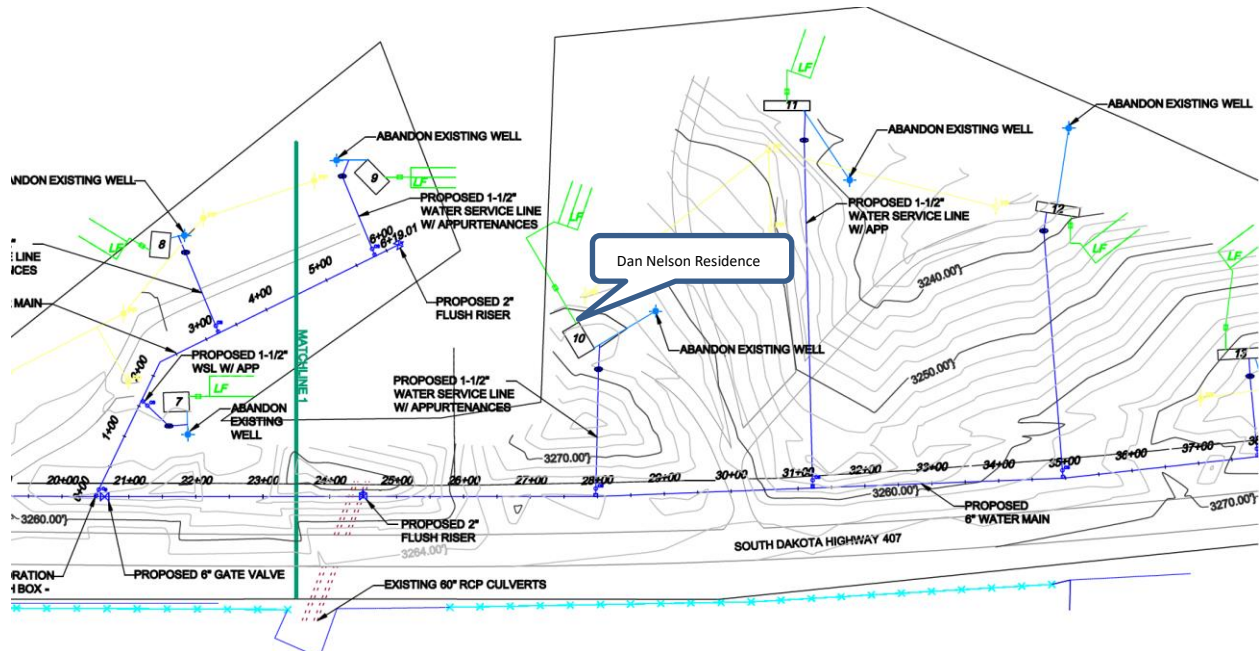


Exhibit 5  
Red Dawn Foster primary residence at 3838 N. Franklin Street, Denver, CO 80205

**3838 N Franklin St**  
Denver, CO 80205 (Denver County)

Estimated Value

**\$542K - \$599K**

✂ Constructed in 1886 🏠 Residential

988 sq. ft. living area 2 bedrooms


3 bathrooms + 1 partial

 **Satellite View & Map**



Exhibit 5 (Continued)

Red Dawn Foster primary residence at 3838 N. Franklin Street, Denver, CO 80205

 Owners & Residents

**Red Foster**

DOB: 01/1974

Phone: (303) 296-2866

**Virgie Aguirre**

**Reddawn Foster**

Possible Addresses:

9295 Adams St Thornton, CO 80229

3 Mocassin Park Rd Pine Ridge, SD 57770

DOB: 03/1974

Phone:

(605) 454-1022, (303) 200-0923, (303) 918-4789

**Rhonda L Vaughn**

**Richard L Montoya**

**Miguel A Martinez**

Possible Addresses:

2626 N Downing St Denver, CO 80205

1028 28th St Denver, CO 80205

Phone: (720) 985-3792

**Miguel Martinez**

**Virgie Martinez**

**Anna Martinez**

**Mniluzahe Berg**

Possible Addresses:

Po Box 122 Pine Ridge, SD 57770

**Dylan Pfohl**

**Dawn Foster Red**

Possible Addresses:

722 26th St Denver, CO 80205

9522 Telhan Dr Huntington Beach, CA 92646

**Emma Ortiz**

**Emma C Ortiz**

**Red D Foster**

**Jpmorgan Chase Bank**

Public Trustee Of Denver County


**Mortgage Electronic Registrati**


**Miguel Martinez**


**Aurelio Acosta**

Exhibit 5 (Continued)

Red Dawn Foster primary residence at 3838 N. Franklin Street, Denver, CO 80205

 Ownership Timeline

 2005 - Present  
**Red D Foster**  
Date of Purchase      Purchase Price  
June 2005              \$126,000

 2005 - 2005  
**Jpmorgan Chase Bank**  
Date of Purchase  
March 2005

 2004 - 2005  
**Mortgage Electronic Registrati**  
Date of Purchase      Purchase Price  
December 2004      \$118,800

 2003 - 2004  
**Miguel Martinez**  
Date of Purchase  
September 2003

 2000 - 2003  
**Miguel Martinez**  
Date of Purchase      Purchase Price  
December 2000      \$130,000

 N/A - 2000  
**Emma C Ortiz**

**Exhibit 5 (Continued)**  
**Red Dawn Foster primary residence at 3838 N. Franklin Street, Denver, CO 80205**



June 19, 2005

### Grant Deed

Residential

Arms-Length



**Seller**

[Jpmorgan Chase Bank](#)



**Buyer**

[Red D Foster](#)

3838 Franklin St

### County Records

APN #

02234-06-005-000

Document Type

Grant Deed

County

Denver

Document #

0000100836

Purchase Type

Transfer

### Title Records

Transaction Id

159854935

Company

First American Title

Code

18618

### Buyer Records

Vesting Changes



## Businesses At This Address



### Sweet Grass Business Solutions LLC

Limited Liability Company

#20151227991

Delinquent

Filing State

CO

Managed By

Red Foster

Filing Date

March 31, 2015

Company Age

8 Years, 11 Months

### Company Contacts



**Red Foster**

3838 N Franklin St N Franklin St Denver, CO

80205

**Exhibit 5 (Continued)**

**Red Dawn Foster primary residence at 3838 N. Franklin Street, Denver, CO 80205**

 **Permits** 

Overview

Total Cost of Work <b>\$600</b>	Number of Permits <b>4</b>	Unique Contractors <b>4</b>
Plumbing Permit 2 Permits \$500		Roofing And Siding Permit 2 Permits



**08/12/2020**

**plumbing permit**

**Contractor**

AGL Construction Company

**Applicant**

**Foster,red Dawn**

**3838 N Franklin St, Denver, CO**

Job Cost	Fees	Status	Permit #
\$500	\$20	Final	<b>2020-PLUMB-0005649</b>

**Description**

AlsIr remove/replace existing lead line with copper



**22/05/2015**

**plumbing permit**

**Contractor**

Sweetwater Plumbing & Heating INC

**Applicant**

Ortiz Emma

3838 N Franklin St, Denver, CO

**Exhibit 5 (Continued)**

**Red Dawn Foster primary residence #1 at 3838 N. Franklin Street, Denver, CO 80205**

Fees	Status	Permit #
\$15	Canceled	1999-PLUMB-0099013039



22/05/2015

**Roofing and siding permit**

**Contractor**

S&H Home Improvement Company

**Applicant**

Ortiz Emma

3838 N Franklin St, Denver, CO

---

Fees	Status	Permit #
\$30	Approved	1998-ROOFSIDE-0098143033



20/05/2015

**Roofing and siding permit**

**Contractor**

CO Home Owner 5

**Applicant**

Foster, Red Dawn


3838 N Franklin St, Denver, CO

---

Fees	Status	Permit #
\$35	Approved	2005-ROOFSIDE-0005096370

## Exhibit 5 (Continued)

### Red Dawn Foster primary residence #1 at 3838 N. Franklin Street, Denver, CO 80205

Neighborhood Business Visiting Government Online Services A to Z

#### Denver Property Taxation and Assessment System

[New Search](#)

3838 N FRANKLIN ST

Owner	Schedule Number	Legal Description	Property Type	Tax District
FOSTER, RED DAWN 9295 ADAMS ST THORNTON, CO 80229-4288	02234-06-005-000	L 7 BLK 9 PROVIDENT PARK	SFR Grade C	DENVER

[Summary](#) [Property Map](#) [Assessed Values](#) [Assessment Protest](#) [Taxes](#) [Neighborhood Sales](#) [Chain of Title](#)

[Print Summary](#)

#### Property Description

Style:	13: 1 STORY	Building Sqr. Foot:	988
Bedrooms:	2	Baths Full/Half:	2/1
Effective Year Built:	1886	Basement/Finish:	126/0
Lot Size:	3,120	Zoned As:	U-SU-A1
Mill Levy:	77.486	Document Type:	SW

Valuation zoning may be different from City's new zoning code.

Figure 3: Evidence of Ms. Red Dawn Foster's tax bill for the residence located at 3838 N. Franklin Street, Denver, CO 80205 is sent from the Denver County Treasurer to Ms. Foster's alternative primary residence located at 9295 Adams Street, Thornton, CO 80229-4288, and not to her Pine Ridge, South Dakota residence located at 119 Moccasin Park Road. See highlighted text above in blue.

Source: <https://www.denvergov.org/property/realproperty/summary/0223406005000>



## Exhibit 6

Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229

9295 Adams St

Thornton, CO 80229 (Adams County)

Estimated Value

\$495K - \$505K

✂ Constructed in 2003 🏠 Residential

2,048 sq. ft. living area 4 bedrooms

2 bathrooms

📍 Satellite View & Map




Figure 4: A white vehicle parked in front of Ms. Foster's primary residence located 9295 Adams Street, Thornton, CO 80229. Notice the license plate color is light blue and appears to be a vehicle registered in South Dakota. Colorado license plates are outlined in green with the Rocky Mountains pictured in white in the background.

Source: <https://earth.google.com/web/search/9295+Adams+Street,+Thornton,+CO/@39.86583895,-104.94587563,1569.87451386a,0d,60y,311.10644436h,84.17903404t,0r/data=CooBGmASWgolMHg4NzZjNzZkNjZmM2I4NzU3OjB4OGU0MWUxZDgyYmYyMWI4NhmpW4e01-5DQCgYcdVjDxawCofOTI5NSBBZGFtcyBTdHJlZXQsIFRob3JudG9uLCBDTxcgBIAEiJgokCah6jHvG70NAEdU9B9YD7kNAGzdLL1NnO1rAIYCj18ywPVrAlhoKfMjQVUIVdaEVIUmKxaW8tck84aUNtNncQAg>

Exhibit 6 (Continued)

Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229

 Owners & Residents

Karen S Sisson

**Possible Addresses:**

8877 Eaton St Apt 405 Westminster, CO 80031  
6455 Sheridan Blvd Arvada, CO 80003  
6870 W 91st Ct Apt 8102 Broomfield, CO 80021

**DOB:** 03/1969

Mniluzah W Berg

**Possible Addresses:**

2801 W Park Pl Denver, CO 80219  
1080 E 131st Dr Thornton, CO 80241

**DOB:** 01/1980

Red Dawn S Foster

Eric H Froening

**Possible Addresses:**

8415 18th Street Rd Greeley, CO 80634  
1725 Alpine St Longmont, CO 80504

**DOB:** 01/1968

**Phone:** (970) 846-1334

Red Dawn Sally Foster

**Possible Addresses:**

3838 N Franklin St Denver, CO 80205

**DOB:** 03/1974

**Phone:** (303) 918-4789

Tashyna Rose Gutierrez

**Phone:** (720) 312-1801

William Clyde Littleman

**Phone:** (720) 415-0781

Pearl Shell

**Possible Addresses:**

5023 Broken Arrow Dr San Jose, CA 95136

Iron Shell Pearl

**Possible Addresses:**

1201 S 7th Ave Apt 2 Sioux Falls, SD 57105

Theresa Burns

**Possible Addresses:**

Po Box 1048 Pine Ridge, SD 57770


Dawn S Foster Red


Red D S Foster

Theresa R Gutierrez

**Exhibit 6 (Continued)**


**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**

 **Ownership Timeline**

 **2007 - Present**

**Red D S Foster**


Date of Purchase	Purchase Price
June 2007	\$218,000


 **N/A - 2007**

**Theresa R Gutierrez**

Exhibit 6 (Continued)

Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229

 Deeds & Sales Records

 February 05, 2021

**Deed Of Trust**

Residential    Conventional

 Buyer

Individual(s)

**Dawn S Foster Red**

**Lender**    **Mortgage**  
**Bank**      **\$163,282**

**County Records**

APN #	Document Type	County
R0133438	Deed Of Trust	Adams

Purchase Type  
Mortgage

**Title Records**

Transaction Id	Block
335433308	5

**Mortgages Records**

Term	Term Date	Lender Name
30 years	04/01/2042	Jpmorgan Chase Bank Na

Lender Address	Document Number	Instrument Number
Columbus, OH	0000051342	2012000051342

**Buyer Records**

Vesting Changes

 June 13, 2007

**Warranty Deed**

Residential    Arms-Length

 Seller



**Exhibit 6 (Continued)**  
**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**

[Theresa R Gutierrez](#)

 Buyer

[Red D S Foster](#)

[9295 Adams St](#)


 **Permits** 

No Building Permits found




GIS Property Search


[Contact Us](#) -

Search All ▾ 0171924112001 

Filters


**Account Types** 



- Agricultural
- Commercial
- Drilling Rig
- Equipment
- Exempt
- Industrial
- Leasing
- Mobile Home
- Oil & Gas
- Personal

**Street Range** 

**From:**

**To:**

Showing 1 - 1 of 1 records 

0171924112001  Account Types: Residential  [Clear Filters](#)

Parcel#	Account#	Owner	Site Address	Type	County Permits
<a href="#">0171924112001</a>	R0133438	FOSTER RED DAWN S	9295 ADAMS ST, THORNTON CO	Residential	<a href="#">ANX1965-00002</a>

« « 1 » »

© Adams County makes no representations or warranty as to the completeness, accuracy, timeliness, or content of any data made available through this site. Adams County expressly disclaims all warranties, whether express or implied, including any fitness for a particular purpose. Although every reasonable effort has been made to ensure the accuracy of the information provided in the dataset(s), Adams County cannot be responsible for consequences resulting from omissions or errors in the information and graphic representations made herein. It is understood that the information contained in the site is being used at one's own risk. Nothing stated herein is intended to be, or should be interpreted as, a waiver of the Governmental Immunity Act, §§ 24-10-101 to 120, C.R.S.

**Exhibit 6 (Continued)**  
**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**

**Adams County  
 Residential Property Profile**

[View on Map](#) [Print Report](#) [Expand All](#)

**Parcel Number:** 0171924112001

<b>Owners Name and Address:</b> FOSTER RED DAWN S 9295 ADAMS ST THORNTON CO 80229	<b>Property Address:</b> 9295 ADAMS ST THORNTON CO
--	--

▼ Account Summary

**Legal Description**

SUB-VILLAGES NORTH SUBDIVISION FILING NO 2 BLK:5 LOT:1
--

**Subdivision Plat**

VILLAGES NORTH SUBDIVISION FILING NO 2
--

**Account Summary**

Account Numbers	Date Added	Tax District	Mill Levy
R0133438	07/19/2001	110	94.252

▼ Permits

**Permit Cases**

ANX1965-00002
---------------

**Exhibit 6 (Continued)**  
**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**

► Sales Summary

Sale Date	Sale Price	Deed Type	Reception Number	Book	Page	Grantor	Grantee	Doc. Fee	Doc. Date
01/30/2001	\$1,232,500.00	BLK	C0755403			VILLNO INC	KAUFMAN AND BROAD OF COLORADO	\$123.25	01/30/2001
08/28/2003	\$249,361.00	WD	C1207963			KAUFMAN AND BROAD OF COLORADO	GUTIERREZ THERESA R	\$24.93	09/11/2003
06/13/2007	\$218,000.00	WD	2007000059197	2007		GUTIERREZ THERESA R	FOSTER RED DAWN S	\$21.8	06/19/2007

Click [here](#) to go to Clerk / Recorder search page

► Valuation Summary

Land Valuation Summary

Account Number	Land Type	Unit of Measure	Number of Units	Fire District	School District	Vacant/Improved	Actual Value	Assessed Value
R0133438	Residential	Acres	0.1600		School District 1-Mapleton	I	\$102,000.00	\$6,830.00
<b>Land Subtotal:</b>							<b>\$102,000.00</b>	<b>\$6,830.00</b>

Improvements Valuation Summary

Account Number	Actual Value	Assessed Value
R0133438	\$446,000.00	\$29,880.00
<b>Improvements Subtotal:</b>	<b>\$446,000.00</b>	<b>\$29,880.00</b>

<b>Total Property Value</b>	<b>\$548,000.00</b>	<b>\$36,710.00</b>
-----------------------------	---------------------	--------------------

	Adjusted Actual Value	Adjusted Assessed Value
<b>*Total Adjusted Value</b>	<b>\$493,000.00</b>	<b>\$33,030.00</b>

\*Per SB22-238 and SB23-001 the value may be reduced by \$55,000.00 for residential and \$30,000 for commercial. [Click here for further information.](#)

► Building Summary

Building Number: 1.00

Individual Built As Detail

<b>Built As:</b>	2 Story
<b>Year Built:</b>	2003
<b>Building Type:</b>	Residential
<b>Construction Type:</b>	Frame Siding
<b>Built As SQ Ft:</b>	2048
<b>Number of Rooms:</b>	6
<b>Number of Baths:</b>	2.00
<b>Number of Bedrooms:</b>	4
<b>Attached Garage SQ Ft:</b>	380
<b>Detached Garage Square Ft:</b>	
<b>Basement SQ Ft:</b>	1024
<b>Finished Basement SQ Ft:</b>	

**Exhibit 6 (Continued)**  
**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**

► Tax Summary

Click [here](#) to go to Treasurer's search page

► Enterprise Zone Summary

Property within Enterprise Zone

False
-------

► Precincts and Legislative Representatives Summary

Precinct

114
-----

Commissioner Representative

Commissioner District	Link to Representative
2	<a href="#">Click Here</a>

State House Representative

House District	Link to Representative
31	<a href="#">Click Here</a>

State Senate Representative

Senate District	Link to Representative
24	<a href="#">Click Here</a>

US Congress Representative

Congressional District	Link to Representative
8	<a href="#">Click Here</a>

► Zoning Summary

Zoning Summary

Zoning Authority	Zoning
THORNTON	THORNTON

Note: Data is updated daily. Above data was updated as of: 03/05/24

Legal Disclaimer: Although every reasonable effort has been made to ensure the accuracy of the public information data and graphic representations, Adams County cannot be responsible for consequences resulting from any omissions or errors contained herein. Adams County assumes no liability whatsoever associated with the use or misuse of this data

Source:

<https://gisapp.adcogov.org/PropertySearch/?searchType=&searchString=0171924112001&selectedAccountTypes=Residential&fromStreet=&toStreet=&streetName=>



**Exhibit 6 (Continued)**

**Red Dawn Foster primary residence #2 at 9295 Adams Street, Denver, CO 80229**


	<b>ADAMS COUNTY COLORADO</b> <b>TREASURER'S OFFICE RECEIPT OF PAYMENT</b>				
<b>Account</b>	<b>Parcel Number</b>	<b>Receipt Date</b>	<b>Effective Date</b>	<b>Receipt Number</b>	
R0133438	0171924112001	Feb 23, 2024	Feb 22, 2024	2024-02-22-99-0858	
<p><b>FOSTER RED DAWN S</b>  <b>9295 ADAMS ST</b>  <b>THORNTON, CO 80229</b></p>					
<b>Situs Address</b>			<b>Payor</b>		
9295 ADAMS ST THORNTON			CHASE HOME FINANCE LLC TAX DEPARTMENT 3001 HACKBERRY ROAD IRVING, TX 75063		
<b>Legal Description</b>					
SUB:VILLAGES NORTH SUBDIVISION FILING NO 2 BLK:5 LOT:1					
<b>Property Code</b>	<b>Actual</b>	<b>Assessed</b>	<b>Year</b>	<b>Area</b>	<b>Mill Levy</b>
RES IMPRV LAND - 1112	102,000	6,150	2023	110	94.252
SINGLE FAMILY RES - 1212	446,000	26,880	2023	110	94.252
<b>Payments Received</b>					
Direct Deposit			Multi-Account Payment		
Bank Account 1					
<b>Payments Applied</b>					
<b>Year</b>	<b>Charges</b>	<b>Billed</b>	<b>Prior Payments</b>	<b>New Payments</b>	<b>Balance</b>
2023	Tax Charge	\$3,113.14	\$0.00	\$1,556.57	\$1,556.57
				\$1,556.57	\$1,556.57
		<b>Balance Due as of Feb 22, 2024</b>			<b>\$1,556.57</b>
<p>ALL CHECKS ARE SUBJECT TO FINAL COLLECTION. THANK YOU FOR YOUR PAYMENT!</p> <p>EMAIL: <a href="mailto:treasurer@adcogov.org">treasurer@adcogov.org</a>   PHONE: 720.523.6160   WEBSITE: <a href="http://www.adcotax.com">www.adcotax.com</a></p>					

Figure 5: Paid receipt of real estate property taxes for Ms. Red Dawn Foster's primary residence located at 9295 Adams Street, Thornton, CO 80229. Notice the tax bill is mailed from the Adams County Treasurer to Ms. Foster's alternative primary residence located at 9295 Adams Street, Thornton, CO 80229-4288, and not to her Pine Ridge, South Dakota residence located at 119 Moccasin Park Road. See highlighted text above in blue.

Source: <https://adcotax.com/treasurer/treasurerweb/taxreceipt/2024-02-22-99-0858.pdf?id=TAXR.R0133438.757S14263>

**Exhibit 7**  
**Background Check Report for Ms. Red Dawn Sally Foster**

**SOUTH DAKOTA BACKGROUND CHECK**

REPORT DATE: WED MAR 13 2024  
STATUS: COMPLETE  
REFERENCE: NF6M-KWCT

---

**SUMMARY**

NAME: RED DAWN FOSTER  
DATE OF BIRTH: 1974  
AGE: 50 YEARS OLD  
LANGUAGES: ENGLISH  
ADDRESS: 115 MOCASSIN PARK RD PINE RIDGE, SD 57770  
PREVIOUS ADDRESSES: 6 RECORDS  
POSSIBLE EMAIL ADDRESSES: 3 RECORDS  
CAREER: 3 RECORDS  
EDUCATION: 2 RECORDS  
SOCIAL MEDIA: 1 RECORD  
POSSIBLE PHONE NUMBERS: 5 RECORDS  
POSSIBLE RELATIVES: 2 RECORDS  
OWNED VEHICLES: 1 RECORD  
POSSIBLE ASSOCIATES: 4 RECORDS

---


**PREVIOUS ADDRESSES**

115 MOCASSIN PARK RD PINE RIDGE, SD 57770  
9295 ADAMS ST THORNTON CO 80229  
2570 WOODSTOCK PL BOULDER CO 80305  
3838 N FRANKLIN ST DENVER CO 80205  
3 MOCASSIN PARK ROAD, PINE RIDGE, SOUTH DAKOTA  
9295 ADAMS STREET, DENVER, COLORADO

---

Source: <https://www.onlinedatareports.com/report/background-check?name=red%20dawn%20foster&max=99&state=sd&token=nf6m-kwct>

**Exhibit 8**  
**2024 South Dakota Primary Election Candidate List**



[Register to Vote](#) | 
 [Pistol Permits](#) | 
 [Lobbyist Registration](#) | 
 [Campaign Finance Reports](#) | 
 [Search by Subject](#) | 
 [Contact us](#)

### 2024 Primary Election Candidate List

- If a candidate is not listed, the Secretary of State's office is waiting for the appropriate filing documentation.
- The following positions are nominated at a state party convention ([SDCL 12-5-21](#)) and will not show up on this list until that state party has certified the candidates to the Secretary of State's office. Positions: public utilities commissioner and 3 presidential electors.
- The Libertarian party and No Labels party, in addition to the candidates in [SDCL 12-5-21](#), may nominate US House of Representatives, and legislative candidates at their state party conventions. ([SDCL 12-5-25](#))
- Candidates will not be listed until the Secretary of State's office receives the official certification(s) from county central committees or state political parties.
- If a candidate is unopposed, that candidate will not be on the Primary Election ballot.
- If a candidate runs as an Independent, that candidate will not be on the Primary Election ballot. Independent candidates are automatically placed on the General Election ballot.
- If a county candidate is unopposed after the Primary Election, that candidate will not be on the General Election ballot.
- The last day for party central committees to fill vacancies, created by candidates who withdrew their nominations, is August 13 ([SDCL 12-8-6](#)).
- Local city and school races may be listed on the candidate list and ballot, if the jurisdiction is combining with the county for the Primary Election.

District: County, Legislative District, Commissioner Districts, Conservation Districts, Water Development District, Heartland Consumer Power District, City, School, Precinct

Contest	Name	Party	Petition Filing Date	District/County	Ballot Order	Mailing Address
State Senator	Red Dawn Foster	DEM	03/26/2024	District 27		PO Box 602 Pine Ridge SD 57770

Source: <https://vip.sdsos.gov/candidatelist.aspx?eid=651>

**Exhibit 9**  
**Details of License Plates for South Dakota and Colorado**



Source: <https://dor.sd.gov/newsroom/south-dakota-to-begin-license-plate-reissue-january-2023/>

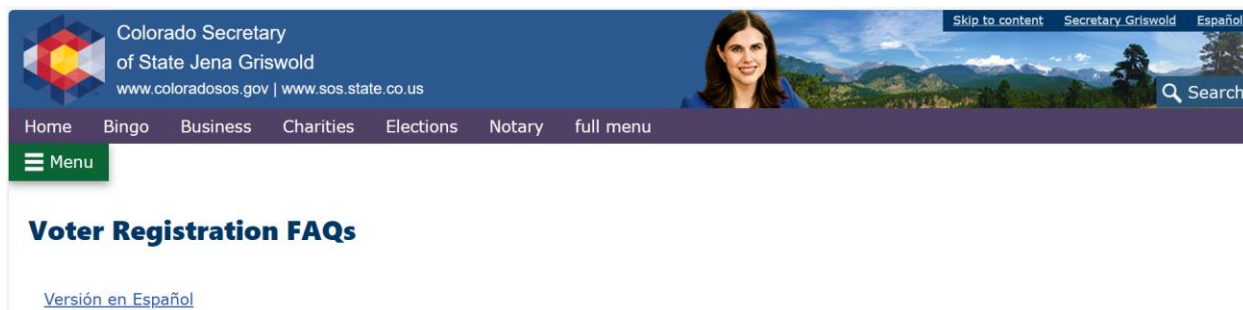


Passenger

Source: <https://dmv.colorado.gov/regular-license-plates>

## Exhibit 10

### State of Colorado Voter Registration FAQs



The screenshot shows the top navigation bar of the Colorado Secretary of State website. It includes the state seal, the name 'Colorado Secretary of State Jena Griswold', and the website URLs 'www.coloradosos.gov' and 'www.sos.state.co.us'. There are links for 'Skip to content', 'Secretary Griswold', and 'Español'. A search bar is also present. Below the navigation bar is a menu with options: Home, Bingo, Business, Charities, Elections, Notary, and full menu. The main content area is titled 'Voter Registration FAQs' and includes a link for 'Versión en Español'.

#### Q4. What is a "residence" for purposes of voter registration and voting?

**A4.** The term "residence" generally means the principal or primary home or place in which a person lives. A "residence" is a permanent building or part of a building and may include a house, apartment, condominium, room in a house, or mobile home.

Homeless voters can register to vote. A homeless voter may use any address within a specific county that he/she regularly returns to and has the intent to remain. This may include a homeless shelter, a homeless service provider, a park, a campground, a vacant lot, a business address, or any other physical location.

You must have a residence to register to vote. Once you establish a residence, it exists until you establish a new residence.

**Note:** you may not have more than one residence.

Source: <https://www.coloradosos.gov/pubs/elections/FAQs/VoterRegistrationFAQ.html>

**Exhibit 11**  
**Residential Lease Documents from the Bureau of Indian Affairs (BIA)**  
**Tribal Tract of Land (#T11260)**  
**FOIA request control # DOI-BIA-2024-000547**

**(To be appended to affidavit upon receipt of documents from BIA)**



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue SE, Suite 400  
Aberdeen, South Dakota 57401

IN REPLY REFER TO:

FOIA No. DOI-BIA-2024-000547

April 17, 2024

*Sent via e-mail at akathol@gwtc.net*

**Certified Mail – Return Receipt Requested – 7016 2140 0000 8837 8986**

Mr. Anthony Kathol  
Post Office Box 165  
Martin, South Dakota 57551

Dear Mr. Kathol:

The Bureau of Indian Affairs, Great Plains Region, received your Freedom of Information Act (FOIA) request, on March 19, 2024, and it has been assigned control number DOI-BIA-2024-000547. Cite this number in any future communications with our office regarding your request.

In your request you seek:

" I am looking for a copy of a residential lease in the names of Red Dawn Foster and Daniel Nelson. Ms. Foster is a cousin to Daniel Nelson. According to previous conversations with tribal officials, Mr. Nelson has a residential lease on Tribal Tract Allotment T11260. According to Ms. Red Dawn Foster, she has established her primary residency at the following address that matches her voter registration in South Dakota: a blue home on the west side of SD Highway 407 South at 119 Moccasin Park Road, Pine Ridge, South Dakota 57770. This rural address is on Tribal Tract Allotment T11260 and should be in the name of Dan Nelson, not Red Dawn Foster unless she has a current sublease. According to Sheri Hussman, BIA Realty Specialist in Pine Ridge, this tract of land cannot be subleased, but can only be reassigned to Ms. Red Dawn Foster to establish residency within the State of South Dakota. This address is what is currently on her voter registration and therefore, the public has a right to know whether or not she has a legitimate residential lease on tribal land to establish residency requirements under South Dakota law since she is running for political office."

Because we will need to consult, with all practicable speed, with another agency, or among two or more components of the Department having a substantial interest in the determination of the request, we are taking a 10-workday extension under *43 C.F.R. § 2.19*. We therefore expect that we will dispatch a determination to you by April 30, 2024.

Please do not hesitate to contact me at (605) 226-7618, or at [yolanda.laplant@bia.gov](mailto:yolanda.laplant@bia.gov) with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Yolanda LaPlant', with a long horizontal line extending to the right.

Yolanda LaPlant  
Alternate Regional FOIA Coordinator





# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Great Plains Regional Office  
115 Fourth Avenue SE, Suite 400  
Aberdeen, South Dakota 57401

IN REPLY REFER TO:  
FOIA No. DOI-BIA-2024-000547

**MAY 02 2024**

*Sent via electronic mail at akathol@gwtc.net*

**Certified Mail – Return Receipt Requested – 7016 2140 0000 8837 8993**

Mr. Anthony Kathol  
Post Office Box 165  
Martin, South Dakota 57551

Dear Mr. Kathol:

This is in response to the Freedom of Information Act (FOIA) request you submitted electronically on March 19, 2024, and received on March 19, 2024. Your request was assigned FOIA control number DOI-BIA-2024-000547. Cite this number in any future communications with our office regarding your request.

In your request you seek:

" I am looking for a copy of a residential lease in the names of Red Dawn Foster and Daniel Nelson. Ms. Foster is a cousin to Daniel Nelson. According to previous conversations with tribal officials, Mr. Nelson has a residential lease on Tribal Tract Allotment T11260. According to Ms. Red Dawn Foster, she has established her primary residency at the following address that matches her voter registration in South Dakota: a blue home on the west side of SD Highway 407 South at 119 Moccasin Park Road, Pine Ridge, South Dakota 57770. This rural address is on Tribal Tract Allotment T11260 and should be in the name of Dan Nelson, not Red Dawn Foster unless she has a current sublease. According to Sheri Hussman, BIA Realty Specialist in Pine Ridge, this tract of land cannot be subleased, but can only be reassigned to Ms. Red Dawn Foster to establish residency within the State of South Dakota. This address is what is currently on her voter registration and therefore, the public has a right to know whether or not she has a legitimate residential lease on tribal land to establish residency requirements under South Dakota law since she is running for political office."

We have completed our review and have enclosed one file consisting of 5 pages. We are redacting three pages in part under FOIA Exemption 6. 5 U.S.C. § 552(b)(6).

## **Exemption 6**

Exemption 6 allows an agency to withhold "personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

5 U.S.C. § 552(b)(6). We are redacting one page under Exemption 6 since the records contain sensitive information.

Specifically, the phrase “similar files” covers any agency records containing information about a particular individual that can be identified as applying to that individual. To determine whether releasing records containing information about a particular individual would constitute a clearly unwarranted invasion of personal privacy, we are required to balance the privacy interest that would be affected by disclosure against any public interest in the information.

Under the FOIA, the only relevant public interest to consider under the exemption is the extent to which the information sought would shed light on an agency’s performance of its statutory duties or otherwise let citizens ‘know what their government is up to’. The burden is on the requester to establish that disclosure would serve the public interest. When the privacy interest at stake and the public interest in disclosure have been determined, the two competing interests must be weighed against one another to determine, which is the greater result of disclosure: the harm to personal privacy or the benefit to the public. The purposes for which the request for information is made do not impact this balancing test, as a release of information requested under the FOIA constitutes a release to the general public.

The information that has been withheld under Exemption 6 consists of personal information, including full names and the amount of the residential lease payment, and we have determined that the individuals to whom this information pertains have a substantial privacy interest in withholding it.

Additionally, you have not provided information that explains a relevant public interest under the FOIA in the disclosure of this personal information and we have determined that the disclosure of this information would shed little or no light on the performance of the agency’s statutory duties. Because the harm to personal privacy is greater than whatever public interest may be served by disclosure, release of the information would constitute a clearly unwarranted invasion of the privacy of these individuals and we are withholding it under Exemption 6.

We reasonably foresee that disclosure would harm an interest protected by one or more of the nine exemptions to the FOIA’s general rule of disclosure.

James C. Redman, Acting Regional Director, is responsible for this denial. Kara Pfister, Senior Attorney in the Office of the Solicitor was consulted.

### **Appeal Rights**

You may appeal this denial to the Department’s FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA Appeals Officer must receive your FOIA appeal **no later than 90 workdays** from the date of this letter. Appeals arriving or delivered after 5:00 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

**Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA Appeals Officer by mail, courier service, fax, or email. All

communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the BIA's response is in error. You must also include with your appeal copies of all correspondence between you and the BIA concerning your FOIA request, including your original FOIA request and the BIA's response. Failure to include with your appeal all correspondence between you and the BIA will result in the Department's rejection of your appeal, unless the FOIA Appeals Officer determines (in the FOIA Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

*DOI FOIA/Privacy Act Appeals Office Contact Information:*

Department of the Interior  
Office of the Solicitor  
1849 C Street, N.W.  
MS-6556 MIB  
Washington, DC 20240

Attn: FOIA/Privacy Act Appeals Office

Telephone: (202) 208-5339  
Fax: (202) 208-6677  
Email: [FOIA.Appeals@sol.doi.gov](mailto:FOIA.Appeals@sol.doi.gov)

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. *See 5 U.S.C. 552(c)*. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services  
National Archives and Records Administration  
(OGIS) 8601 Adelphi Road  
College Park, MD 20740-6001  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Web: <http://ogis.archives.gov>  
Telephone: (202) 741-5770

Facsimile: (202) 741-5769  
Toll-free: 1-877-684-6448

Note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer. If you have any questions about our response to your request, you may contact Anne-Marie Tso by phone at (605) 226-7343, by email at [anne-marie.tso@bia.gov](mailto:anne-marie.tso@bia.gov), or by mail at Bureau of Indian Affairs, Great Plains Region, 115 4<sup>th</sup> Avenue, SE, Suite 400, Aberdeen, South Dakota 57401, or you may contact Yolanda LaPlant, Alternate Regional FOIA Coordinator, by phone at (605) 226-7618, by email at [yolanda.laplant@bia.gov](mailto:yolanda.laplant@bia.gov), or by mail at the same address.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

We do not bill requesters for FOIA processing fees when their fees are less than \$50.00, because the cost of collection would be greater than the fee collected. *See 43 C.F.R. § 2.37(g)*. Therefore, there is no billable fee for the processing of this request. This completes the Bureau of Indian Affairs' response to your request. Should you have any questions, please contact me at (605) 226-7343.

Sincerely,

A handwritten signature in blue ink that reads "Francine Fast Horse". The signature is written in a cursive, flowing style.

Francine Fast Horse  
Acting Regional Director

Enclosure: 5 pages in part

Post to plot

(b) (6)

SD1- 33

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
LEASE - TRIBAL

344 44848

5-6405

Lease No. 94-208  
Document Number \_\_\_\_\_

Site Number MH-133  
Project Number SD1- 33  
District **Wakpamni**

THIS LEASE, made and entered into this 20th day of April, 1994 by and between OGLALA SIOUX TRIBE, hereinafter called the "LESSOR" and the OGLALA SIOUX HOUSING AUTHORITY (or OSHA), hereinafter called the "LESSEE", in accordance with existing laws and regulations (25 CFR 162) which by reference are made a part hereof, and subject to approval of the Secretary of the Interior or his duly authorized representative acting delegated authority.

**WITNESSETH:**

The parties hereto for the consideration hereinafter mentioned do covenant and agree as follows:

1. **PREMISES.** The Lessor hereby leases to the Lessee the following real property located in Shannon County, State of S.D. described as follows: **TR-11260**  
**SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S.13, T35N., R45W, 6th PM**  
**1.0 acres more or less**

The above property will comprise approximately 1 dwelling site.

2. **USE OF PREMISES.** The premises shall be used for the purpose of constructing and operating a **MH** Housing Project, and its appurtenances, known as Project SD1-33, with the financial assistance of HUD, hereinafter called HUD, the lender, an Agency that makes guarantees, or insures loans, and for such other purposes, not inconsistent with the foregoing as may be approved by the lessor and HUD, the lender.

3. **TERM.** Lessee shall have and hold the described premises with their appurtenances for a term of 25 years beginning on the date of approval by the Secretary. This lease shall automatically and without notice renew for an additional term of 25 years on the same terms and conditions contained herein. This lease may not be terminated by either or both parties during the term provided herein if so long as the lease and/or any improvements on the lease premises. or any interest therein are mortgaged or pledged or encumbered as security for any loan to Lessee or its successors pursuant to an authorized encumbrance instrument, in connection with construction and operation of said Housing Project, unless Lessee or successor, consents in writing to such termination agreed upon by the Lessor and Lessee.

4. **CONSIDERATION FOR LEASE.** In consideration of the Lessor entering into the lease, the Lessee shall pay the Lessor for use of the premises rent at the rate of (b) (6) on January 2 of each year thereafter until expiration of this lease. It is agreed that there shall be no adjustment of these payments in the event that any part of the leased premises is taken by condemnation for highway or other public purpose. It is further agreed that this lease or any part thereof including this paragraph shall not be constructed to prejudice the rights or impair the prosecution of any claim of the Lessee arising out of such condemnation proceeding.
5. **SUBLEASES.** The lessee is hereby authorized to make subleases of its leasehold interests in connection with the construction, development and operation of the Public Housing Project subject to the limitations of term and other conditions or limitations of this lease. During the term of any sublease, should the sublease become an owner of the subleased land, it is hereby agreed that a merger of interest shall not occur.
6. **ASSIGNMENTS.** The lease shall not be assigned, in whole or in part without the prior written consent of the Lessor or the Secretary, and HUD, the lender, during the period that HUD has a financial interest in the project, provided that the Lessee may assign this lease or deliver possession of the premises to the United States of America without the consent of the Lessor or Secretary in the event of the issuance of a Notice of substantial Default, or substantial breach of any financial assistance contract between the Lessee and the United States.
7. **IMPROVEMENTS.** All improvements shall remain the property of the Lessee, sublessee or assignee until the expiration of the lease. All such improvements shall then become the property of the Lessor at the expiration or termination of this lease.
8. **INSURANCE.** Lessee agrees to obtain and maintain for owner's, landlord's, and tenant's public liability insurance, excluding property damage, at no cost to in amounts acceptable to the Lessor and HUD, the lender. It is understood and agreed that the term "owners" includes both the United States and the Lessor. The Lessee and its assigns shall hold Lessor and the United States harmless from any claim whatsoever nature arising out of the use or occupancy of the leases of subleased premises
9. **RELINQUISHMENT OF SUPERVISION BY THE SECRETARY.** Nothing contained in this lease shall operate to delay or prevent a termination of Federal trust responsibilities with respect to the land by the issuance of a fee patent or otherwise during the term of the lease; however, such termination shall not serve to abrogate the lease. The owners of the land, the lender, and the Lessee shall be notified by the Secretary of any such change in the status of the land.
10. **SHARE OF BENEFIT FROM LEASE.** No member of Congress or any delegate thereto or any resident Assistant Secretary for Indian Affairs shall be admitted to any share or part of this lease or to any benefit that may arise herefrom.
11. **VIOLATIONS OF LEASE.** It is understood and agreed that violations of this lease shall be acted upon in accordance with the regulations in 25 CFR 162.

12. **QUIET ENJOYMENT**. Lessor agrees to defend the title premises and also especially agrees that lessee and its tenants shall peaceably and quietly hold, enjoy and occupy the leases premises for the duration of this lease without any hindrance, interruption, ejection or molestation by Lessor by any other person or persons whomsoever.

13. **SURRENDER OF POSSESSION**. Upon the expiration or other termination date of this lease, the Lessee, sublessee, or assignee shall without further action by Lessor, remove themselves from and surrender to the Lessor, complete and peaceable possession of the premises. No further occupancy or use rights are implied or granted by the provisions of this lease.

14. **UNLAWFUL CONDUCT**. The Lessee agrees not to use or cause to be used any part of said premises for any unlawful conduct or purposes.

15. **ASSENT NOT WAIVER OF FUTURE BREACH OF COVENANTS**. No assent, express or implied, to any breach of any of the Lessee's covenants, shall be deemed to be a waiver of any succeeding breach of any covenants.

16. **UPON WHOM BINDING**. It is understood and agreed that the covenants and agreements hereinbefore mentioned shall extend to be finding upon the heirs, assigns, successors, executors, and administrators of the parties of this lease. While the leased premises are in trust or restricted status, all of the Lessee's obligations under this lease, and the obligations of its sureties, are to the United States as well as to the Lessor.

17. **ENCUMBRANCE**. Lessee may, without consent of Lessor or approval of the Secretary, mortgage, pledge or otherwise encumber the lease or improvements on the leased premises as may be necessary and appropriate under a Federal financial assistance contract between the lessee and HUD, the lender. Provided that Lessor and Secretary and written approval of HUD mortgage, pledge or encumber this lease or any interest in this lease or improvements on the leased premises when a prior, existing mortgage, pledge or encumbrance is in force with HUD, the above lender or any other lender under an authorized encumbrance, from taking the necessary foreclosure or other actions provided in the encumbrance instrument except for the following options.

**OPTIONS**. In the event a default by the Lessee under an authorized encumbrance remains uncured for ninety (90) days, Lessor shall have the first right of refusal to acquire the Lessee's interest under the encumbrance upon (a) payment of all sums then in arrears, and (b) either payment of the balance of the loan or entering into any assumption of the encumbrance or, in the case of the encumbrance executed in favor of HUD, the payment of all sums then in arrears and payment of the balance of the secured loan. Said right of first refusal may be exercised at any time within thirty (30) days after notice in writing from the lender of the Lessee's default, which notice shall be given before the lender invokes any other remedies provided under the encumbrance instrument or by law, and shall be exercised by notice in writing from the lessor to the lessee and the lender; provided, however, that the lessee shall have fifteen (15) days from the date of the latter notice to cure the default. The estate acquired by the lessor through exercise of said right of first refusal shall not merge with any other estate or title held by the Oglala Sioux

Tribe as long as this lease and/or any improvements on the premises, or any interest therein, are encumbered or otherwise pledged as security for any loan, and said estate shall remain subordinate to any valid and subsisting mortgage or other security instrument.

18. **MINERALS.** Lessor excepts and reserves to itself, its successors, and its assigns, all oil, gas, coal and minerals whatsoever, already found or which may hereafter be found, upon or under the premises, with the right to prospect for, mine, and remove the same. Lessor agrees not to exercise, or allow others to exercise, its rights to enter upon the surface of the premises, or provided, however, that the lessor shall have the rights to explore, develop and extract minerals from the premises by operations carried on from adjoining lands.

19. **RIGHT-OF-WAY.** The contract provides the right of Ingress and Egress to and from the residence for this tract only.

20. **DEFINITIONS.** "Secretary" as used in this lease means the Secretary of the Interior or his duly authorized representative acting under delegated authority.

**TO BE USED WHEN THE SITE IS ON TRIBAL TRUST LAND.**

In Witness Whereof, the parties hereto have hereunto set their hands on the date first above written.

WITNESSES:

Robin White

Leticia Fast Horse

Lolene Black Leather

Erica Jantz

LESSOR:

William Between Judges  
CHAIRMAN, OGLALA SIOUX TRIBE

Theresa Two Bulls  
SECRETARY, OGLALA SIOUX TRIBE

LESSEE:

Paul L. El  
OGLALA SIOUX HOUSING AUTHORITY

The within lease is hereby approved:

12/23/94  
DATE

[Signature]  
SECRETARY OF THE INTERIOR

RECORDED  
B.I.A. - LTR0  
FEB 4 12 32 PM '95  
ABERDEEN  
AREA OFFICE

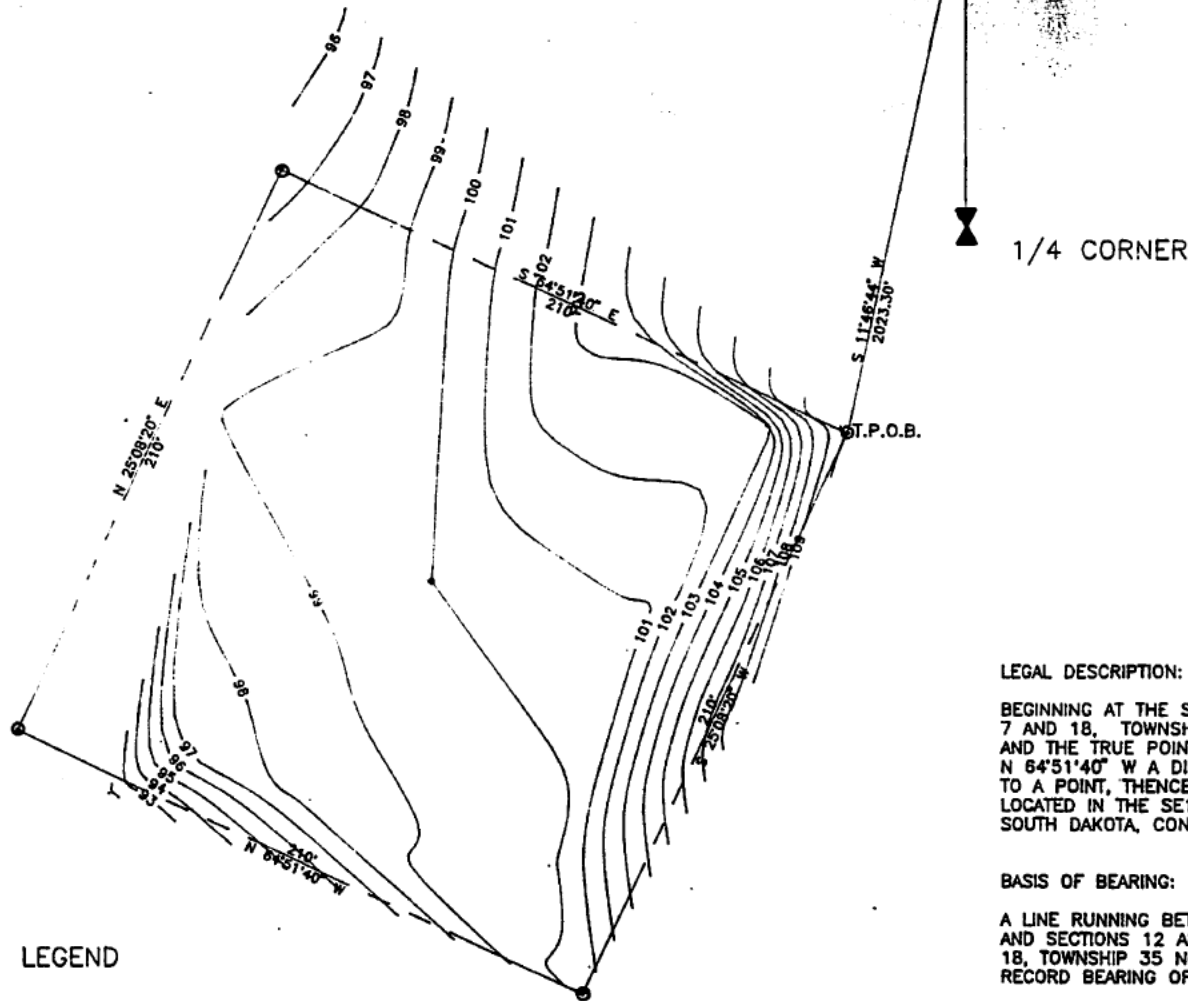
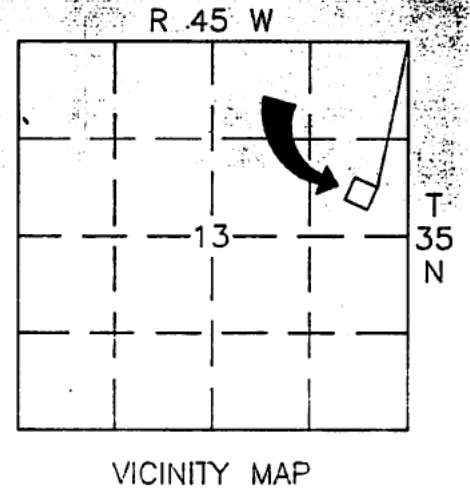


EXHIBIT OF SURVEY  
MH-133

(b) (6)

344 44848

SEC. 12    SEC. 7  
SEC. 13    SEC. 18  
T 35 N,    T 35 N,  
R 45 W    R 44 W



PART OF THE SE1/4NE1/4,  
SECTION 13, TOWNSHIP 35 NORTH,  
RANGE 45 WEST OF THE 6th P.M.,  
SHANNON COUNTY, SOUTH DAKOTA

LEGAL DESCRIPTION:

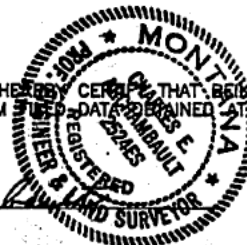
BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 12 & 13, TOWNSHIP 35 NORTH, RANGE 45 WEST, AND SECTIONS 7 AND 18, TOWNSHIP 35 NORTH, RANGE 44 WEST, THENCE S 11°46'44" W A DISTANCE OF 2023.30 FEET TO A POINT AND THE TRUE POINT OF BEGINNING, THENCE S 25°08'20" W A DISTANCE OF 210.00 FEET TO A POINT, THENCE N 64°51'40" W A DISTANCE OF 210.00 FEET TO A POINT, THENCE N 25°08'20" E A DISTANCE OF 210.00 FEET TO A POINT, THENCE S 64°51'40" E A DISTANCE OF 210.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING, LOCATED IN THE SE1/4NE1/4, SECTION 13, TOWNSHIP 35 NORTH, RANGE 45 WEST OF THE 6th P.M., SHANNON COUNTY, SOUTH DAKOTA, CONTAINING 1.00 ACRES MORE OR LESS.

BASIS OF BEARING:

A LINE RUNNING BETWEEN THE SECTION CORNER COMMON TO SECTIONS 7 AND 18, TOWNSHIP 35 NORTH, RANGE 44 WEST, AND SECTIONS 12 AND 13, TOWNSHIP 35 NORTH, RANGE 45 WEST, AND THE QUARTER SECTION CORNER COMMON TO SECTION 18, TOWNSHIP 35 NORTH, RANGE 44 WEST, AND SECTION 13, TOWNSHIP 35 NORTH, RANGE 45 WEST, AND HAVING A G.L.O. RECORD BEARING OF S 00°00'00" E.

CERTIFICATE OF SURVEY:

I, CHARLES E. ARCHAMBAULT, DO HEREBY CERTIFY THAT BEING SO AUTHORIZED BY THE OGLALA SIOUX HOUSING AUTHORITY, I HAVE CAUSED TO BE MADE FROM THE DATA OBTAINED AT THE SITE, THE SURVEY AND MAP SHOWN HEREON.



CHARLES E. ARCHAMBAULT

FOIA DOCUMENTS ID: BIA-2024-000547

LEGEND

- ✱ SECTION CORNER FOUND
- ⚡ 1/4 SECTION CORNER FOUND
- 1/2" x 24" PIN SET THIS SURVEY

