

March 25, 2024

Ledger Dispatch, Letter to the Editor.

As the red tide poison rises on the Opinions' page of the Ledger Dispatch, regarding, in this case, Indian Casinos, I hope readers will educate themselves by reading the United States District Court Northern District Of California, NO. C-79-1710 SW, Stipulation For Entry Of Judgment (Amador County), Original Filed May 14, 1987.

For Mr. Cranford and Mr. May to be right, all operating Indian Casinos in California would be in violation of law. With all the Amadorians taxpayer money wasted fighting in an already Stipulated matter 1987, Amador County could of had, water trucks for firefighting, special equipment for the Sheriff's department, Arts in the schools, and I would not have to write this letter.

I encourage readers to read the 1987 Stipulation and stay out of the red abyss being promoted by Mr. Cranford and Mr. May. It is poison and it had to be labeled as such.

John Carl Guthrie

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Editor: For your convenience, please find attachment, a true and correct copy, 6 pages, of the 1987 Stipulation.

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MAY 1 1987

ORIGINAL FILED

MAY 14 1987

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12
13 MILLIE HARDWICK, et al.

14 Plaintiffs,

15 vs.

16 UNITED STATES OF AMERICA,
17 et al.

18 Defendants.
19

) NO. C-79-1710 SW
)

) STIPULATION FOR ENTRY OF
) JUDGMENT (AMADOR COUNTY)
)

20 Plaintiffs on their own behalf and on behalf of class
21 members from the Buena Vista Rancheria (hereafter, "plaintiff
22 Rancheria") and defendants Elmer G. Evans, the Tax Collector for
23 Amador County, Raymond Olivarría, the Assessor for Amador County,
24 and the Board of Supervisors of Amador County, subject to approv-
25 al of the Court agree as follows:

26 1. DEFINITIONS - The following definitions shall
27 govern the construction of the stipulation.

28 A. "PLAINTIFFS" - means all Plaintiffs in the

1 above-captioned case, the plaintiff Rancheria, and all those
2 class members from the plaintiff Rancheria.

3 B. "DEFENDANTS" - means Elmer G. Evans/Tax Collector
4 for Amador County, Raymond Oliverria/Assessor for Amador County
5 and the Board of Supervisors of Amador County, and their succes-
6 sors in office.

7 C. "PLAINTIFF RANCHERIA" - means all lands within the
8 exterior boundaries of the Buena Vista Rancheria as described in
9 paragraph 2B.1.)

10 D. "RANCHERIA PARCELS" - means all parcels of real
11 property within the boundaries of the plaintiff Rancheria which
12 were distributed or sold by the United States of America pursuant
13 to the Plan for the Distribution of the Assets of the Plaintiff
14 Rancheria, approved by the Secretary of the Interior, under the
15 authority of the California Rancheria Act.

16 E. "INDIAN PARCELS" - means all those parcels of real
17 property or interests in said parcels within the boundaries of
18 the Plaintiff Rancheria currently owned by Indians entitled to
19 return said parcels or interests thereof to the United States of
20 America in accordance with the Judgment of the United States
21 District Court, Northern District of California, in the
22 above-entitled case.

23 F. "THE PARTIES" - means the Plaintiffs and Defendants
24 as defined above.

25 G. "INDIAN COUNTRY" - means "Indian Country" as
26 defined by 18 USC §1151.

27 H. "ELECTION TO RETURN TO TRUST STATUS" - means the
28 filing of a deed in the Amador County Recorder's Office which has

1 been duly accepted by the United States of America which returns
2 Indian Parcels to trust status with the United States of America.

3 I. "INDIANS" - means any Indian who owns any interest
4 in a plaintiff Rancheria parcel.

5 J. "COUNTY MAINTAINED ROAD" - means those roads which
6 are listed as part of the Amador County maintained road system,
7 including roadside easements, located on the plaintiff Rancheria
8 that were conveyed to Amador County as part of the termination of
9 the Rancheria, if any.

10 K. "UNPAID PROPERTY TAXES" - means real property taxes
11 due on Indian parcels.

12 L. "ASSESSMENT" - means an exaction of money imposed
13 on the owner of real property located within the county the
14 payment of which is secured by a lien on the property, including,
15 but not limited to, benefit assessments, assessments imposed
16 under the authority of the Improvement Acts of 1911 and 1913 and
17 the Special Assessment, Investigation, Limitation and Majority
18 Protest Act of 1931, the Revenue Bond Law of 1941, or any similar
19 law.

20 2. The Parties, subject to approval of the Court
21 pursuant to Federal Rules of Civil Procedure 23(c), stipulate
22 that the Court may enter judgment as follows:

23 A. The Court shall certify a sub-class consisting of
24 those members of the class previously certified herein from the
25 plaintiff Rancheria in Amador County.

26 B. The Court shall declare that:

27 1) The Buena Vista Rancheria is described as shown on
28 Exhibit A to the Stipulation for Entry of Judgment, filed herein

1 on August 2, 1983, and made the judgment of this Court on Decem-
2 ber 22, 1983, in Order Approving Entry of Final Judgment in
3 action.

4 2) The plaintiff Rancheria and the Plaintiffs were
5 never and are not now lawfully terminated under the California
6 Rancheria Act ("Rancheria Act"), of August 18, 1958, Pub. L.
7 85-671, 72 Stat. 69, as amended by the Act of August 11, 1964, 78
8 Stat. 390; in that the requirements of section 3 of that Act were
9 not fulfilled prior to the conveyance of the deeds to the
10 Rancheria Parcels.

11 3) As a consequence this Court has authority as a
12 court of equity to remedy the effects of the premature and
13 unlawful termination of the plaintiff Rancheria and the Plain-
14 tiffs to the extent that it can do so without adversely affecting
15 the interests of third party purchasers for value of Rancheria
16 parcels.

17 C. The original boundaries of the plaintiff Rancheria,
18 as described in paragraph 2B.1) above are hereby restored, and
19 all land within these restored boundaries of the plaintiff
20 Rancheria is declared to be "Indian Country".

21 D. The plaintiff Rancheria shall be treated by the
22 County of Amador and the United States of America, as any other
23 federally recognized Indian Reservation, and all of the laws of
24 the United States that pertain to federally recognized Indian
25 Tribes and Indians shall apply to the Plaintiff Rancheria and the
26 Plaintiffs.

27 E. All real property taxes heretofore paid to the
28 County of Amador by Plaintiffs for the tax year 1979 and any

1 subsequent tax year for Indian parcels shall be refunded in full
2 to Plaintiff or the estate of the Plaintiff, if the plaintiff
3 makes an election to return said parcel to trust status no later
4 than December 31, 1988. Within ninety (90) days after the deed
5 for said parcel is recorded in the county recorder's office,
6 defendants shall mail to the plaintiff a claim form showing the
7 total refund and the amount to be refunded for each tax year.
8 The defendants shall refund the total amount shown on the form
9 within thirty (30) days after the defendants receive a claim form
10 signed by the plaintiff claiming a tax refund. No prejudgment
11 interest shall be added to the amounts refunded under this
12 paragraph. Defendants shall be entitled to keep all real proper-
13 ty taxes collected on all property located on the plaintiff
14 Rancheria except as specifically set forth above.

15 F. Defendants shall not collect or recover any Unpaid
16 Property Taxes, assessments or fees on Indian Parcels within the
17 boundaries of the Plaintiff Rancheria as restored; any liens to
18 secure the payment of such assessments, fees or taxes shall be
19 cancelled; and, except as provided in Paragraphs G, defendants
20 shall not have jurisdiction to tax or assess Indian Parcels on
21 said rancheria.

22 G. The County may impose real property taxes on Indian
23 owned parcels that are not owned in trust by the United States of
24 America, if the Indian property owner has not filed within the
25 tax year an exemption form with the county assessor establishing
26 the property owner's status as an Indian. The county in consul-
27 tation with plaintiffs shall develop an exemption application
28 form for this purpose. "Indian" for purposes of this paragraph

1 shall mean a member of a federally recognized Indian tribe, a
2 person eligible for membership in a federally recognized Indian
3 tribe or a person who is at least 1/4 Indian ancestry as estab-
4 lished by the records of the Bureau of Indian Affairs ("BIA") or
5 the property owner's tribe.

6 H. County maintained roads which service the plaintiff
7 Rancheria shall be deemed to have been and now are lawfully owned
8 and maintained by the County of Amador.

9 I. All claims whatsoever for money damages, other than
10 the tax refunds under Paragraph E, against the Defendants result-
11 ing from the distribution of the assets of the plaintiff
12 Rancheria under the Rancheria Act, which were or could have been
13 made in this action shall be dismissed with prejudice.

14 K. Each party shall bear their own costs and attor-
15 neys' fees in prosecuting or defending this action.

16 DATED: April 3, 1987

CALIFORNIA INDIAN LEGAL SERVICES

17
18 By: David J. Rapport
19 DAVID J. RAPPORT
Attorneys for Plaintiffs

20 DATED: April 21, 1987

MARY ANN MCNITT
Counsel for Amador County

21
22 By: Mary Ann McNitt
23 MARY ANN MCNITT
24 Attorneys for Amador County
25 Defendants

26 IT IS SO ORDERED

27 SPENCER WILLIAMS

28 SPENCER WILLIAMS
U.S. DISTRICT JUDGE