NATIVE AMERICAN

Navajo legal case brings out ownership disputes

By Alysa Landry
The Farmington Daily Times

SHIPROCK — Construction remains stalled on the Shiprock Home for Women and Children following a hearing Tuesday in Shiprock District Court.

Judge Genevieve Woody extended a temporary restraining order after hearing arguments from a Navajo Nation attorney, who sought the original restraining order on the construction site, and an attorney representing both the domestic violence home and RJN Construction, of Mancos, Colo.

The restraining order, which prohibits construction crews or shelter staff from trespassing on the property, will be in effect until the court makes a final ruling, Woody said. Legal briefs from both the plaintiff and the defendants are due Thursday, and oral arguments are expected to be heard mid-month.

Yet every day that passes jeopardizes the project. Funds topping $1.4 million from the state of New Mexico may be retracted if the project is not started this month, said attorney Brian Lewis, who is representing the Navajo Nation.

"The project must be started by the third or fourth week of December to use the money by May," he said.

The grant money, allocated through a Joint Powers Agreement between the state and the tribe, may be retracted at the end of the fiscal year if the project is not completed.

The question on which Woody must rule is which entity is the rightful owner of the property, located about a mile north of the Northern Navajo Medical Center.

The shelter itself claims ownership under a lease with the Nation. The construction firm also claims temporary ownership under a business contract.

Yet the Navajo Nation contends it is the "true and legal owner" of the property, and therefore has authorization to access the property and to rescind business contracts to search for a new construction firm to finish the project.

When completed, the $6 million shelter will house 14 adults and 84 children who need refuge from domestic violence situations, shelter CEO Gloria Champion said.

The former shelter was demolished seven years ago when a contract first was awarded to RJN Construction. Domestic violence victims have sought asylum in a temporary complex where quarters are cramped and much of the furniture and other operating materials are in storage, Champion said.

Funds were awarded to the project in 2002, and a year later the Nation selected RJN Construction during a competitive bid process. Because of fluctuating steel prices and the company's reliance on grant money, however, the project has stalled several times.

The most recent obstacle came during the summer when the Navajo Housing Authority and the Navajo Attorney General alleged RJN violated Navajo code by securing a sole-source contract. The Navajo Housing Authority on Aug. 31 suspended the project with only 20 percent left incomplete.

The Navajo Tribal Council twice this fall debated and voted down proposed legislation that would have waived sovereign immunity to extend the contract. The Council instead gave direction to Nation staff to select a new firm for completion of the project.

Lewis argued Tuesday that the Nation cannot legally extend the contract and that the issue of the contract is not under the jurisdiction of the Shiprock District Court.

"There is only one issue that is relevant today," he said. "That is the issue of ownership and possession. The contract is not relevant ... the court lacks subject jurisdiction."

Lewis also argued that the Nation is "the only one of the three entities that has control of this trust land." The shelter has a lease to operate the facility and the construction company has a lease to do work on the property, but neither has ownership rights, Lewis said.

Further, the Nation has paid for the project in full, including an extra $99,000 awarded in 2008, Lewis said, alleging RJN consciously left the project unfinished to continue to collect money.

"This contract is closed," he said. The Nation "paid not only the entirety of the agreed-upon contract," but an additional $99,000.

James Zion, an Albuquerque-based attorney representing RJN and the home, began his arguments by raising three questions. He asked the court whether a lease has meaning on the Navajo Nation, whether business contracts have meaning and whether the Nation is a "safe place to do business."

"We have very different views of what this case is all about," Zion said of himself and the plaintiff. He argued that a contract gives an entity "real ownership," or temporary control of the property under a lease.

Zion read from copies of the original lease, a March lease modification and a May lease amendment, all of which state RJN will not transfer the property back to the Nation until it has completed construction on the five complexes comprising the shelter.

"The contract is open-ended, meaning until everything is done," he said. "Both the home and RJN have existing contractual rights that cannot be touched by the Navajo Nation."

Woody on Tuesday allowed Robert Nelson, CEO of RJN Construction, to enter the property to retrieve personal tools or equipment. Nelson is being sued as an individual, as well as part of his construction company.

As the entities continue to haggle in court, subcontractors still are waiting to be paid for materials and labor.

Winston Cole, owner of Cold Steel, Inc., in Farmington, said RJN owes his company more than $58,000 for steel fabrication and erection completed in March 2007.

"I have made several attempts to collect from RJN and have had no success due to the fact that they have no money to complete the project," Cole said. "Cold Steel has paid all employees and has also paid for all the materials used on this job and would like to be paid for our services. Now that the Navajo Nation wants to take this project from RJN, that leaves us with the question as to what happens to all the subcontractors like myself who (are) still owed money on this job."

Anniversary

Associated Press

Observing their 37th wedding anniversary on Feb. 19, will be Moses Gibson and his wife, Hattie, of Detroit, both native born Michigan Ottawa Indians. Gibson, whose Indian name is Mishagua, was born in Harbor Springs, Mich., and his wife in Goodhart, Mich. They were married in Harbor Springs. The Gibsons will give their famous Eagle dance at the Detroit Sportsmen's Congress March 19-27 at the Michigan State Fair Grounds.

Legal Notice

LEGAL NOTICE
Chinle - Apache County
Arizona

REQUEST FOR PROPOSALS

The Judicial /Public Safety Selection Committee of the Navajo Nation is requesting for full professional Project Management Service for pre-construction and construction services for a large size Justice Center Complex in Chinle, Arizona.

Project packages will be available through 4:00 PM December 17, 2010. at the Navajo Division of Public Safety, Department of Corrections, Hwy 12 and Morgan Boulevard, Public Safety Building in Window Rock, Arizona.

Proposals must be sealed and clearly labeled as a response to the Request for Statement of Qualifications/Proposals for full Project Management Services- ChinleJustice Center.All SOQ packages must be received for review and evaluation no later than 4:00 p.m. Daylight Savings Time on December 29, 2010. The date and time of receipt will be recorded on each proposal. Proposals received after the deadline will not be accepted. Proposals by fax, email, mail or any other method will be accepted.

Any iquiries or requests regarding this SOQ ot the procurement package should be submittted in writing to the designated contact: Delores Greyes, Dept. Manager, Department of Corrections, PO Box 3360, Window Rock, Arizona 86515, telephone (928) 871 - 7555, email: dbgreyeyes@aol.com

Legal # 12186 Published in The Independent December 2 & 3 & 4, 2010.

LEGAL NOTICE
Albuquerque, Bernalillo County
New Mexico

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL
DISTRICT COURT

NO. D - 202 - CV - 2010 - 09324

SANDIA LABORATORY
FEDERAL CREDIT UNION,

Plaintiff

v.

ELLA RENA SAM AND RAYMOND SAM,
HUSBAND AND WIFE,
JOINTLY AND SERVERALLY

Defendants,

NOTICE OF PENDENCY OF ACTION

THE STATE OF NEW MEXICO TO THE FOLLOWING NAMED OR DESIGNATED DEFENDANTS:

ELLA RENA SAM AND RAYMOND SAM, HUSBAND AND WIFE, JOINTLY AND SEVERALLY

GREETINGS DEFENDANTS:

You are hereby notified that Sandia Laboratory Federal Credit Union, as Plaintiff, has filed an action in the Second Judicial District Court of Bernalillo County, New Mexico, and wherein the said Plaintiff seeks to obtain constructive service of process upon you.

The general object of said action is: Complaint for Debt Due and Owing.

Legal Notice

You are further notified that unless you enter your appearance in the said case on or before the 30th day of December, 2010, judgment will be rendered against you and each of you by default and the relief prayed for in the Complaint will be granted.

The name and post office address of the Attorney for the Plaintiff is a follows: ALRIDGE, GRAMMER & HAMMAR, P.A., 1212 Pennsylvania, NE, Albuquerque, New Mexico 87110.

WITNESS my hand and the seal of the District Court of Bernalillo County, New Mexico, on the 17th of November, 2010.

JUANITA M. DURAN
CLERK OF THE DISTRICT COURT

Legal # 12183, Published in The Independent December 2 & 9 & 16, 2010.

01. Special Notice

In Loving
Memory
Mary Ann
1952 -1968

02. Services

Legal & Classified Liner Deadlines & Guidelines

Legal ads for Wednesday-Saturday publication must be received two (2) days prior to publication, before 2:00 pm.

Legal ads for Mondays or Tuesdays publication, must be received on Fridays before 2:00 pm.

Legal ads more than five (5) pages long must be received four (4) days prior to publication.

Classified Liner Ads that are 20 lines or more, AND price quotes, must be in by 11:00a.m. two (2) days (at least) prior to wanted publication date.

Classified Liner Ads for Tuesday-Saturday publication must be received one (1) day prior to publication, before 11:00 am.

Classified Liner Ads for Mondays publication must be received on Friday before 2:00 pm.

4 lines is the minimum amount of lines per ad. 22 Characters per line, including Punc. & Spacing.

Notice that ads must be faxed in or customer must come by office to place their ad.

All personal ads must be prepaid.

The Gallup Independent will not be responsible for ads that are left on price quote due to no reply or response from individuals.

Ads that are in need of correction, addition, removal, or changes must be made 24 hours after first publication. The Gallup Independent will not be responsible for ads not changed in the designated time frame and will be charged at regular price.

02. Services

Make your ad stand out!
Highlight your ad in yellow
for only $2.00 a day.
For details call 505-863-6811.

Save*Save*Save
Monthly Subscription Rates
$11.50 per month

Buy 10 Months and
Get 12 Months
Clip & Save up to $23
On Home Delivery Only!

Pay one year in advance &
save! Pay only $115
for the entire year!

Be good to your environment!
Recycle old newspapers today!
We pay out 1¢ a pound.
The Gallup Independent
500 N. 9th Street

03. Lost & Found

Lost Rottweiler
last seen A-H Tires
300 w. Maloney
Reward (505) 409-9744.

Found calico cat
11-27-10
by Albertsons grocery
call 863-9076 for info.

Lost and Found Special
4 lines, 22 characters per line,
3 days for **Free!**
·One (1) ad run per customer.
For details call 505-863-6811.

04. Help Wanted

Cashiers Needed
C-Store or Truck Stop experience preferred. Good work ethic sought, Salary DOE, Gas allowance.
Apply at Gasup 920 E. Hwy. 66 Gallup, NM for Speedy's Truck Stop State line and I-40.

Bartender must be experienced must have New Mexico servers certificate
Call Chris at 722-9310.

OT, PT, and PTA. Must be NM Licensed. Federal employment with benefits. School year contract .Serve children in Crownpoint / Gallup area (Navajo) as part of multidisciplinary teams.Contract Loretta Perry Barbone, 505 786 6138, **loretta.barbone@bie.edu** for information.

Now Hiring
Job in the Window Rock, AZ area Class B CDL Driver
3 Yrs. Exp., Current
MVD Printout and Med- card.
40 Hours Per Week
PAY $13 per hr.
N/S inc. - Window Rock, AZ
(928) 871 - 4395

10. Babysitting

Evening and Weekend Childcare available For your shopping trips or Holiday Parties ! Call Toto 505 870 8460.

Family Want Ad Special
Want to place an advertisement for babysitting, yardwork, etc.?
Pay only $11.00 for 3 days.
4 lines, 22 characters per line
·No commercial accounts
For details call 505-863-6811

12. Pets & Supplies

Pure Breed Yorkie puppies for sale. 9 wks. Great Christmas Gifts. Serious Inquiries for info call 722-9689. Leave message.

13. Miscellaneous For Sale

FOR SALE
GE electric range
good condition $20
call 505-722-9420

13. Miscellaneous For Sale

Ashley dresser 6-drawers
w/ mirror, mission style
$200 (505)879-0620
or(505)722-5010.

Independent Special
Have something to sell under $500? Run a 4 line ad for 6 days for FREE! Simply fill out a form at 500 N. 9th St.
·One (1) Miscellaneous item per customer only.
For details call 505-863-6811.

16. Musical Instruments

FOR SALE
ESP LTD DV200 V style
Black electric guitar
$200 (505)979-5933.

Olds Alto Sax
Like new condition
$500
505-870-4570.

20. Garage & Yard Sales

Garage/Yard Sale Special
3 days for $14.00
Includes Garage/Yard sale kit.
4 lines: 22 characters per line.
Will run Wed., Thur., Fri., **OR** Thur., Fri., Sat.
For details call 505-863-6811.

22. House For Rent/Sale

THREE BEDROOM,
2 Bath, 2 Car Garage
$900.00 month plus utilities.
505-839-2200 or 505-831-4200

Publishers Notice:
All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise any preference, limitation, or discrimination based on race, color, religion, sex or national origin or intention to make any such preference, limitation or discrimination. This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are informed that all dwellings advertised in this newspaper are available on an Equal Opportu-

23. Rentals: Furn. & Unfurn.

In Ft. Wingate 2 BR duplex apt. with yard, near playground $550 mo. 11/1 BR house $525 mo. Both have a $500 deposit., includes water, not gas or electric. No Pets Call 505-488-5646

24. Unfurnished Apartment

Clean 1 Bdrm. Quiet neighborhood, Non-smoking. 1-2 persons only. No Pets call 505-870-5375 or 505-863-5289.

31. House For Sale

Beautiful remodeled home for sale. 1405 Elva is a 3 bdrm. 2 bath home Appx. 1,080 Sq. Ft. Amanda at 505-488-8588

45. Autos & Trucks For Sale

1998 Ford Escort, 157 k miles, rebuilt engine w/ warranty, great on gas, good shape. $2500 OBO 722-6344.

For Sale
2010 Subaru AWD
$25,000 OBO
Call 505-553-4499.

92 Mustang GT 5.0 BBK Headers, H Pipe, Cold air intake, mass air 4" cowl hood, Saleen-Wing, Leave message, Mike 505 870 - 9380 3500 Firm

45. Autos & Trucks For Sale

1967 Blue Chevy - 3/4 ton, step side, long bed pick up. 350 engine, automatic. $2,200.
Call (505) 681-0182.

1985 Camero $500 No engine or transmission Body is straight one dent on the door. Interior is still nice. Don't have a title. Call (505) 879-3875 if interested.

Make your ad stand out!
Highlight your ad in yellow
for only $2.00 a day.
For details call 505-863-6811.

45. Autos & Trucks For Sale

Selling a Car/Truck/Motorcycle?
Run your used vehicle ad in the Independent at this affordable rate! $20.00 for 6 days!
4 lines: 22 characters per line.
·No commercial accounts.
One Vehicle Only Per Ad
For details call 505-863-6811.

Lost and Found Special
4 lines, 22 characters per line,
3 days for **Free!**
·One (1) ad run per customer.

45. Autos & Trucks For Sale

For Sale
2004 Toyota Corolla
$6000 OBO
Call 505-553-4499

48. Auto Parts & Service

17 inch rims with
all season tires
asking $400
call 505-905-1101

Los Angeles Times Daily Crossword Puzzle

Edited by Rich Norris and Joyce Nichols Lewis

ACROSS
1 Thread bearer
6 Classic name in shoes
13 Dressed
14 Aquarium concern
15 Fallen craft
16 Oil
17 "So near your job as exercise class instructor is ..."
19 Word with belly or blast
20 "Forget it, comrade!"
21 Ancient Ancona
22 Davenport shopper, primarily
23 Artist Magritte
25 Branch ranchos: Abbr.
26 Pops out
29 "So near your job as a burlesque dancer is ..."
35 Choice
37 Big outmoded piece of equipment
38 Paris pronoun
39 Accountants at times
41 Airport safety org.
42 Carousing
44 Shiny fabric
45 "So near your trash removal business is ..."
48 Revenge seekers in a 1984 film
49 Dollar sign's place
50 Baltic resident
52 Early afternoon hr.
55 Disease attacker
57 Helps out
61 Demagogue's delivery
62 "So near your scuba diving business is ..."
64 Wine region south of the Vaterland
65 "Got it, Daddy-o"
66 Party person
67 DEA agent
68 Presley's butler
69 Horsshoe city

DOWN
1 Helen, in a way
2 Queen sacrifice in chess, e.g.
3 Shrek or Fiona
4 Yellow ribbon site of song
5 Island welcome
6 Lodestone
7 Hook nemesis, for short
8 Monterrey water
9 "... a chance!"
10 Rionic beings
11 MGM predecessor
12 Field of expertise
13 "Coming Home" actor
18 "Della of Venus" author
22 "Everybody is ... only in different subjects." W. Rogers
24 Watching "Avatar," say
25 Cretan king of myth
26 SLR setting
27 Top of "Spanglish"
28 Of a pelvic bone
30 Gascony good-bye
31 Caboodle partner
32 Flash LaRue film, e.g.
33 Jones by nicking
34 Artist Hals
36 Parts of directions
40 MRA for one
43 One looking askance
45 Lockjaw
47 Drop dramatically
51 Breakfast fare
52 Algerian port
53 Age in 13 gp.
54 "... acte"
55 Bygone bird
56 Today Roosevelt biographer
58 "I have an ..."
59 Student's tool
60 Arg. miss
62 Cry while showing one's cards
63 Actor Tognazzi

ANSWER TO PREVIOUS PUZZLE:

G	A	B	S		T	O	A	S	T		C	C	U	P
I	G	L	U		O	V	I	N	E		A	H	A	B
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G	E	R	M	A	N	M	E	A	S	L	E	S		
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T	A	U	T		N	I	E	C	E		E	R	M	A
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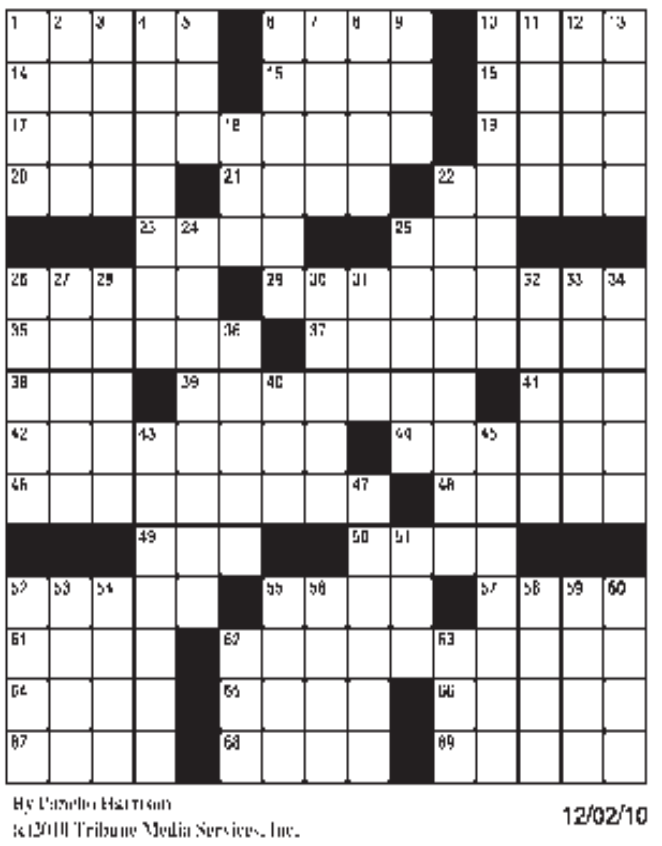
W	O	K	S		N	E	W	S	Y		Y	E	N	S

zwordeditor@aol.com 12/02/10



By Pamela Harrison
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12/02/10