

**LOWER SIOUX INDIAN COMMUNITY IN MINNESOTA
TRIBAL COURT**

LOWER SIOUX INDIAN RESERVATION

STATE OF MINNESOTA

In the matter of the Election Protest of
Denny Prescott,

Protestor.

**AFFIDAVIT OF JAMES
SCHOESSLER**

STATE OF MINNESOTA)

)ss

COUNTY OF RAMSEY)

James Schoessler, being first duly sworn deposes and states as follows:

1. I am an attorney at law, licensed to practice in the State of Minnesota, in the District and Appellate Courts of the United States, and in the Tribal Court of the Lower Sioux Indian Community.

2. Since 1992, I have been a partner in the firm of Jacobson, Buffalo, Schoessler & Magnuson, Ltd. From a date prior to my joining the firm until Autumn 2005, our firm served as legal counsel for the Lower Sioux Indian Community of Minnesota. In that capacity, our firm had access to many official records of the Lower Sioux Indian Community.

3. Attached are copies of four official records of the Lower Sioux Indian Community of Minnesota, obtained by our firm during our tenure as legal counsel for the Community.

4. Exhibit 1 is a copy of the Constitution and Bylaws of the Lower Sioux Indian Community of Minnesota, as approved by the United States Secretary of the Interior on June 11, 1936.

5. Exhibit 2 is a copy of the Notice and Rules of Election for a Secretarial Election conducted for the Lower Sioux Indian Community of Minnesota on November 17, 1998.

6. Exhibit 3 is a copy for a Request For Absentee Ballot for a Secretarial Election for the Lower Sioux Indian Community of Minnesota conducted on June 3, 1997. (Our firm's records do not include the official Notice and Rules of Election for that 1997 Secretarial Election, but the request for the absentee ballot includes the conditions of eligibility for voting in that election).

7. Attached as Exhibit 4 is a copy of the Lower Sioux Indian Community Membership Privilege and Gaming Revenue Allocation Ordinance, as amended through September 30, 2003.

FURTHER YOUR AFFIANT SAYETH NOT.

Dated: Aug 28, 2006

James Schoessler
James Schoessler

Subscribed and sworn to before me
this 28 day of August, 2006.

Marjorie A. Johnson
Notary Public

