

IN THE SUPREME COURT
OF THE
STATE OF SOUTH DAKOTA

NATIVE AMERICAN BANK, NATIONAL
ASSOCIATION

Petitioner/Appellant,

v.

CANGLESKA, INC.,

Respondent/Appellee.

**APPELLANT'S
STATEMENT OF MATERIAL FACTS**

1. State of South Dakota Secretary of State issued a Certificate of Incorporation Nonprofit Corporation to Cangleska, Inc. on March 11, 1996.
2. State of South Dakota Secretary of State issued a Certificate of Amendment to the Articles of Cangleska, Inc. on June 10, 1996.
3. Cangleska, Inc. submitted its 1999 Nonprofit Report to the South Dakota Secretary of State on July 23, 1999.
4. Cangleska, Inc. submitted its 2002 Nonprofit Report to the South Dakota Secretary of State on June 17, 2002.
5. Cangleska, Inc. submitted its 2004 Nonprofit Report to the South Dakota Secretary of State on July 8, 2004.
6. Cangleska, Inc. submitted its 2005 Nonprofit Report to the South Dakota Secretary of State on March 24, 2006.

7. Cangleska, Inc. submitted its 2006 Nonprofit Report to the South Dakota Secretary of State on March 24, 2006.
8. Cangleska, Inc. submitted its 2007 Nonprofit Report to the South Dakota Secretary of State on May 21, 2007.
9. Cangleska, Inc. submitted its 2008 Nonprofit Report to the South Dakota Secretary of State on August 8, 2008.
10. Cangleska, Inc. submitted its 2009 Nonprofit Report to the South Dakota Secretary of State on July 20, 2009.
11. Cangleska, Inc. operates two (2) shelters for women victimized by domestic violence and sexual assault, one on the Pine Ridge Indian Reservation (Kyle), and one in Rapid City, SD. The shelter in Rapid City, Ohitika Najin Win Oti, opened in August 2000.
12. Cangleska, Inc. leased or owned property outside the boundaries of the Pine Ridge Reservation as follows: (i) 1620 Mt. Rushmore Road, Rapid City SD 57701; (ii) 722 St. Joseph Street, Rapid City SD 57701; and (iii) 2040 W Main, Suite 209, Rapid City SD 57701.
13. On October 6, 2005, Cangleska, Inc. Board Directors authorized George Twiss and Karen Artichoker to execute loan documents prepared by Native American Bank.
14. State of South Dakota Secretary of State issued a Certificate of Good Standing Nonprofit Corporation to Cangleska, Inc. (Organizational ID#. NS010520) on May 18, 2006.

15. Native American Bank, National Association issued a proposal letter to Cangleska, Inc., a South Dakota Nonprofit 501(c)(3) dated January 6, 2006 for a \$1,000,000 loan.
16. Native American Bank, National Association issued a revised proposal letter to Cangleska, Inc., a South Dakota Nonprofit 501(c)(3) dated March 7, 2006 for a \$1,000,000 loan.
17. Native American Bank, National Association issued a revised proposal letter to Cangleska, Inc., a South Dakota Nonprofit 501(c)(3) dated July 21, 2006 for a \$1,000,000 loan.
18. Native American Bank, National Association issued a revised proposal letter to Cangleska, Inc., a South Dakota Nonprofit 501(c)(3) dated August 3, 2006 for a \$1,000,000 loan.
19. Cangleska, Inc. executed loan documents on October 10, 2006.
20. Native American Bank, National Association advanced \$1,000,000.00 to Cangleska, Inc. from November 22, 2006 thru August 31, 2007.
21. In fiscal year 2007, \$35,894 of federal funds passed through the State of South Dakota to Cangleska, Inc.
22. Native American Bank, National Association made several requests for payments before issuing a demand letter on November 5, 2009.
23. Cangleska, Inc. is in default.

Respectfully submitted,

Dated this 8th day of July, 2010.

STEVEN D. SANDVEN LAW OFFICE



Steven D. Sandven, Attorney for Applicant
300 Building
300 North Dakota Avenue
Suite 106
Sioux Falls SD 57104
(o) 605 332-4408
(f) 605 332-4496
ssandvenlaw@aol.com