



COURT FILE NUMBER 1103 14112
COURT: COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE: EDMONTON

IN THE MATTER OF THE TRUSTEE
ACT, RSA 2000, c T-8, AS
AMENDED

IN THE MATTER OF THE
SAWRIDGE BAND INTER VIVOS
SETTLEMENT CREATED BY
CHIEF WALTER PATRICK TWINN,
OF THE SAWRIDGE INDIAN
BAND, NO 19 now known as
SAWRIDGE FIRST NATION ON
APRIL 15, 1985 (the "1985 Sawridge
Trust")

I hereby certify this to be a
true copy of the original.
[Signature]
for Clerk of the Court

APPLICANTS: ROLAND TWINN, CATHERINE
TWINN, WALTER FELIX TWIN,
BERTHA L'HIRONDELLE and
CLARA MIDBO, as Trustees for the
1985 Sawridge Trust (the "Sawridge
Trustees")

DOCUMENT **ORDER**

ADDRESS FOR SERVICE
AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

Hutchison Law
#190 Broadway Business Square
130 Broadway Boulevard
Sherwood Park, AB T8H 2A3

Attention: Janet L. Hutchison
Telephone: (780) 417-7871
Fax: (780) 417-7872
Email: jhutchison@jlhlaw.ca
File: 51433 JLH

**DATE ON WHICH ORDER WAS
PRONOUNCED:**

April 28, 2017

**LOCATION WHERE ORDER WAS
PRONOUNCED:**

Edmonton, Alberta

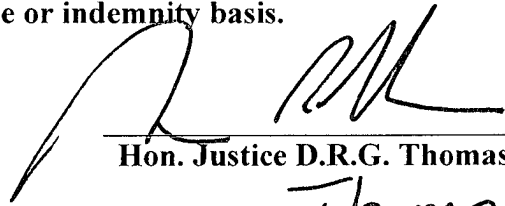
NAME OF JUSTICE WHO MADE THIS ORDER: Hon. Justice D.R.G. Thomas

UPON THE APPLICATION of the Office of the Public Guardian and Trustee of Alberta ("Public Trustee"); **AND UPON** hearing from Counsel for Sawridge First Nation, the Public Trustee and the Sawridge Trustees; **AND UPON** being advised by the Public Trustee that the Public Trustee's Rule 5.13 Application as against Sawridge First Nation pertaining to additional information to assist the Court in addressing the Sawridge Trustee's application regarding the settlement of assets into the 1985 Trust is withdrawn; **AND UPON** being advised by the Public Trustee that the Public Trustee's Rule 5.13 Application as against Sawridge First Nation pertaining to membership was brought before the Court to ensure the parties have appropriately applied the decision of this Court in *1985 Sawridge Trust v Alberta (Public Trustee)*, 2015 ABQB 799 (*Sawridge #3*) and to confirm that the Court is satisfied all evidence required to identify the potential minor beneficiaries was before the Court in an acceptable form; **AND UPON** the decision of the Honourable Mr. Justice Dennis R. Thomas dated April 28, 2017;

IT IS HEREBY ORDERED THAT:

1. The Public Trustee's Application for production of records/information from Sawridge First Nation pertaining to membership is denied;
2. The list of minors provided by the Sawridge Trustees on April 5, 2016 is adequate for the Public Trustee to discharge its obligation to identify minors who are children of members of the Sawridge First Nation (Category 2, paragraph 56 of *Sawridge #3*).
3. The January 18, 2016 list provided to the Public Trustee by the Sawridge First Nation is sufficient to provide the Public Trustee with the identities of individuals with completed, but unresolved Sawridge First Nation membership applications, being the individuals contemplated by category 3 set out in paragraph 56 of *Sawridge #3*. The children, if any, of the category 3 individuals will fall into category 4 of the *Sawridge #3* decision.
4. The terms "rejected" and "unsuccessful" as used in *Sawridge #3* are operationally synonymous. The Public Trustee's obligation is to identify the following populations, and then determine if they have minor children:

- a) Persons who have made Band applications prior to this date, had that application rejected, but are challenging the outcome; and
 - b) Persons who have filed completed and unresolved Band applications ("pending Band applications") who are in the future rejected during the application process, and then challenge the outcome.
5. The Sawridge First Nation's advice that there are no outstanding membership appeals or judicial reviews of Band applications is sufficient to define the current category 5 individuals, as defined in *Sawridge #3*.
6. The Sawridge First Nation's request for a costs award against the Public Trustee, without indemnification from the 1985 Sawridge Trust, is denied.
7. **The costs neutral approach with respect to the Sawridge Trustees, the Sawridge First Nation and the Public Trustee will have no application to third party interlopers in the distribution process as it advances to trial. The same is true for their lawyers. Attempts by persons to intrude into the process without a valid basis, for example, in an abusive attempt to conduct a collateral attack on a concluded court or tribunal process, can expect very strict and substantial costs awards against them (both applicants and lawyers) on a punitive or indemnity basis.**



Hon. Justice D.R.G. Thomas
Thomas J

**APPROVED AS BEING THE ORDER
GRANTED:
Hutchison Law**

Per: _____
Janet Hutchison, Counsel for the Office of the
Public Trustee

**APPROVED AS BEING THE ORDER
GRANTED:
Dentons Canada LLP**

Per: _____
Doris Bonora, Counsel for the Sawridge
Trustees

**APPROVED AS BEING THE ORDER
GRANTED:
Parlee McLaws LLP**

Per: _____
Edward H. Molstad, Q.C., Counsel for the
Sawridge First Nation