

COURT FILE NUMBER 1103 14112

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANTS RONALD TWINN, CATHERINE TWINN, WALTER FELIX TWINN, BERTHA L'HIRONDELLE, AND CLARA MIDBO, AS TRUSTEES FOR THE 1985 SAWRIDGE TRUST

RESPONDENT IN THE MATTER OF THE TRUSTEE ACT R.S.A. 2000, CT-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)

DOCUMENT EXTRACTS OF EVIDENCE OF THE REPLY BRIEF OF PATRICK TWINN, SHELBY TWINN AND DEBORAH SERAFINCHON

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

BORDEN LADNER GERVAIS LLP
Centennial Place, East Tower
1900, 520 - 3 Avenue SW
Calgary, Alberta T2P 0R3
Attention: Nancy Golding Q.C./Sandi Shannon
Tel: (403) 232-9485/9782
Fax: (403) 266-1395
Email: ngolding@blg.com/sshannon@blg.com
File no. 443395/01



| Tab | Document |
|-----|---|
| A | Transcript from Questioning of Patrick Twinn, page 15 lines 5-10 |
| B | Paragraph 5 and Exhibit "A" of the Affidavit of Deborah Serafinchon sworn on November 24, 2016 |
| C | Transcript from Questioning of Paul Bujold, page 6 lines 16 to 22 |
| D | Transcript from Questioning of Paul Bujold, page 9 lines 23 to 27 |
| E | Exhibit 1 from the Questioning of Mr. Paul Bujold |
| F | Transcript from Questioning of Paul Bujold, page 22 lines 4 to 11 |
| G | Transcript from Questioning of Paul Bujold, page 22 lines 12 to 15 |
| H | Transcript from Questioning of Paul Bujold, page 26 lines 14 to 27 and page 27 lines 1 to 6 |
| I | Transcript from Questioning of Paul Bujold, page 37 lines 11 to 27 and page 38 lines 1 to 9 |
| J | Exhibit 5 from the Questioning of Mr. Paul Bujold |
| K | Answer to Undertaking 22 of Mr. Bujold to Questioning held May 27 and 28, 2014, at Tab 22 pdf pages 16, 50, 69 and 72 |
| L | Transcript from Questioning of Patrick Twinn, page 69 lines 7-12 |

TAB A

1 COURT FILE NO: 1103 14112
2 COURT: QUEEN'S BENCH OF ALBERTA
3 JUDICIAL CENTRE: EDMONTON
4

5 IN THE MATTER OF THE TRUSTEE ACT, R.S.A. 2000,
6 c.T-8 as amended

7 IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS
8 SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN,
9 OF THE SAWRIDGE INDIAN BAND, NO. 19, now known as
SAWRIDGE FIRST NATION, ON APRIL 15, 1985
(The "1985 SAWRIDGE TRUST")

10

11 APPLICANTS: ROLAND TWINN, CATHERINE TWINN, WALTER
12 FELIX TWIN, BERTHA L'HIRONDELLE and
13 CLARA MIDBO, as TRUSTEES FOR THE 1985
SAWRIDGE TRUST

14

15

16 QUESTIONING ON AFFIDAVIT

17

OF

18

PATRICK TWINN

19

20

Ms. D.C.E. Bonora For the Applicants

21

Ms. S.J. Shannon For Shelby Twinn, Patrick
22 Twinn and Deborah Serafinchon

23

Ms. C.C. Osualdini For Catherine Twinn

24

Susan Stelter Court Reporter

25

26

Edmonton, Alberta

27

22 September, 2016

1 Q My question is specifically with respect to the
2 beneficiary definition of the Trust?

3 A M-hm.

4 Q Do you understand the topic now?

5 A Yeah, I understand the topic, yeah.

6 Q So with respect to the beneficiary definition of the
7 Trust I am asking you is it acceptable to you to have a
8 definition that has a number of people beyond the
9 members of the Sawridge First Nation?

10 A Beyond the members today, yes.

11 Q In your application you are applying to become a party,
12 correct?

13 A Yup.

14 Q And you hired Borden Ladner Gervais?

15 A M-hm.

16 Q You have to say yes or no.

17 A Yes.

18 Q And can you tell me if you paid them a retainer?

19 A I did.

20 Q And what was the retainer that you paid them?

21 A \$5,000.

22 Q And you paid that personally?

23 A Yes, I did receive some support from my mom for that,
24 but.

25 Q In paragraph 3 of your Affidavit you talk about the
26 application being in relation to the definition of
27 beneficiaries and the transfer of assets. Do you see

TAB B

COURT FILE NUMBER 1103-14112

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANTS *Roland*
RONALD TWINN, CATHERINE TWINN, WALTER FELIX TWINN, BERTHA L'HIRONDELLE, AND CLARA MIDBO, AS TRUSTEES FOR THE 1985 SAWRIDGE TRUST

RESPONDENT IN THE MATTER OF THE TRUSTEE ACT R.S.A. 2000, CT-8 AS AMENDED

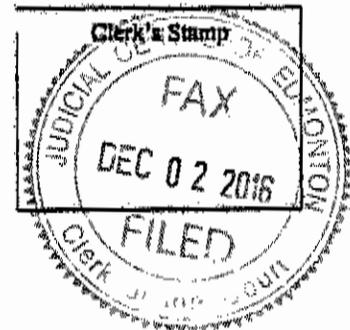
IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN, OF THE SAWRIDGE INDIAN BAND, NO.19 now known as SAWRIDGE FIRST NATION ON APRIL 15, 1985 (the "1985 Sawridge Trust")

DOCUMENT AFFIDAVIT OF DEBORAH SERAFINCHON

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

BORDEN LADNER GERVAIS LLP
Centennial Place, East Tower
1900, 520 - 3 Avenue SW
Calgary, Alberta T2P 0R3
Attention: Nancy Golding Q.C./Sandi Shannon
Tel: (403) 232-9485/9782
Fax: (403) 266-1395
Email: ngolding@blg.com/sshannon@blg.com
File no. 443395/01

Form 49
[Rule 13.19]



**AFFIDAVIT OF
DEBORAH SERAFINCHON**

Sworn (or Affirmed) on November 24 2016

I, Deborah Serafinchon, of the City of Edmonton, in the Province of Alberta, SWEAR/AFFIRM AND SAY THAT:

- 1. On or about December 13, 2001 I received the results of a DNA test I had requested to confirm that the late Chief Walter Patrick Twinn was my biological father.
- 2. Samples were provided of Lillian McDermott, my biological mother, myself, Catherine Twinn, Walter Twinn, Samuel Twinn and Issac Twinn.
- 3. Walter Twinn (also known as Patrick Twinn), Samuel Twinn and Issac Twinn are the biological children of Catherine Twinn and the late Chief Walter Patrick Twinn.
- 4. The results stated:

Assuming that Walter Twinn, Samuel Twinn, and Issac Twinn are full biological siblings, then Deborah Serafinchon cannot be excluded as their half sibling. Based on the genetic testing results obtained by DNA analysis, the probability of paternal relatedness is 99.58% as compared to an unknown, unrelated individual of the North American population (prior probability = 50%).

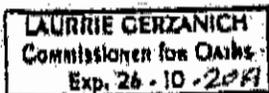
Attached hereto and marked as Exhibit "A" is a copy of the DNA test results I received dated December 13, 2001.

- 5. Based on the foregoing, I do verily believe that Chief Walter Patrick Twinn is my biological father.

SWORN (OR AFFIRMED) BEFORE ME at)
Edmonton, Alberta, this 24 day of November,)
2016.)

Laurie Gerzanich
A Commissioner for Oaths in and for Alberta)

Deborah Serafinchon
DEBORAH SERAFINCHON)



THIS IS EXHIBIT "A" TO THE AFFIDAVIT
OF
DEBORAH SERAFINCHON
SWORN (OR AFFIRMED) BEFORE ME THIS
24 DAY OF NOVEMBER, 2016

L. Gerzanich

A COMMISSIONER FOR OATHS IN AND
FOR ALBERTA

Laurie Gerzanich
Commissioner for Oaths
Exp. 26 - 10 - 2019



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DEFINITIONS OF TERMS ON DNA REPORT

- ◆ **Locus:** The code provided refers to a specific region on a chromosome.
- ◆ **Paternity Index (PI):** This value equals the likelihood that the alleged father is the father rather than any other man selected at random from the population.
- ◆ **Combined Paternity Index (CPI):** Since each Locus result is an independent event, the CPI is the product of all of the Indices and indicates the possibility of the alleged father being the actual father relative to that of any other man selected at random from the population. This value will either be 0 or greater than 999.
- ◆ **Probability of Paternity:** This value is converted from the CPI into the percentage probability = $[(CPI / CPI + 1) \times 100]$.
- ◆ **Prior Probability = 50%:** 50% is the probability of paternity prior to conducting a test. It is equivalent to flipping a coin. Either the Alleged Father is or is not the biological father. After testing however, the probability will be 0% or >99.9%.

INTERPRETATION OF RESULTS

1. To interpret the results, you must look at the results of each locus combination individually. The result for each person consists of 1 or 2 numbers which are actually DNA variants. If there is only one number typed for an individual at a locus, this means the person has two identical DNA fragments for that chromosomal location.
2. First, determine which band the mother and child share. The child's remaining band is therefore the paternal band. (If the mother is not tested, simply compare the child's DNA to the alleged father's DNA).
3. The second step is to determine whether the child's paternal band, matches one of the alleged father's bands.
4. If there is no match, the PI for that locus will be 0.00. If there is a match, a PI will be generated (based on the alleged father's race), for that matching DNA.
5. Repeat this process for each of the locus combinations.
6. Once you have completed this, you must multiply the PI's together to get the CPI.
7. If the CPI is 0.00, then the alleged father has been excluded as being the biological father of the child, and the Probability of Paternity is 0%.
8. If the CPI is greater than 1000, this means that the alleged father cannot be excluded as the biological father, and the Probability of Paternity is then calculated from the CPI as set out above.



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SAMPLE NON-EXCLUSION

| Locus | Mother | Child | Alleged Father #1 | Paternity Index | Origin of Child's Paternal DNA Fragment |
|---------|--------|---------------|-------------------|-----------------|---|
| PENTA E | 11, 17 | 11, 7 | 15, 7 | 20.833 | Alleged Father |
| D8S1179 | 10, 11 | 11, 16 | 14, 16 | 8.333 | Alleged Father |
| FGA | 23, 24 | 23, 25 | 25, 26 | 3.876 | Alleged Father |
| D18S51 | 15, 21 | 21, 22 | 12, 22 | 35.714 | Alleged Father |

Examine the "non-exclusion" diagram above. The numbers in bold type show the origins of the child's DNA fragments. For Alleged Father #1, the DNA fragments 7, 16, 25 and 22 match those of the child. In this case, the Combined Paternity Index ($20.833 \times 8.333 \times 3.876 \times 35.714$) is 24,031.20; therefore, Alleged Father #1 is 24,031 times more likely to be the biological father than any other man selected at random from the population. This is then calculated as a Probability of Paternity of >99.99%.

SAMPLE EXCLUSION

| Locus | Mother | Child | Alleged Father #2 | Paternity Index | Origin of Child's Paternal DNA Fragment |
|---------|--------|--------|-------------------|-----------------|---|
| PENTA E | 11, 17 | 11, 15 | 15, 20 | 5.051 | Alleged Father |
| D8S1179 | 10, 11 | 11, 16 | 14, 15 | 0.000 | Another Man |
| FGA | 23, 24 | 23, 25 | 19, 26 | 0.000 | Another Man |
| D18S51 | 15, 21 | 14, 21 | 12, 19 | 0.000 | Another Man |

Examine the "exclusion" diagram above. There is only one match between Alleged Father #2 and the child. Therefore, the Combined Paternity Index ($5.051 \times 0.00 \times 0.00 \times 0.00$) is 0.00 and the Probability of Paternity is 0.00%.



Est. 1981

13 December 2001

Deborah Serafinichon
12233 - 47th Street NW
Edmonton, AB
T5W 2X6

Test Report

| Case #: P-22078 | Race | Accession # | Samples Collected | Samples Received |
|---------------------------------|------|-------------|-------------------|-------------------|
| Mom #11: Lillian McDermott | NI | 11 | August 22, 2000 | August 23, 2000 |
| Child #21: Deborah Serafinichon | | 21 | November 9, 2001 | November 15, 2001 |
| Mom #12: Catherine Twinn | NI | 12 | November 9, 2001 | November 15, 2001 |
| Child #22: Walter Twinn | | 22 | November 9, 2001 | November 15, 2001 |
| Child #23: Samuel Twinn | | 23 | November 9, 2001 | November 15, 2001 |
| Child #24: Isaac Twinn | | 24 | November 9, 2001 | November 15, 2001 |

Conclusions of DNA Relatedness Test

Assuming that Walter Twinn, Samuel Twinn, and Isaac Twinn are full biological siblings, then Deborah Serafinichon cannot be excluded as their half-siblings. Based on the genetic testing results obtained by DNA analysis, the probability of paternal relatedness is 99.58% as compared to an unknown, unrelated individual of the North American population (prior probability = 50%).

PROBABILITY OF RELATEDNESS 99.58% COMBINED RELATEDNESS INDEX 20.88

| Probe | Mom 11 | Child 21 | Mom 12 | Child 22 | Child 23 | Child 24 | Relatedness Index |
|---------|--------|----------|-----------|-----------|-----------|-----------|-------------------|
| D18S51 | 13, 16 | 13, 15 | 16, 18 | 15, 16 | 15, 18 | 15, 18 | 2.283 |
| D21S11 | 39 | 20, 30 | 30, 33, 2 | 30, 33, 2 | 39, 33, 2 | 30, 33, 2 | 1.852 |
| TH01 | 6, 7 | 6 | 6, 9, 3 | 7, 9, 3 | 6, 9, 3 | 6, 7 | 2.093 |
| D3S1358 | 16 | 16 | 16, 16 | 14, 16 | 14, 16 | 14, 16 | 1.288 |
| FGA | 21, 28 | 22, 28 | 20, 22 | 20, 21 | 20, 22 | 22 | 2.660 |
| TPOX | 8, 11 | 8, 11 | 9, 11 | 9, 11 | 11 | 8, 9 | 0.542 |
| D8S1179 | 13, 14 | 14, 15 | 13, 13 | 12, 13 | 12, 13 | 12, 13 | 3.924 |
| vWA | 14, 16 | 16, 17 | 18, 19 | 18, 19 | 18 | 18 | 0.506 |
| D16S539 | 11, 12 | 9, 11 | 12, 13 | 9, 12 | 12, 13 | 12, 13 | 2.439 |
| D7S820 | 10 | 10, 11 | 7, 9 | 9, 14 | 7, 11 | 7, 11 | 1.480 |
| D13S317 | 10, 12 | 12 | 8, 12 | 8, 12 | 12 | 11, 12 | 1.208 |
| D5S818 | 7, 12 | 12, 13 | 12 | 7, 12 | 7, 12 | 7, 12 | 0.500 |
| CSF1PO | 10 | 10, 11 | 10, 12 | 12, 14 | 12, 14 | 12, 14 | 0.500 |
| FX3A01 | 3, 7 | 3, 6 | 6, 7 | 6, 7 | 6 | 6, 7 | 1.742 |
| PKSFP5 | 11, 13 | 11, 13 | 10, 11 | 10, 11 | 11 | 11 | 0.890 |
| FX3B | 10 | 8, 10 | 6, 8 | 8 | 6, 8 | 8, 10 | 1.931 |
| LTG | 10 | 10 | 10 | 10 | 10 | 10 | 1.992 |

The results and conclusions described in this report have been reviewed by the people named below:

Jennifer Clay, B.Sc., M.B.A.
Supervisor, DNA Laboratory Service

Gim Brueker, Dipl. T., ASQT
Quality Control Manager

Terrance G. Owen, Ph.D., M.B.A.
Laboratory Director

J. Clay
G. Brueker
T. Owen

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9130 St-Hubert, 210, Montréal, QC Canada H2J 2Y5
Tel: (514) 272-5545 • Télécop: (514) 272-5622 • 1-800-563-4305

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TAB C

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COURT FILE NUMBER: 1103 14112

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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

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

(See Attached for Appearances)

QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 Q And you have sworn an affidavit in support of the
2 Sawridge trustees' reply brief to Patrick Twinn,
3 Shelby Twinn, and Deborah Serafinchon's application
4 in Court File Number 1103 14112. Who are the
5 current Sawridge trustees?

6 A Bertha L'Hirondelle, Catherine Twinn, Justin Twin --
7 and they're spelled differently -- Roland Twinn, and
8 Margaret Ward.

9 Q So you are not a Sawridge trustee?

10 A I'm not.

11 Q You are not a beneficiary of the Trusts?

12 A I'm not.

13 Q Are you recognized as a Status Indian by the federal
14 government?

15 A No, I'm not.

16 Q Are the Sawridge trustees beneficiaries of the
17 1985 Trust?

18 A Are the Sawridge beneficiaries --

19 Q Are the trustees also beneficiaries of the
20 1985 Trust?

21 A Yes, they are. Except for one. Bertha L'Hirondelle
22 is not a beneficiary of the 1985 Trust.

23 Q I'm going to ask if you can have your affidavit
24 handy. I think you already have it in front of you.

25 A It is.

26 Q Just give me a moment, and I will do the same.

27 So I understand that pursuant

TAB D

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JUDICIAL CENTRE: EDMONTON

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Sawridge Trustees for the 1985 Sawridge Trust

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QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 MS. BONORA: That's fine.

2 MS. SHANNON: This affidavit has been filed
3 in support of an application that's in part at least
4 saying that the Patrick Twinn, Shelby Twinn, and
5 Deborah Serafinchon should have known of this
6 application in advance. So whether or not there was
7 an application is directly relevant to this
8 application.

9 MS. BONORA: The order was the
10 application. And so that has been discussed
11 numerous times in various forums.

12 MS. SHANNON: So apart from the order,
13 then, there was no separate application?

14 MS. BONORA: I've given you my position on
15 that.

16 OBJECTION TO QUESTION

17 MS. OSUALDINI: Is the witness going to adopt
18 that evidence that you just gave about whether an
19 application was or wasn't filed?

20 MS. BONORA: That was my justification for
21 objecting.

22 MS. OSUALDINI: The objection, okay.

23 **Q MS. SHANNON: So when you say you provided**
24 **notice, then, you provided the order of August 31st,**
25 **2011?**

26 **A No. When we provided the notice, we didn't include**
27 **the order.**

TAB E



Exhibit " 1 " November 29, 2016

Witness: PAUL BUJOLD
Deanna Jackson, CSR(A)D

1 September 2011

<First> <Last>
<Address>
<Town>, <Pr> <Code>

SENT BY REGISTERED MAIL

Dear <First>,

The Trustees (the "Trustees") of the Sawridge Band Inter Vivos Settlement created on April 15, 1985 (the "1985 Trust") will be bringing an application for the opinion, advice and direction of the Court respecting the administration and management of the property held under the 1985 Trust (the "Advice and Direction Application"). The Advice and Direction Application shall be brought:

- a. To seek direction with respect to the definition of "Beneficiaries" contained in the 1985 Trust, and if necessary to vary the 1985 Trust to clarify the definition of "Beneficiaries".
- b. To seek direction with respect to the transfer of assets to the 1985 Trust.

A website (the "Website") has been created which will contain information in respect of the Advice and Direction Application. The Website is located at <http://www.sawridgetrusts.ca/courtdoc>. You will have access to this Website and the documents contained thereon, including all documents filed with the Court in relation to the Advice and Direction Application, which documents are located under the "Court Documents" tab of the home page of the Website.

On 1 September 2011 an Order was issued by the Court of Queen's Bench of Alberta in relation to the Advise and Direction Application. The Order directs that the Trustees provide notice of the Advice and Direction Application to the Beneficiaries and Potential Beneficiaries of the 1985 Trust by way of this letter. The Order also includes deadlines for filing affidavits and written legal argument with the Court in respect of the Advice and Direction Application. This Order can be accessed on the Website, under the "Court Documents" tab.

Cordially,

Paul Bujold,
Trusts' Administrator

801, 4445 Calgary Trail N.W.
Edmonton, AB T6H 5R7
Office: 780-988-7723
Fax: 780-988-7724
Toll Free: 888-988-7723
Email: general@sawridgetrusts.ca
Web: www.sawridgetrusts.ca

TAB F

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APPLICANTS: ROLAND TWINN, CATHERINE TWINN,
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Sawridge Trustees for the 1985 Sawridge Trust

(See Attached for Appearances)

QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 the advice and direction application."

2 So there is notice there that
3 there are deadlines.

4 **Q Well, there's notice that there's going to be**
5 **affidavits and written legal argument?**

6 **A Right.**

7 **Q But there's nowhere actually in there that tells**
8 **potential beneficiaries or interested parties that**
9 **they need to come forward by a certain date?**

10 **A No. Because they are referred in fact to the court**
11 **docs website.**

12 **Q So what would be the first -- do you know what the**
13 **first document on the website is, on the Sawridge**
14 **website?**

15 **A It's the procedural order.**

16 **Q It's the procedural order. So if they went to the**
17 **procedural order, and we've discussed this, the**
18 **first thing they would see is that you were -- the**
19 **Sawridge trustees were instructed to bring an**
20 **application?**

21 **MS. BONORA:** I think that question is
22 **incorrectly worded, and so I'm objecting to the**
23 **question.**

24 **MS. SHANNON:** So paragraph 1 of the
25 **order --**

26 **MS. BONORA:** I'm objecting to the
27 **question. You're not going to convince me**

TAB G

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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

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

(See Attached for Appearances)

QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 the advice and direction application."

2 So there is notice there that
3 there are deadlines.

4 Q Well, there's notice that there's going to be
5 affidavits and written legal argument?

6 A Right.

7 Q But there's nowhere actually in there that tells
8 potential beneficiaries or interested parties that
9 they need to come forward by a certain date?

10 A No. Because they are referred in fact to the court
11 docs website.

12 Q So what would be the first -- do you know what the
13 first document on the website is, on the Sawridge
14 website?

15 A It's the procedural order.

16 Q It's the procedural order. So if they went to the
17 procedural order, and we've discussed this, the
18 first thing they would see is that you were -- the
19 Sawridge trustees were instructed to bring an
20 application?

21 MS. BONORA: I think that question is
22 incorrectly worded, and so I'm objecting to the
23 question.

24 MS. SHANNON: So paragraph 1 of the
25 order --

26 MS. BONORA: I'm objecting to the
27 question. You're not going to convince me

TAB H

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COURT FILE NUMBER: 1103 14112

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON

IN THE MATTER OF THE TRUSTEE ACT,
R.S.A. 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

APPLICANTS: ROLAND TWINN, CATHERINE TWINN,
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QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 this, is that -- and I'm reading verbatim
2 paragraph 2 of the August 31st order that (quoted):

3 "The Trustees shall send notice of the
4 Advice and Direction Application...."

5 And the advice and direction
6 application is defined in paragraph 1. And
7 currently what I understand is that we're
8 considering the advice and direction application
9 now, as of -- I don't know when, but now, post this
10 order as being the order.

11 MS. BONORA: I'm objecting to that
12 question.

13 MS. SHANNON: Based on what?

14 MS. BONORA: I've explained to you before
15 we always considered the order as the application,
16 and we -- the letter specifically follows the order
17 in respect of what notice was given, and so that's
18 exactly what happened. And there was other
19 procedural orders that followed, and that's what we
20 did.

21 So it wasn't as though we
22 suddenly have made up this argument that this order
23 was the application. This order always was the
24 application.

25 OBJECTION TO QUESTION

26 Q MS. SHANNON: Mr. Bujold, is that your
27 understanding as well?

1 A Yes, it is.

2 Q So did you explain to any of the interested parties
3 that the order was the application?

4 A Nobody asked the question.

5 Q So that's a no, then?

6 A No.

7 Q So I'm going to ask for one more undertaking with
8 respect to Patrick Twinn and your service of him.
9 We would like an undertaking that you provide any
10 documents or records above those that we have
11 already requested, and we have requested the list
12 which you've already provided, and we've also
13 requested the confirmation by way of undertakings.
14 But any other records relating to you determining
15 that Patrick should be served and that he was served
16 with the notice and when he was served and where he
17 was served.

18 MS. BONORA: I'm sorry. We have to break
19 down the undertaking. So in terms of where he was
20 served, we know it was served by registered mail.
21 So we're not going to give an undertaking on where
22 it was served, because that's an impossible answer.
23 He was served by registered mail.

24 MS. SHANNON: I'm not sure how it's an
25 impossible answer. If you're asked to serve
26 something by court order, one would presume that you
27 have kept track of who you were served -- who you

TAB I

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COURT FILE NUMBER: 1103 14112

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IN THE MATTER OF THE TRUSTEE ACT,
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QUESTIONING ON AFFIDAVIT OF
PAUL MARC BUJOLD

Edmonton, Alberta, Canada
November 29, 2016

Volume 1

1 A No. Persons who filled in this beneficiary
2 application form had no notion at the time of the
3 fact that there would be a court application. That
4 was done later, but because they had provided an
5 application, they are listed in the procedural order
6 as one of the categories of persons to whom we need
7 to provide notice.

8 Q So would you have also -- so that's -- would you
9 have also --

10 A So that's Category F, by the way.

11 Q Would you have also provided Ms. Serafinchon with
12 this January 7, 2011, letter? This is Exhibit 5.

13 A Probably, yes. Because she would have been on the
14 notification list.

15 Q Did you receive a lot of -- how many beneficiary
16 application forms do you think you received?

17 A About 120. And those are all in the public
18 trustee's undertakings as well.

19 Q Yes. I've seen a few of them in there now.

20 I understand that you
21 responded to some of these application forms?

22 A Yes. And all of the responses are also in the
23 public trustee's undertakings.

24 Q Do you recall in your responses advising that people
25 had to be members to be beneficiaries of the Trusts?

26 A According -- well, at the time -- in some cases I
27 did. It depended -- it depended, you know, because

1 the trustees were using these beneficiary
2 application forms at the time to put together a list
3 of potential beneficiaries and determine why they
4 were potential beneficiaries and under what
5 conditions under the rules of the 1985 Trust, who
6 would qualify as a potential beneficiary.

7 So it was only later that we
8 were notified or we got legal advice that in fact
9 they would have to be members.

10 Q So do you recall whether you responded to
11 Ms. Serafinchon?

12 A I have recently responded to Deborah Serafinchon
13 indicating that she has to be a member, yes.

14 Q No. I mean recently -- we're in 2016. I mean, this
15 appears to have been received sometime between 2009
16 and 2011.

17 A Yes.

18 Q Is your recent correspondence the first
19 correspondence you've had with Ms. Serafinchon?

20 A No. I've had a number of exchanges with her.

21 Q To do with her being a beneficiary?

22 A Yes.

23 Q So would those be included in the undertaking
24 responses?

25 A Most of them are. The more recent ones, no.

26 Q So we would like an undertaking that you provide any
27 confirmation -- I can't remember how we phrased the

TAB J



Exhibit " 5 " Nov. 29, 2016

Witness: PAUL BUJOLD
Deanna Jackson, CSR(A) DJ

7 January 2011

«First» «Surname»

«Address»

«Town», «Prov» «Code»

Dear «First»,

Based on extensive legal advice and negotiations with the Sawridge First Nation, the Sawridge Trusts Trustees have come to the conclusion that the provisions of the two trust documents envision that all beneficiaries of the Trusts must be Band members and that the only body able to make a determination as to who qualifies as a Band member is the Sawridge First Nation through its Chief and Council, Membership Committee and Legislative Assembly using the Membership Code established by the Sawridge First Nation.

As such, the Sawridge Trusts have decided to abandon their previous decision to appoint a tribunal to review the applications you and other persons submitted to the Trusts to be considered as beneficiaries in favour of having the Membership Committee of the Sawridge First Nation make a determination of who qualifies to be a member of the First Nation.

The definition of beneficiaries for the Sawridge Trust of 15 August 1986 is quite clear:

"Beneficiaries" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band under the laws of Canada in force from time to time including, without restricting the generality of the foregoing, the membership rules and customary laws of the Sawridge Indian Band as the same may exist from time to time to the extent that such membership rules and customary laws are incorporated into, or recognized by, the laws of Canada.

Since the Sawridge First Nation has a Membership Code in force, the Trust definition of a beneficiary to the Sawridge Trust can be taken to mean "anyone who has been accepted as a member of the Sawridge First Nation according to the Membership Code".

The definition of beneficiaries for the Sawridge Intervivos Settlement of 15 April 1985, which reads:

"Beneficiaries" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band No. 19 pursuant to the provisions of the Indian Act R.S.C. 1970, Chapter 1-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after the date of the execution

of this Deed all persons who at such particular time would qualify for membership of the Sawridge Indian Band No. 19 pursuant to the said provisions as such provisions existed on the 15th day of April, 1982 and, for greater certainty, no persons who would not qualify as members of the Sawridge Indian Band No. 19 pursuant to the said provisions, as such provisions existed on the 15th day of April, 1982, shall be regarded as "Beneficiaries" for the purpose of this Settlement whether or not such persons become or are at any time considered to be members of the Sawridge Indian Band No. 19 for all or any other purposes by virtue of amendments to the Indian Act R.S.C. 1970, Chapter 1-6 that may come into force at any time after the date of the execution of this Deed or by virtue of any other legislation enacted by the Parliament of Canada or by any province or by virtue of any regulation, Order in Council, treaty or executive act of the Government of Canada or any province or by any other means whatsoever; provided, for greater certainty, that any person who shall become enfranchised, become a member of another Indian band or in any manner voluntarily cease to be a member of the Sawridge Indian Band No 19 under the Indian Act R.S.C. 1970, Chapter 1-6, as amended from time to time, or any consolidation thereof or successor legislation thereto shall thereupon cease to be a Beneficiary for all purposes of this Settlement

is also quite clear that "beneficiaries" are clearly meant to be persons who are members of the Sawridge First Nation except for a select few who qualified as Band members under the 1982 provisions of the Indian Act but may no longer qualify under the current Act. The definition, though, refers to a section of the Indian Act that has since been repealed.

As a result of this reference to a section of the Indian Act that is no longer in force, the Trustees have decided to ask the Alberta Court to provide its advice as to whether or not this definition is still valid. All parties having an interest in this application to the Court will be notified when the application is submitted. The application is not likely to affect the requirement that, for the most part, beneficiaries must also be members of the Sawridge First Nation.

We are contacting you because you applied to be considered as a beneficiary to one or both of the Sawridge Trusts. We are now informing you that you should do the following:

1. **If you have not already done so, you should apply to Indian and Northern Affairs Canada to register for Indian status** which you can access at <http://www.ainc-inac.com/ai/scr/bc/proser/fnp/regscd/regapp/index-eng.asp> if you have access to the Internet or by contacting one of the offices listed below:

Ontario Region

Indian and Northern Affairs Canada
8th Floor 25 St. Clair Avenue East
Toronto, Ontario
M4T 1M2
(416) 973-6234
fax: (416) 954-6329

Saskatchewan Region

Indian and Northern Affairs Canada
Room 200, 1 First Nations Way
Regina, Saskatchewan
S4S 7K5
(306) 780-5945 or 780-5392
fax: (306) 780-5733

Alberta Region

Indian and Northern Affairs Canada
630 Canada Place
9700 Jasper Avenue
Edmonton, Alberta
T5J 4G2
(780) 495-2773
fax: (780) 495-4088

British Columbia Region

Indian and Northern Affairs Canada
Suite 600
1138 Melville Street
Vancouver, B.C.
V6E 4S3
(604) 775-7114
(604) 775-5100
fax: (604) 775-7149.

2. **If you have not already done so, you should apply for membership in the Sawridge First Nation** by contacting the Sawridge First Nation office to request a copy of the Membership Code and Membership Application Form. **If you have already applied, you should check into the current status of your application.** The address is listed below:

Sawridge First Nation

P.O. Box 326
806 Caribou Trail NE
Slave Lake, AB T0G 2A0
(780) 849-4331
fax: (780) 849-3446
email: Sawridge@sawridgefirstnation.com

The Sawridge Trusts have offered to assist the Sawridge First Nation in any way that they can in order to help the First Nation deal with the volume of applications in an efficient and effective manner. If there is anything that we can do to assist you in this process, please contact us at the address listed below:

Sawridge Trusts

801, 4445 Calgary Trail
Edmonton, AB T6H 5R7
(780) 988-7723

(888) 988-7723
fax: (780) 988-7724
email: paul@sawridgetrusts.ca

We hope that this will help to resolve the issue of who are the beneficiaries to the Sawridge Trusts and that it will help you resolve whether or not you are one of these beneficiaries.

Cordially,

Paul Bujold,
Trusts Administrator

TAB K

Paul Bujold

From: Michael Keller [michaelkeller1985@gmail.com]
Sent: July-31-13 11:53 AM
To: Paul Bujold
Subject: Re: Urgent.

I am a member of the Sawridge Band. I have my status card and my mother is Margaret Ward (Twinn). As also my siblings also are members of the band as well.

On 2013-07-31 11:32 AM, "Paul Bujold" <Paul@sawridgetrusts.ca> wrote:

Michael,

If you are not a member of the Sawridge First Nation, you are not a beneficiary to the Sawridge Trusts and, as near as I can determine, you are not a member. You can check with the Sawridge First Nation in Slave Lake if you think that you should be a member. There is no payout upon reaching 18 years of age.

Paul Bujold,

Trusts Administrator

Sent from my iPad

On 2013-07-27, at 11:59 PM, "Michael Keller" <michaelkeller1985@gmail.com> wrote:

I am a member of the Sawridge Band and I am wondering where my trust money is. Since I heard it was supposed to be issued to me when I was 18yrs old.

Paul Bujold

From: Shannon S [angelfire_51876@hotmail.com]
Sent: September-13-12 1:22 PM
To: Paul Bujold
Subject: RE:

from my understanding i thought i was because my registry group is sawridge first nation. Is there i a way i can be sure that i am considered a member?

From: Paul@sawridgetrusts.ca
To: angelfire_51876@hotmail.com
Date: Wed, 12 Sep 2012 13:14:35 -0600
Subject: RE: RE:

Hi Shannon,

We are no longer collecting these forms since beneficiaries have to first be members of the Sawridge First Nation and not just have Status. If you wish to send me the form, you can send it to

Sawridge Trusts
801, 4445 Calgary Trail NW
Edmonton, AB T6H 5R7

Paul Bujold
Trusts Administrator
Sawridge Trusts
Office (780) 988-7723

Notice of Confidentiality:

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From: Shannon S [mailto:angelfire_51876@hotmail.com]
Sent: September-11-12 2:59 PM
To: Paul Bujold
Subject: RE:

Hi there

I have contacted you awhile back and i would like to send back the completed forms to you. Do i have your updated address on the form?

its concerning the Sawridge band Inter-vivos Settlement and or The Sawidge Trust.

Heres my updated contact info feel free to contact me thanks

SHANNON STONEY

780 773 0043

angelfire_51876@hotmail.com

Paul Bujold

From: Heather Poitras [Heather.Poitras@inac-ainc.gc.ca]
Sent: March-08-11 4:05 PM
To: Paul Bujold
Subject: RE: FW: Birth Certificates

Thanks - she is registered under me with Sawridge already. I will work with her on the form.

Sincerely,
Heather

>>> Paul Bujold <Paul@sawridgetrusts.ca> 3/8/2011 10:18 AM >>>
Heather,

I have updated your address. Your daughter could apply but, as indicated in my letter of 7 January 2011, she would also have to make application to Indian Affairs for status and to the Band for Band Membership. I have attached the application form for your daughter, if she wants to fill it in and return it.

Thanks
Paul Bujold
Trusts Administrator
Sawridge Trusts
Office (780) 988-7723

-----Original Message-----

From: Heather Poitras [<mailto:Heather.Poitras@inac-ainc.gc.ca>]
Sent: March-01-11 9:42 AM
To: Paul Bujold
Subject: RE: FW: Birth Certificates

Can you please update my home address, I moved at the end of November

-
Heather Poitras, 136 Woodborough Way, Edmonton AB T5Y 1N2.

My oldest daughter is now 18 years old, can she also apply for this as well? She is registered under me - Sawridge.

Sincerely,
Heather

>>> Paul Bujold <Paul@sawridgetrusts.ca> 11/10/2010 9:33 AM >>>

No news yet. Could be a while since the Trustees have to ask the Court to appoint someone to review the applications.

Paul Bujold
Trusts Administrator
Sawridge Trusts
Office (780) 988-7723

-----Original Message-----

From: Heather Poitras [<mailto:Heather.Poitras@inac-ainc.gc.ca>]
Sent: November-04-10 9:52 AM
To: Paul Bujold
Subject: RE: FW: Birth Certificates

Any news on us being to getting any money?

Paul Bujold

From: Karlyn Vajna [vajnakarlyn@live.com]
Sent: September-21-11 6:41 PM
To: Paul Bujold
Subject: RE: I am from sawridge

Paul,
So I have to Apply To be a Sawridge band member ? and then go from there ?
what is the beneficiary

From: Paul@sawridgetrusts.ca
To: vajnakarlyn@live.com
Date: Wed, 21 Sep 2011 09:12:27 -0600
Subject: RE: I am from sawridge

Karlyn,

By the paperwork I sent you, I presume that you are referring to the Application for Potential Beneficiaries. In January of this year, I also sent out a letter to everyone who had filled out one of those applications telling them that if they wished to be considered as a beneficiary that they had to apply for Indian Status through Indian Affairs (if they hadn't done so already) and that they had to apply for membership in the Sawridge First Nation. If you haven't done that, I would suggest that you do so.

The Court process that is now underway is to get the Court's advice and direction concerning the identification of beneficiaries to the 1985 Trust. The beneficiaries to the 1986 Trust are already identified as the members of Sawridge First Nation.

The Trusts do not have individual trust funds set aside for any individual beneficiary so there would not be a fund set aside for you since, at this time, you are not one of the identified beneficiaries. Even if you were a beneficiary, there are no funds to be handed out to anyone. The Trust was set up to provide benefits and to invest money for the beneficiaries from First Nation oil revenues in the 1980s. At present, the Trusts provide health and life insurance, compassionate care, seniors support, personal development and education support benefits but no cash payments.

If you have any questions about the Trusts or the process for this Court application, please feel free to call me.

Thanks

Paul Bujold
Trusts Administrator
Sawridge Trusts
Office (780) 988-7723

From: Karlyn Vajna [mailto:vajnakarlyn@live.com]
Sent: September-20-11 11:47 AM
To: Paul Bujold
Subject: RE: I am from sawridge

I filled out the paper work you sent me and I got a letter back, to go to your web site, what's next ? How do I find out if my trust fund is there or not

From: Paul@sawridgetrusts.ca
To: vajnakarlyn@live.com

TAB L

1 COURT FILE NO: 1103 14112
2 COURT: QUEEN'S BENCH OF ALBERTA
3 JUDICIAL CENTRE: EDMONTON
4

5 IN THE MATTER OF THE TRUSTEE ACT, R.S.A. 2000,
6 c.T-8 as amended

7 IN THE MATTER OF THE SAWRIDGE BAND INTER VIVOS
8 SETTLEMENT CREATED BY CHIEF WALTER PATRICK TWINN,
9 OF THE SAWRIDGE INDIAN BAND, NO. 19, now known as
10 SAWRIDGE FIRST NATION, ON APRIL 15, 1985
11 (The "1985 SAWRIDGE TRUST")

12 APPLICANTS: ROLAND TWINN, CATHERINE TWINN, WALTER
13 FELIX TWIN, BERTHA L'HIRONDELLE and
14 CLARA MIDBO, as TRUSTEES FOR THE 1985
15 SAWRIDGE TRUST

16 -----
17 QUESTIONING ON AFFIDAVIT
18 OF
19 PATRICK TWINN
20 -----

21 Ms. D.C.E. Bonora For the Applicants
22 Ms. S.J. Shannon For Shelby Twinn, Patrick
23 Twinn and Deborah Serafinchon
24 Ms. C.C. Osualdini For Catherine Twinn
25 Susan Stelter Court Reporter

26 Edmonton, Alberta

27 22 September, 2016

1 Q Okay. So it is not their relationship with the
2 trustees. Do you understand the difference?

3 A I do, yeah.

4 Q Okay.

5 A But we have elected officials that sit on the Board of
6 Trustees.

7 Q I will leave it at that. Mr. Twinn, did you receive a
8 letter from the Trust in 2011 notifying you of the
9 court action?

10 A No.

11 Q And giving you an opportunity to file an Affidavit?

12 A No.

13 Q Can you undertake to look through your records and see
14 if you, in fact, got a letter in 2011?

15 A Sure.

16 MS. SHANNON: We will take that under advisement.

17 MS. BONORA: Okay. Is there some reason that
18 determining when he received notice of the application
19 would be something that isn't relevant?

20 MS. SHANNON: I don't think that that was the
21 question that you asked. You asked if he received the
22 letter and he responded to you no. And then you said
23 can you go back and look. He already gave you an
24 answer no, he hasn't. So we will take it under
25 advisement.

26 MS. BONORA: Okay.

27 UNDERTAKING NO. 12: (UNDER ADVISEMENT)