

Form 27
[Rules 6.3 and 10.52(1)]

1925

COURT FILE NUMBER

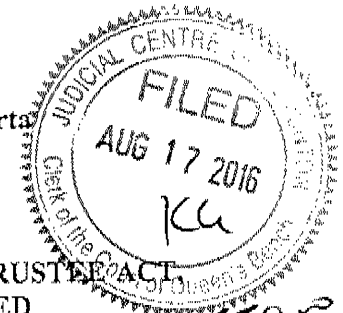
1103 14112

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

DOCUMENT

APPLICATION BY PATRICK TWINN, ON
HIS BEHALF AND ON BEHALF OF HIS
INFANT DAUGHTER, ASPEN SAYA
TWINN, AND HIS WIFE MELISSA
MEGLEY; AND SHELBY TWINN; AND
DEBORAH A. SERAFINCHON

COMPLETE ADDRESS FOR SERVICE
ON THE APPLICANT OF ANY
DOCUMENTS IN THIS ACTION and
DOCUMENTS PREPARED AND
FILED BY

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

NOTICE TO RESPONDENTS

This application is made against you. You are a respondent.

You have the right to state your side of this matter before the master/judge.

To do so, you must be in Court when the application is heard as shown below:

Date: August 24, 2016
Time: 10:00 a.m. Case Management Session
Where: Law Courts Building
1A Sir Winston Churchill Square,
Edmonton, Alberta T5J 3Y2
Before Whom: Justice D.R.R. Thomas

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. Patrick Twinn, on his own behalf and on behalf of his infant daughter, Aspen Saya Twinn and his wife Melissa Megley; and Shelby Twinn; and Deborah Serafinchon (collectively, the “Applicant Beneficiaries”) are parties affected by the application of Bertha Twin-L’Hirondelle, Clara Twin-Midbo, Catherine Twinn, Roland C. Twinn, and Walter Felix Twin (the “Sawridge Trustees”) in the within matter. The Applicant Beneficiaries are asking for an Order that they each be added as Parties to the within Action in order to protect their respective interests and the interests of others in similar circumstances.
2. That the Order adding the Applicant Beneficiaries as Parties to the within Action require the Sawridge Trustees to pay the legal fees associated with representation of the Applicant Beneficiaries out of the funds held by the Sawridge Band Intervivos Settlement (the “1985 Trust”).
3. For an Order for an accounting of the 1985 Trust and in the case of Patrick Twinn, in addition for an accounting of the 1986 Trust.
4. Such further and other relief as this Court may deem appropriate.

Grounds for making this application:

History

5. In 1985, Chief Walter Patrick Twinn established the 1985 Trust to hold certain properties in trust for members of the Sawridge First Nation. In 1986, Chief Walter Twinn established the Sawridge Trust, August 15, 1986 (the “1986 Trust”) (collectively with the 1985 Trust, the “Sawridge Trusts”).
6. Although the Sawridge Trustees have failed to comply with the August 31, 2011 Order of Justice Thomas and have not filed a constating application, it appears that the Sawridge Trustees are seeking the opinion, advice and direction of the Court respecting the

administration and management of the property held under the 1985 Trust (hereinafter referred to as the “Advice and Direction Application”) in respect to:

- a. the definition of the term definition of “Beneficiaries” contained in the 1985 Trust and if necessary to vary the 1985 Sawridge Trust to clarify the definition of “Beneficiaries”; and
 - b. the transfer of assets into the 1985 Trust.
7. The Applicant Beneficiaries are or should be Beneficiaries of the 1985 Trust and are affected by the Advice and Direction Application in the within matter and have interests that are not presently represented in the within Action. The Applicant Beneficiaries consent would be required to any variation of the 1985 Trust.

The Applicants

8. The Applicant Beneficiary, Patrick Twinn (“Patrick”) is a registered member of the Sawridge First Nation and is a Beneficiary of both Sawridge Trusts.
9. Patrick also makes this application on behalf of his wife Melissa Megley (“Melissa”) and their infant daughter, Aspen Saya Twinn (“Aspen”). Melissa and Aspen are both Beneficiaries of the 1985 Trust under the current definition of “Beneficiary”.
10. The Applicant Beneficiary Shelby Twinn (“Shelby”) is also a Beneficiary of the 1985 Trust under the current definition of “Beneficiary”.
11. As Beneficiaries of both Sawridge Trusts, both Patrick and Shelby are entitled to an accounting of the 1985 Trust and in addition Patrick is entitled to an accounting of the 1986 Trust. Despite Patrick’s request that the Sawridge Trustees provide an accounting of the 1985 Trust and the 1986 Trust to himself and all the Beneficiaries none has been provided. Shelby has also requested that the Sawridge Trustees provide an accounting of the 1985 Trust for herself and all of the Beneficiaries and none has been provided. The Sawridge Trustees have improperly refused to provide an accounting of the 1985 Trust and the 1986 Trust until this Advice and Direction Application and other related Actions are resolved
12. As Beneficiaries of the 1985 Trust, Shelby and Patrick on his own behalf and on behalf of Melissa and Aspen, are entitled to provide their opinions on the definition of “Beneficiary” contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application, as their interests may be diluted, enhanced or otherwise affected by the Court’s decision. Their consent would be required to any variation of the 1985 Trust.
13. Although Beneficiaries under the current definition of “Beneficiary” in the 1985 Trust, neither Melissa nor Aspen are registered members of the Sawridge First Nation (the “Sawridge Band”). Should a definition of Beneficiary tied to Sawridge Band membership, as currently proposed by the Sawridge Trustees be decided by the Court to

be the proper definition, Melissa and Aspen will lose their entitlement and they should have a right to argue against this if they choose.

14. Likewise, Shelby, a Beneficiary under the current definition of “Beneficiary” in the 1985 Trust, is not a registered Sawridge Band member and she would therefore not be a Beneficiary if the definition proposed by the Sawridge Trustees based on Band membership were accepted by the Court. She should have a right to argue against this proposed definition if she chooses.
15. Patrick is aware of a number of persons who have an absolute entitlement to Beneficiary status under both Sawridge Trusts, including by Court Order, who are not registered Sawridge Band members, who will lose their Beneficiary entitlement if the Sawridge Trustees’ application to vary the Beneficiary definition to Band membership, as currently proposed succeeds.
16. As non-registered Sawridge Band members who will lose their Beneficiary status if the Sawridge Trustees are successful in their application, Patrick, as representative of Melissa and Aspen, and Shelby’s opinions on the Advice and Direction Application are critical to reaching a fair and just determination of the within Advice and Direction Application.
17. The Applicant, Deborah Serafinchon (“Deborah”) is the illegitimate child of Chief Walter Patrick Twinn who settled the 1985 and 1986 Trusts. Deborah is not currently a Beneficiary of the 1985 Trust.
18. Deborah’s half siblings, including Trustee, Roland C. Twinn, derive their entitlement to Beneficiary status under both Sawridge Trusts solely through the male line, their common father, the late Chief Walter Patrick Twinn. As an illegitimate female child who is the direct descendant in the male line of a Sawridge First Nation member, Deborah Serafinchon is not entitled to be a Beneficiary of the 1985 Trust under current definition of “Beneficiary”. Her illegitimate male siblings and legitimate siblings are. Illegitimate female siblings are not. If the definition of Beneficiary under the 1985 Trust is varied to exclude discriminatory language, such as “illegitimate”, “male” and “female”, Deborah is entitled to be a Beneficiary under the 1985 Trust.
19. Deborah Serafinchon’s discriminatory exclusion as a Beneficiary of the 1985 Trust is not remedied if the Sawridge Trustees proposed definition is accepted by the Court. As a person excluded from the 1985 Trust on account of their gender and who will also be excluded if the Sawridge Trustees are successful in their Advice and Direction Application, Deborah Serafinchon’s opinion, advice and direction for the definition of “Beneficiaries” contained in the 1985 Trust and the transfer of assets into the 1985 Trust is critical to reaching a fair and just determination of the within Advice and Direction Application.
20. The Sawridge Trustees appear to seek, *inter alia*, an order to vary the definition of the 1985 Trust such that an individual's Beneficiary status will depend entirely on whether the Sawridge First Nation determines that the individual qualifies as a member of the

Sawridge Band under the Membership Rules which are discriminatory and uncertain. The Applicant Beneficiaries represent interests of people that are not currently before the Court as they are not Parties to the Action.

21. The Applicant Beneficiaries represent a variety of interests that are not currently represented in the within Action. However, it is highly unlikely that they are the only Beneficiaries or potential Beneficiaries with similar interests. The Applicant Beneficiaries are aware of individuals falling into other categories whose entitlement will also be lost if the definition of Beneficiary is varied as proposed by the Sawridge Trustees. These Applicant Beneficiaries wish to offer a proposal that is inclusive and non-discriminatory. Accordingly, it is in the public interest that their opinions, advice and direction as to the definition of "Beneficiaries" contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application are heard. It is critical to reaching a fair and just determination of the within Action that they be heard in this Action. Additionally, as the Advice and Direction Application requires the variation of the 1985 Trust the consent of the Beneficiaries is required.
22. The issues raised by the Sawridge Trustees' Advice and Direction Application are potentially complex issues of Trust and Aboriginal law. Further, the Advice and Direction Application affects access to trust property worth over \$60,000,000.00. The acquisition, or loss, of Beneficiary status will have significant financial and social ramifications for the affected, or potentially affected, adults and their issue for the rest of their lives. It is incumbent upon the Trustees to determine who the Beneficiaries are currently before any change or variation is made.
23. There are special circumstances in this case that merit an order to have the legal fees associated with representation of the Applicant Beneficiaries paid by the Sawridge Trusts, including the fact that the Sawridge Trustees, are incapable of effectively representing the interest of the Applicant Beneficiaries due to a conflict of interest and personal animosity. As well, the main Advice and Direction Application raises complex issues which make it extremely difficult, if not impossible, for an individual to effectively be self-represented in the proceedings.

Material or evidence to be relied on:

24. The Affidavit of Shelby Twinn sworn July 26, 2016
25. The Affidavit of Patrick Twinn sworn July 26, 2016
26. The Affidavit of Deborah Serafinchon sworn July 26, 2016
27. Such further and other materials as Counsel may advise and this Honourable Court may allow.

Applicable rules:

28. Alberta Rules of Court 1.4 and 2.11, 3.74 and 6.3

Applicable Acts and regulations:

N/A

Any irregularity complained of or objection relied on:

N/A

How the application is proposed to be heard or considered:

29. This application is to be heard by leave of the Honourable Justice J. Thomas, or at his direction, another Justice, at a special application to be set at the soonest possible date.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicant(s) what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicant(s) a reasonable time before the application is to be heard or considered.

Form 49
[Rule 13.19]

COURT FILE NUMBER 1103 14112 ✓

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

APPLICANTS ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWIN, BERTHA L'HIRONDELLE, AND CLARA MIDO, 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

DOCUMENT AFFIDAVIT OF PATRICK TWINN

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



**AFFIDAVIT OF
PATRICK TWINN
Sworn (or Affirmed) on July 26, 2016**

I, Patrick Twinn, of the Sawridge Indian Reserve 150 G and the City of Edmonton, in the Province of Alberta, SWEAR/AFFIRM AND SAY THAT:

1. I am one of the Applicant Beneficiaries herein, and as such have knowledge of the matters hereinafter disposed to.
2. This matter involving the Sawridge Band Intervivos Settlement (the "1985 Trust") has been brought forward to the Court by its five trustees: Bertha Twin- L'Hirondelle, Clara Twin-Midbo, Catherine Twinn, Roland C. Twinn, and Walter Felix Twin (hereinafter referred to as the "Sawridge Trustees"). I understand that Justin Twin and Margaret Ward, have replaced Walter Felix Twin who resigned and Clara Midbo, deceased as Sawridge Trustees.
3. I understand that the Sawridge Trustees are seeking 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") in respect to:
 - a. the definition of the term "Beneficiaries" contained in the 1985 Trust and if necessary to vary the 1985 Sawridge Trust to clarify the definition of "Beneficiaries"; and
 - b. the transfer of assets into the 1985 Trust.
4. I make this Affidavit in support of a motion:
 - (i) to be added as a party in the Advice and Direction Application and to have my counsel participate in the Court proceedings relating to the definition of "Beneficiaries" contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application;
 - (ii) for an order compelling the Sawridge Trustees to provide an accounting and pass their accounts for the 1985 and 1986 Trusts; and
 - (iii) for advance costs and full indemnification of costs from the 1985 Trust and the 1986 Trust.

The Trusts

5. In 1985, my father, Walter Patrick Twinn established the 1985 Trust to hold certain properties in trust for members of the Sawridge First Nation. I understand that the Beneficiaries of the 1985 Trust were defined as all persons who qualified as a member of the Sawridge First Nation pursuant to the provisions of the *Indian Act* as existed on April 15, 1982. The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time

as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985.

6. In 1986, my Father established the Sawridge Trust, August 15, 1986 (the "1986 Trust") (collectively with the 1985 Trust, the "Sawridge Trusts"). The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of the Sawridge Indian Band as they 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

Attached hereto and marked as Exhibit "A" is a true copy of the Sawridge Trust website "Beneficiaries" tab viewed on July 25, 2016.

Background

7. I was born into the Sawridge First Nation on October 22, 1985. My Father, was the Canadian Chief of the Sawridge First Nation from 1966 to his death, October 30, 1997 ("Chief Walter Twinn").
8. My mother, Catherine Twinn, is a Trustee of the Sawridge Trusts and is a current member of the Sawridge First Nation.
9. I am a recognized member of the Sawridge First Nation (the "Sawridge Band") and have been absolutely entitled as a Beneficiary, without exception, since my birth.
10. I am cohabitating with and on July 30, 2016 will formalize my marriage to my partner and the mother of my daughter, Melissa Megley. Melissa Megley, under the current rules, qualifies as a Beneficiary of the 1985 Trust in her own right. I have been informed by Melissa Megley that she does not consent to the Sawridge Trustees' proposed variation. I do not believe that Melissa will ever be admitted by the Sawridge Band into membership under the current membership process and Membership Rules and therefore will never be a Beneficiary through band membership. Melissa will be excluded as a Beneficiary of the 1985 Trust if the definition of Beneficiary is varied to be band membership as proposed by the Sawridge Trustees in the Advice and Direction Application.
11. My newborn daughter, Aspen Saya Twinn, is the youngest Beneficiary of the 1985 Trust. She is not a Sawridge Band member nor do I believe she will ever be one under the current Sawridge Band leadership. Accordingly, my daughter will be excluded as a Beneficiary of the 1985 Trust if the definition of Beneficiary is varied to be band membership as proposed by the Sawridge Trustees in the Advice and Direction Application. On her behalf, Melissa and I do not consent to this proposed variation.
12. In addition to Melissa Megley and our newborn daughter, my brothers, Sam, Isaac and Cameron have informed me they do not consent, on their own behalf and on behalf of their present or future spouses and issue, to this proposed variation of the definition of Beneficiary in the 1985 Trust.

13. As a descendant and listed member of the Sawridge First Nation, I am a Beneficiary of the 1985 Trust under the current definition of "Beneficiary" and I am directly affected by the Advice and Direction Application being brought forward involving the 1985 Trust.
14. I will continue to be a Beneficiary under the 1985 Trust if the Sawridge Trustees Advice and Direction Application succeeds as I am currently a Sawridge Band member subject to a decision of the Chief and Council, who under the Membership Rules, purport to be able to revoke band membership. The Membership Rules give the Chief and Council what appears to be an absolute discretion over accepting, rejecting and revoking any persons as Sawridge Band members.
15. I also have concerns with the administration of the Trusts. In addition to these concerns outlined below, I believe that there is a conflict of interest between the duties of Sawridge Trustees who were or are elected Band officials and the powers that they held or hold to determine membership in the Sawridge First Nation. I am aware that other First Nation Trusts prohibit elected Band officials, employees and agents to act as Trustees to avoid conflicts of interest and ensure an equality amongst the Trustees. I believe a Trustee must represent all Beneficiaries, past, present and future, not just their political constituency. I believe this does not happen when the Chief is a Trustee and a majority of Trustees are or were elected Band officials, as is the case here.
16. I do not believe that appropriate steps have been taken to properly ascertain all of persons who are Beneficiaries of the 1985 Trust. I and other 1985 Beneficiaries I know of have not been consulted by the Trustees to grandfather us and our issue. Nor have we been asked to consent to substituting the existing Beneficiary definition with band membership. Nor have we been asked to consent to the variation they seek.
17. Further, I believe that vested and potential Beneficiaries are being excluded from Sawridge Band membership as a result of personal animosities and that others are being accepted based on their personal relationships with some of the Sawridge Trustees.
18. I do verily believe that the Trustees' proposed amendment to the definition of "Beneficiary" under the 1985 Trust will result in the exclusion of many of the current 1985 Trust Beneficiaries and many potential Beneficiaries and their issue.

Request for Accounting

19. On April 12, 2016, as a Beneficiary under the 1985 Trust and the 1986 Trust, I sent a request to Paul Bujold requesting an accounting of the 1985 and 1986 Trusts as soon as was practicable.
20. To the best of my knowledge, since September 9, 2009, Mr. Bujold has been the Administrator of the Trusts. This is a salaried position that is contracted for by the Trusts at the discretion of a majority of Trustees.
21. On April 29, 2016, Mr. Bujold responded to my request as follows:

Thank you for your request for an accounting. Unfortunately, we are unable to address your request at this time.
22. On May 3, 2016, I responded to Mr. Bujold requesting further information as to why the Trusts did not feel that they had to account to their beneficiaries. Both the 1985 Trust and the 1986 Trust explicitly require the Trustees to "keep accounts in acceptable manner of all receipts, disbursements, investments and other transactions in the administration of the Trusts." I also


explained to Mr. Bujold that my understanding is that a trustee must be ready to provide an accounting to a Beneficiary at any time.

23. On May 4, 2016, Mr. Bujold confirmed that the Trustees have kept accounts as required by the Sawridge Trusts and informed me that the Trustees did have plans to account to the Beneficiaries. However, according to Mr. Bujold, an accounting would only be provided after the determination of the Advice and Direction Application and other related Actions. Attached hereto and marked as Exhibit "B" is the email correspondence referred to in paragraphs 20-24 of this my Affidavit.
24. Mr. Bujold further informed me that it was the Trustees' position that "[r]eporting to the beneficiaries is not a simple process and requires some preparation which the Trusts do not have time for at this time because of the many legal actions, apart from the Trusts' own application for Advice and Direction for the 1985 Trust, that need to be managed and responded to." Mr. Bujold also informed me that "[c]urrent Trustee direction is not to do an accounting until the beneficiaries for both Trusts have been ascertained and the transfer of assets for the 1985 Trust is complete, that is impossible at the moment since the matter is currently before the courts."
25. My father now deceased, created the 1985 Trust. My mother is a current Trustee and is a member of the Sawridge First Nation. I am and always have been a recognized member of the Sawridge First Nation. Accordingly, I have always been considered to be a Beneficiary under both the 1985 Trust and the 1986 Trust and I am therefore entitled to an accounting, which to date the Sawridge Trustees have refused to provide.

Need for Advance Costs and Indemnity

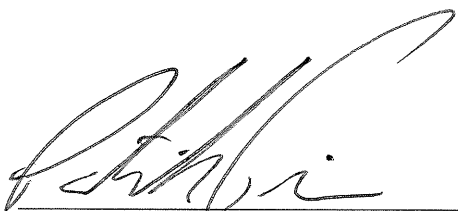
26. I am seeking advance costs and full indemnification for costs of this action from the 1985 Trust. Absent this award, there is no other realistic option for me to bring this issue to Court. Without this financial assistance, there is simply no way that I can proceed.
27. Further, I represent interests, including those of my partner and my infant daughter, that are currently not represented in this matter. The interests I represent are of broader public import and I do not believe that they have been previously determined.
28. I am a member of the Sawridge First Nation, born into it by my father, Chief Walter Twinn and my mother, Catherine Twinn. As I was a Sawridge First Nation member at the time the 1985 Trust was created and I remain one today, I should be included as a Party in the Advice and Direction Application presented before the Court regarding the definition of "Beneficiaries" and the transfer of assets with the 1985 Trust, particularly as my consent would be required in a trust variation application.
29. As a Beneficiary under both Sawridge Trusts, I am entitled to an accounting from the Trustees without delay.

SWORN (OR AFFIRMED) BEFORE ME at)
St. Albert., Alberta, this 26th day of July, 2016.)



Commissioner for Oaths in and for the)
Province of Alberta)

BALRAJ DEOL
Barrister & Solicitor)


_____)

PATRICK TWINN)

Exhibit A

Beneficiaries

Beneficiaries must presently meet the following requirements set out in the Trust Deeds of the two Trusts:

The Sawridge Band Inter-Vivos Settlement, 15 April 1985

"The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985."

The Sawridge Trust, 15 August 1986

"The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of The Sawridge Indian Band as they 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."

This is exhibit "A" referred to
in the Affidavit of

PATRICK TWINN

Sworn before me this 26th

Day of July A.D. 20 16

B. Deol
A Commissioner for Oaths in and for
the Province of Alberta

BALRAJ DEOL
Barrister & Solicitor

Exhibit B

This is exhibit "B" referred to
in the Affidavit of
PATRICK TWINN
Sworn before me this 26th
Day of July A.D. 20 16
B. Deol
A Commissioner for Oaths in and for
the Province of Alberta

BALRAJ DEOL
Barrister & Solicitor

From: Paul Bujold <paul@sawridgetrusts.ca>
Date: May 4, 2016 at 4:21:17 PM MDT
To: Patrick Twinn <patricktwinn77@hotmail.com>
Subject: RE: Accounting of Trusts

Patrick,

The Trusts do have plans to account to the beneficiaries of both Trusts after the determination of the beneficiary definition for the 1985 Trust, and the transfer of assets to the 1985 Trusts, currently before the courts, is complete.

Trustees have kept "accounts in acceptable manner of all receipts, disbursements, investments and other transactions in the administration of the Trusts" and these will be shared at the time of the accounting.

Reporting to the beneficiaries is not a simple process and requires some preparation which the Trusts do not have time for at this time because of the many legal actions, apart from the Trusts' own application for Advice and Direction for the 1985 Trust, that need to be managed and responded to.

Your characterisation that "the Trust Administrator and the Chair feel they do not have to account to a beneficiary" is inaccurate. The Trusts' Administrator and Chair can only act on the direction of the Trustees. Current Trustee direction is not to do an accounting until the beneficiaries for both Trusts have been ascertained and the transfer of assets for the 1985 Trust is complete, that is impossible at the moment since the matter is currently before the courts.

Your request will be raised with the Trustees at their June meeting.

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

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From: Patrick Twinn [<mailto:patricktwinn77@hotmail.com>]
Sent: Tuesday, May 03, 2016 1:46 PM
To: Paul Bujold <paul@sawridgetrusts.ca>
Cc: Brian Heidecker <brian@sawridgetrusts.ca>
Subject: RE: Accounting of Trusts

Paul

While I appreciate you responding in a timely and professional manner, I am interested in knowing why the Trusts feel they do not have to account as the trustees must be ready to provide at any time to provide accounts to a beneficiary. Common Law suggests that accounts must show the amount at inception, the amounts received and the amounts expended. In both the 85 and 86 Trusts, the Trustees are required to keep "keep accounts in acceptable manner of all receipts, disbursements, investments and other transactions in the administration of the Trusts."

With that said, there is no direction to account to beneficiaries but there also is no prohibition from doing so, therefore common law requirements to accounts should be apply.

I am curious to know why the Trust Administrator and the Chair feel they do not have to account to a beneficiary.

W. Patrick Twinn
(780) 718-9661
P.O. Box 1460
Slave Lake, Alberta T0G 2A0

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From: paul@sawridgetrusts.ca
To: patricktwinn77@hotmail.com
CC: brian@sawridgetrusts.ca
Subject: RE: Accounting of Trusts
Date: Fri, 29 Apr 2016 14:01:09 +0000

Patrick,
Thank you for your request for an accounting. Unfortunately, we are unable to address your request at this time.

Paul Bujold
Trusts Administrator

Sawridge Trusts
Office (780) 988-7723

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From: Patrick Twinn [<mailto:patricktwinn77@hotmail.com>]

Sent: Tuesday, April 12, 2016 4:42 PM

To: Paul Bujold <paul@sawridgetrusts.ca>

Subject: Accounting of Trusts

Paul,

I am a beneficiary of the 1985 and 1986 Trusts and I'm requesting an accounting of the Trusts as soon as practicable.

Patrick

W. Patrick Twinn
Ph: (780) 718-9661
Mailing Address: P.O. Box 1460
Slave Lake, Alberta
TOG 2A0

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Form 49
[Rule 13.19]

COURT FILE NUMBER	1103 14112
COURT	COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE	EDMONTON
APPLICANTS	ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWIN, BERTHA L'HIRONDELLE, AND CLARA MIDO, 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 Trust")
DOCUMENT	AFFIDAVIT OF SHELBY TWINN
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

**AFFIDAVIT OF
SHELBY TWINN
Sworn (or Affirmed) on July 26, 2016**

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

1. I am one of the Applicant Beneficiaries herein, and as such have knowledge of the matters hereinafter disposed to.
2. This matter involving the 1985 Trust has been brought forward to the Court by its five trustees: Bertha Twin- L'Hirondelle, Clara Twin-Midbo, Catherine Twinn, Roland C. Twinn, and Walter Felix Twin (hereinafter referred to as the "Sawridge Trustees"). I understand that Justin Twin and Margaret Ward are now Sawridge Trustees and that they replaced Walter Felix Twin, who resigned, and Clara Midbo who is now deceased.
3. I understand that the Sawridge Trustees are seeking 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") in respect to:
 - a. the definition of the term "Beneficiaries" contained in the 1985 Trust, and, if necessary, to vary the 1985 Trust to clarify the definition of "Beneficiaries"; and
 - b. the transfer of assets to the 1985 Trust.
4. I am a beneficiary under the current definition of the 1985 Trust. I understand that the Sawridge Trustees, with the exception of Catherine Twinn, are seeking to amend the definition of "Beneficiary" under the 1985 Trust on the basis that it is discriminatory. I understand that they seek to amend the definition of "Beneficiary" to band members only as determined by Chief and Council. Although I am currently a Beneficiary under the 1985 Trust, if the Sawridge Trustees application for Advice and Direction succeeds, I will no longer be a Beneficiary as I am not one of the 44 Sawridge Band members on the Sawridge Band List controlled by Chief and Council.
5. I make this Affidavit in support of a motion:
 - (i) to be added as a party in the Advice and Direction Application and to have my counsel participate in the Court proceedings relating to the definition of "Beneficiaries" contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application;
 - (ii) for an order compelling the Sawridge Trustees to provide an accounting and pass their accounts for the 1985 Trust; and
 - (iii) for advance costs and full indemnification of costs from the 1985 Trust and 1986 Trust.

The Trusts

6. In 1985, my Paternal Grandfather, Walter Patrick Twinn established the 1985 Trust to hold certain properties in trust for members of the Sawridge First Nation the ("Sawridge Band"). I understand that the Beneficiaries of the 1985 Trust were defined as all persons who qualified as a member of the Sawridge First Nation pursuant to the provisions of the Indian Act as they existed on April 15, 1982. The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985.

7. In 1986, my paternal grandfather established the Sawridge Trust, August 15, 1986 (the "1986 Trust") (collectively with the 1985 Trust, the "Sawridge Trusts"). The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of the Sawridge Indian Band as they 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

8. Attached hereto and marked as Exhibit "A" is a true copy of the Sawridge Trusts website "Beneficiaries" tab viewed on July 25, 2016.

Background

9. I was born January 3, 1992, and was raised on the Sawridge First Nation Reserve for the first 5 years of my life. I am entitled to and am registered as an Indian. I am not on the Sawridge Band list, and do not receive any benefits from the Sawridge First Nation.
10. My biological father, Paul Twinn is recognized as a Status Indian with the Canadian Federal Government under the *Indian Act* and is a member of the Sawridge First Nation. My paternal grandfather, Walter Patrick Twinn, was the Canadian Chief of the Sawridge First Nation from 1966 to his date of death, October 30, 1997 ("Chief Walter Twinn").
11. My mother, Kristal Schreiber, was married to Paul Twinn and lived on the Sawridge Indian Reserve until I was 5 years old. She returned only once with my sister and me, in November 1997, for my paternal grandfather's funeral.
12. Around 1998, when I was 6 years old my mother moved us to Prince George, British Columbia and to the best of my knowledge it was around that time that she ceased all contact with the Twin(n) family and the Sawridge First Nation.
13. My biological father has made no effort to have any type of relationship with either myself or my sister. He has never supported us financially, nor did he provide any support to my mother. My mother re-married and although I consider her husband to be my father I was never formally adopted.
14. Despite being the daughter of Paul Twinn and the granddaughter of Chief Walter Twinn, and therefore a Beneficiary of the 1985 Trust under the current definition, I have never been contacted about my being a Beneficiary by any Trust Administrator. The first time that I learned that I was a Beneficiary under the 1985 Trust was in September 2013 through Catherine Twinn.

15. I moved to Alberta in 2013. At that time I contacted Arlene Twinn, my biological father's sister, and was asked to complete a membership application form. I have a number of educational goals and would benefit greatly from being a Beneficiary of the Sawridge Trusts. However, at this time I have a number of reservations about applying to be a member.
16. I am very close with my sister Kaitlin who is three years younger than me, and know her very well and love her deeply. Like myself, my sister is a Beneficiary of the 1985 Trust under its current definition. Kaitlin was included for "grandfathering" in the Trustees' Offer to the Court filed June 12, 2016. I was not. My sister has never been contacted by the Trusts.
17. I do verily believe that my paternal grandfather, who settled the Trusts, would have wanted my sister and me to be Beneficiaries, regardless of our Sawridge Band membership status. I strongly oppose the proposal to change the rules that define Beneficiary in the 1985 Trust to band members as controlled by the Chief and Council as that we would not be Beneficiaries.
18. I believe that the purpose of the 1985 Trust was to ensure that a larger and more inclusive family group beyond that of individual members picked by the Chief and Council. This would include women, who marry male Band members and their children. I believe it is essentially impossible to marry within the Sawridge Band as there are only 44 Sawridge Band members.

Request for Accounting

19. On March 2, 2016 I emailed Paul Bujold, Trusts Administrator the following request:

I am a beneficiary of the 1985 Trust. I qualify under section 11 (1) (d) of the Indian Act, as it stood April 17, 1982. I write on behalf of myself and others who qualify under these Indian Act provisions. We are entitled to an accounting of the 1985 Trust assets. To start we will need copies of all legal accounts by March 8, 2016, received by the Trust, whether paid or not, arising in relation to the 1985 Trust. We want the full accounting on or before April 4, 2016.

20. On March 18, 2016 Paul Bujold replied saying:

We cannot provide you with this information at the moment.

Attached hereto and marked as Exhibit "B" is a true copy of my correspondence to Paul Bujold dated March 2, 2016, and Paul Bujold's correspondence to me dated March 18, 2016.

21. As a beneficiary of the 1985 Trust, I am entitled to an accounting which to date the Sawridge Trustees have refused to provide. I am concerned about the legal fees paid by the Trusts.

Need for Advance Costs and Indemnity

22. I am seeking advance costs and full indemnification for costs of this action from the 1985 Trust. Absent this award, there is no other realistic option for me to bring this issue to Court. Without this financial assistance, there is simply no way that I can proceed.
23. I do not believe that my sister and I are the only children of the Sawridge First Nation who would qualify as Beneficiaries of the 1985 Trust under the current definition and who would lose their entitlement under the Sawridge Trustees' proposed amendment. I believe that my interests are of

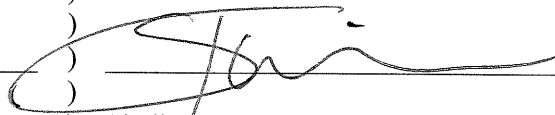
broader public import and to the best of my knowledge, the issues that I raise have not previously been decided.

24. As outlined above, under the current definition of “Beneficiary”, my sister and I are Beneficiaries of the 1985 Trust. If the Sawridge Trustees are successful in their application, my sister and I will lose that entitlement. There are no other Parties to this Action at present that I am aware of, like myself and my sister. Accordingly, my opinion, advice and direction for the definition of “Beneficiaries” contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application is critical to reaching a fair and just determination.

SWORN (OR AFFIRMED) BEFORE ME at)
St. Albert, Alberta, this 26th day of July, 2016.)



Commissioner for Oaths in and for the
Province of Alberta



) Shelby Twinn

BALRAJ DEOL
Barrister & Solicitor

Exhibit A

Beneficiaries

Beneficiaries must presently meet the following requirements set out in the Trust Deeds of the two Trusts:

The Sawridge Band Inter-Vivos Settlement, 15 April 1985

"The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985."

The Sawridge Trust, 15 August 1986

"The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of The Sawridge Indian Band as they 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."

This is exhibit "A" referred to
in the Affidavit of
SHELBY TWINN
Sworn before me this 26th
Day of July A.D. 2016
B. Deol
A Commissioner for Oaths in and for
the Province of Alberta

BALRAJ DEOL
Barrister & Solicitor

Exhibit B

Begin forwarded message:

From: Paul Bujold <paul@sawridgetrusts.ca>
Date: March 18, 2016 at 7:58:40 AM MDT
To: Shelby Twinn <S.Twinn@LIVE.CA>
Subject: RE: 1985 Trust Accounting

Shelby,
We cannot provide you with this information at the moment.
Thanks,

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

Notice of Confidentiality:

This message, transmitted by electronic mail, is intended only for the use of the individual or entity to whom it is addressed and may contain information which is confidential and privileged. Confidentiality and privilege are not lost by this e-mail having been sent to the wrong person. Any dissemination, distribution, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you have received this communication in error, please destroy the original document.

From: Shelby Twinn [<mailto:S.Twinn@LIVE.CA>]
Sent: Wednesday, March 02, 2016 9:29 AM
To: Paul Bujold <paul@sawridgetrusts.ca>
Subject: 1985 Trust Accounting

March 2, 2016

Good Morning Paul,

I am a beneficiary of the 1985 Trust. I qualify under section 11 (1) (d) of the Indian Act, as it stood April 17, 1982. I write on behalf of myself and others who qualify under these Indian Act provisions. We are entitled to an accounting of the 1985 Trust assets. To start we will need copies of all legal accounts by March 8, 2016, received by the Trust, whether paid or not, arising in relation to the 1985 Trust. We want the full accounting on or before April 4, 2016.

Sincerely,

Shelby Twinn

This is Exhibit " B " referred to
in the Affidavit of

SHELBY TWINN

Sworn before me this 26th

Day of July A.D. 20 16

B. Deol

A Commissioner for Oaths in and for
the Province of Alberta

BALRAJ DEOL
Barrister & Solicitor

Form49
[Rule 13.19]

COURT FILE NUMBER 1103 14112 ✓

COURT COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE EDMONTON

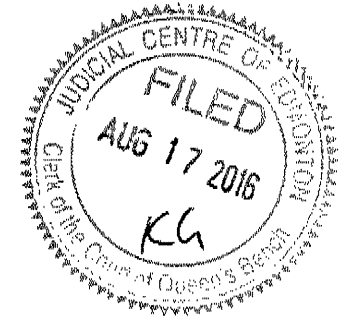
APPLICANTS ROLAND TWINN, CATHERINE TWINN, WALTER FELIX TWIN, BERTHA L'HIRONDELLE, AND CLARA MIDBO, AS TRUSTEES FOR THE 1985 SAWRIDGE TRUST

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



**AFFIDAVIT OF
DEBORAH SERAFINCHON**

Sworn (or Affirmed) on July 26, 2016

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

1. I am one of the Applicant Beneficiaries herein, and as such have knowledge of the matters hereinafter disposed to.
2. This matter involving the 1985 Trust has been brought forward to the Court by the five trustees of the 1985 Trust: Bertha Twin- L'Hirondelle, Clara Twin-Midbo, Catherine Twinn, Roland C. Twinn, and Walter Felix Twin (hereinafter referred to as the "Sawridge Trustees"). I understand that Walter Felix Twin has resigned and that Clara Midbo is now deceased and that they have been replaced as Sawridge Trustees by Justin Twin and Margaret Ward.
3. I understand that the Sawridge Trustees are seeking 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") in respect to:
 - a. the definition of the term "Beneficiaries" contained in the 1985 Trust if necessary, to vary the 1985 Trust to clarify the definition of "Beneficiaries"; and
 - b. the transfer of assets into the 1985 Trust.
4. I make this Affidavit in support of a motion:
 - (i) to be added as a party in the Advice and Direction Application and to have my counsel participate in the Court proceedings relating to the definition of "Beneficiaries" contained in the 1985 Trust and the transfer of assets

into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application; and

- (ii) for advance costs and full indemnification of costs from the 1985 Trust and the 1986 Trust.

The Trusts

5. In 1985, my father, Walter Patrick Twinn, established the 1985 Trust to hold certain properties in trust for members of the Sawridge First Nation. I understand that the Beneficiaries of the Trust were defined as all persons who at the time qualify as members of the Sawridge Indian Band No. 19 pursuant to the provisions of the Indian Act R.S.C. 1970 as it existed on April 15, 1982. The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985.

6. In 1986, my Father established the Sawridge Trust, August 15, 1986 (the “1986 Trust”) (collectively with the 1985 Trust, the “Sawridge Trusts”). The Sawridge Trusts Website provides as follows:

The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of the Sawridge Indian Band as they 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

7. Attached hereto and marked as Exhibit “A” is a true copy of the Sawridge Trusts website “Beneficiaries” tab viewed on July 25, 2016.

Background

8. I was born on October 2, 1961. My father was the Canadian Chief of the Sawridge First Nation from 1966 to October 30, 1997, when he died (“Chief Walter Twinn”).
9. My mother, Lillian McDermott, is recognized as a Status Indian with the Canadian Federal Government under the *Indian Act*. My mother’s Indian Registry number has the Sawridge Band 454. My maternal grandmother, is Marie Louise Sawan. Marie Louise Sawan’s mother or grandmother was Amelia Nisotesis, sister to my paternal grandfather Paul Twin (Nisotesis). My maternal grandfather, Myles McDermott was also Indian and I believe he was entitled to be recognized as an Indian. His mother, my paternal grandmother, was an Indian from Treaty 8.
10. My biological parents were closely related. I believe my paternal grandfather, Paul Twin (Nisotesis) and my maternal grandmother or great-grandmother, Amelia Nisotesis, were brother and sister and the children of Charles Nisotesis and Isabelle Courteoreille. Both my parents attended Indian Residential School at Grouard.
11. I was born an illegitimate child and was placed in foster care at birth and was raised in that system. As an adult I searched for my birth parents. I discovered my biological mother first who informed me of who my father was. Shortly after I found my mother, she died.
12. I contacted my father in 1996, the year before his death, and we spoke many times. Before we were able to meet, my father passed away suddenly. On the

same day as his passing, I fell in my bathroom and have been wheel chair bound since.

13. Patrick Twinn is my co-Applicant in the within motion. He is also my brother. We share the same father. Patrick Twinn's mother is a member of the Sawridge First Nation (the "Sawridge Band") and a beneficiary under both Sawridge Trusts. Patrick is recognized as a Status Indian and is on the Sawridge Band list. Patrick Twinn is a Beneficiary of the 1985 Trust and the 1986 Trust.
14. Roland C. Twinn is my brother. We share the same father. Roland C. Twinn's mother is Theresa Auger. Roland C. Twinn is currently the elected Chief of the Sawridge First Nation and is a Beneficiary under the 1985 Trust (collectively with Patrick Twinn, my "Brothers"). I understand that Roland Twinn's mother chose to enfranchise for a large per capital pay out and is therefore not a member of the Sawridge First Nation nor a beneficiary of either of the Sawridge Trusts.
15. In 2002, I applied for Indian Status registration through the office of Lesser Slave Lake Indian Regional Council ("LSLIRC"). LSLIRC is governed by a board of 5 Chiefs, my brother Roland C. Twinn being one of them. I have no relationship with Roland C. Twinn. Although both my biological parents qualify as Indians, I have not been registered.
16. At some point, I was informed by LSLIRC that the DNA sample I had provided proving that Chief Walter Twinn was my father was inadequate for registration and that I would need two of my father's sisters to attest that I was his daughter. At the time, there were three living sisters, two of whom, Bertha L'Hirondelle and Clara Midbo are named Trustees in this action. I believe this requirement to be impossible and have since given up obtaining registration.
17. I may be excluded as a Beneficiary under the 1985 Trust as a result of being born an illegitimate female. As an illegitimate female child who is the direct descendant in the male line of a Sawridge First Nation member, I am not entitled to be a Beneficiary as a result of the language in the *Indian Act* of 1970. As male descendants, both my Brothers are. I believe this to be discriminatory.

18. I believe that I should have the same entitlement as my brothers and other siblings who are considered Beneficiaries of the 1985 Trust and the 1986 Trust.
19. I also believe that if the *Indian Act* of 1970 is read to include both male and female offspring of a male Indian, as well as illegitimate and legitimate offspring, then I am entitled to be a Beneficiary under the 1985 Act. I may also have an absolute right from birth to be on the Sawridge Band list. If the proposal of the Sawridge Trustees in the application for Advice and Direction is accepted however, I am not entitled to be a Beneficiary under the 1985 Trust because I am not on the Chief and Council controlled Sawridge Band List.
20. I understand that the Sawridge Trustees, with the exception of Catherine Twinn, are seeking to vary the definition of “Beneficiary” under the 1985 Trust on the basis that they have decided it is discriminatory and that they seek to amend the definition of “Beneficiary” to band members only – a list of individuals that the Chief and Council currently dominate and control. This is, in my experience, a far worse form of discrimination.
21. Accordingly, I am directly affected by the matter brought forward by the Sawridge Trustees in the Advice and Direction Application involving the 1985 Trust and I am a potential Beneficiary thereunder.


Need for Advance Costs and Indemnity

22. I am seeking advance costs and full indemnification for costs of this action from the 1985 Trust. Absent this award, there is no other realistic option for me to bring this issue to Court. Without this financial assistance, there is simply no way that I can proceed.
23. My biological parents found out they were related after I was conceived. As a result of the Residential School program, they were not aware of this fact before. I believe that as a result they did not marry and I was placed in the foster care system. I do not believe that I am the only potential Beneficiary to have been placed in the foster care system or born illegitimate and raised outside of the Sawridge First Nation. This impacts my and others’ children and grandchildren. I

believe that a determination of interests like mine are of public importance, and have not been resolved to date. The Court in the Advice and Direction Application is the appropriate forum where these issues can be fairly addressed.

24. As outlined above, both my mother and father are direct descendants of Charles Nisotesis and Isabelle Courteoreille whose names were on the Keenooshayoo's Band Pay List, paid at Sawridge, when Treaty 8 was concluded in 1899 at Lesser Slave Lake. Both were recognized as Status Indians under the *Indian Act*, and in the case of my father, after 1951 when the Band List first appeared, he was on the Sawridge Band List. I should have the same entitlements to the 1985 Trust as my male siblings. I should also have the same entitlements as my female siblings without discrimination based on legitimacy or illegitimacy. I, and people like me, are not currently represented in this Action. Accordingly, my opinion, advice and direction for the definition of "Beneficiaries" contained in the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Sawridge Trustees in the Advice and Direction Application is critical to reaching a fair and just determination.

SWORN (OR AFFIRMED) BEFORE)
ME at St. Albert,, Alberta, this 26th day)
of July, 2016.)



Commissioner for Oaths in and for the)
Province of Alberta)

BALRAJ DEOL
Barrister & Solicitor)



DEBORAH SERAFINCHON

Exhibit A

Beneficiaries

Beneficiaries must presently meet the following requirements set out in the Trust Deeds of the two Trusts:

The Sawridge Band Inter-Vivos Settlement, 15 April 1985

"The beneficiaries of The Sawridge Band Inter-Vivos Settlement at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band No. 454 pursuant to The Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after April 15, 1985, all persons at such particular time as would qualify for such membership pursuant to the said provisions as they existed on April 15, 1985."

The Sawridge Trust, 15 August 1986

"The beneficiaries of The Sawridge Trust at any particular time are all persons who at that time qualify as members of The Sawridge Indian Band under the laws of Canada in force at that time, including the membership rules and customary laws of The Sawridge Indian Band as they 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."

This is exhibit "A" referred to
in the Affidavit of

DEBORAH SERAFINCHUN

Sworn before me this 28th

Day of July A.D. 2016

Balraj Deol
A Commissioner for Oaths in and for
the Province of Alberta

BALRAJ DEOL
Barrister & Solicitor