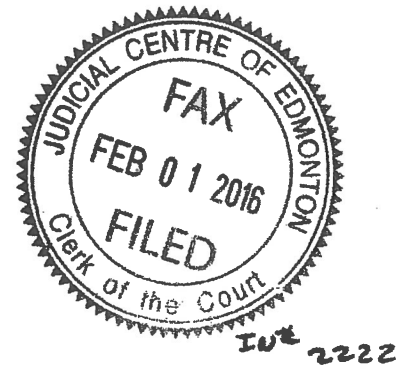


Clerk's Stamp:



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

**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  
(the "1985" Sawridge Trust")

ENTERED  
by MP

**APPLICANTS**

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

**APPLICANT** in this Application

OFFICE OF THE PUBLIC TRUSTEE OF  
ALBERTA

**RESPONDENT** in this Application

THE SAWRIDGE FIRST NATION

**DOCUMENT**

**APPLICATION BY THE OFFICE OF THE  
PUBLIC TRUSTEE OF ALBERTA FOR  
PRODUCTION UNDER RULE 5.13.**

**ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT**

**HUTCHISON LAW**  
#190 Broadway Business Square  
130 Broadway Boulevard  
Sherwood Park, AB T8A 3X1

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

## **NOTICE TO THE RESPONDENT, SAWRIDGE FIRST NATION**

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

You have the right to state your side of this matter before the Justice.

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

**Date:** To be set by the Case Management Justice, but in any event prior to April 30, 2016 as directed in the Reasons for Judgment dated December 17, 2015

**Time:** To be set by the Case Management Justice

**Where:** Law Courts Building  
1A Sir Winston Churchill Square,  
Edmonton, Alberta T5J 3Y2

**Before:** Justice D.R.G. Thomas in Chambers

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

Remedy claimed or sought includes:

1. The OPGT requests the Sawridge First Nation ("SFN") provide it with the following types of documents, the OPGT believes may be relevant and material to the issue of which assets, were to be, and were settled in the 1985 Trust:
  - a.) Band Council meeting minutes, Band Council Resolutions, or documents presented to or before, or approved by, Band Council in the 1970's, including records of transfers or any transfer documents, when land, hotel and other business assets acquired by the SFN were registered in Chief Walter Twinn's, George Twin's, Walter Felix Twin's, Samuel Gilbert Twin's, and David Fennel's names to hold in trust for the members of SFN, which assets were to be transferred to the 1982 Trust and ultimately into the 1985 Trust. [Source: Affidavit of Paul Bujold, filed September 13, 2011, para. 8];
  - b.) Band Council meeting minutes, Band Council Resolutions or documents presented to or before, or approved by, Band Council in the June 1982 meeting held at the Sawridge Band Office to address the transfer of all property held by Chief Walter Twinn, George Twin, Walter Felix Twin, Samuel Gilbert Twin and David Fennel in trust for the present and future members of the 1982 Trust, which assets were ultimately to be transferred into the 1985 Trust, that contain any information about the assets held by the individuals and/or the transfer to the Trust, , including records of transfers or any transfer documents. [Source- Affidavit of Paul Bujold, filed September 13, 2011, para. 10 and Exhibit B]

- c.) Band Council meeting minutes or documents presented to or before, or approved by, Band Council, including records of transfers or any transfer documents, at its April 15, 1985 Band Council meeting that would provide any greater detail or information regarding the transfer of assets from the 1982 Trust to the 1985 Trust, beyond that contained in the Band Council Resolution. [Source: Affidavit of Paul Bujold, filed September 13, 2011, Exhibit H]
- d.) Any documents SFN has in its possession or control, including records of transfers or any transfer documents, that would assist in identifying the specific additional assets that Mr. Bujold believes were later transferred from SFN or individuals holding the property in trust for SFN members and the dates and manner of transfer. [Source: Affidavit of Paul Bujold, filed September 13, 2011, para. 22]
- e.) Copies of SFN financial statements prepared prior to June 1, 1984 that would provide details of the assets which composed the transferred assets with a carrying value of \$17, 951, 590.00 as referred to in Note 16 to the June 1, 1984 Financial Statements provided at Undertaking #16 of Paul Bujold's Answers to Undertakings;
- f.) Further to item (e) above, any Band Council meeting minutes, Band Council resolutions or documents presented to or before, or approved by, Band Council, or minutes of meetings of Band members, including records of transfers or any transfer documents, or other documentation regarding the December 17, 1983 transfer of assets to the 1982 Trust, and ultimately 1985 Trust;
- g.) Any documentation that would assist in understanding if the 1985 Contribution from Beneficiaries related to any of the assets that were being held by individuals in trust for the SFN members and that were later settled in the Trust. [ Source- Sawridge Trust Financial statements dated December 31, 1986 (produced as part of Paul Bujold's Answers to Undertakings, UT #16) which refers in Note 7 to a 1985 "contribution from beneficiaries" ]
- h.) Copies of the series of demand promissory notes held in trust by Walter Twinn for the SFN band members, as referred to in the January 21, 1985 Demand Debenture, which was later transferred to the Trust, as well as any Band Council meeting minutes or documents presented to or before, or approved by, Band Council relating to the promissory notes or the 1985 Demand Debenture. [Source: Paul Bujold Answers to Undertakings, UT #16]
- i.) Band Council meeting minutes, Band Council resolutions, or documents presented to or before, or approved by, Band Council, including records of transfers or any transfer documents, in relation to the transfers of \$3,706,060.00 and \$17,951,590.00 to the Trust in 1985 and 1984 respectively, that would identify that specific assets that comprised the transfers, if not already produced in response to the above requests;

j.) Any documentation in the SFN's possession and control that would assist in determining what assets were intended to be included in the Trust Settlement, the 1982 Trust, or the Declaration of Trust, or any documentation that would confirm the specific transfers from the 1982 Trust to the 1985 Trust. [Source – Paul Bujold Answer to Undertaking #18, Response from Justice Canada suggesting SFN would be the party that would best be able to locate the documents requested.]

2. The OPGT bases its request, including its assessment of whether SFN may have control of the requested records and their relevance and materiality, on the information available in the proceeding as of today's date. It must be noted that the OPGT has not had the benefit of questioning the Trustee's affiant, Paul Bujold, on the documents produced regarding assets, on his answers to undertakings or on his Affidavit of Records, dated November 2, 2015, as of the date of filing.

**Grounds for making this application:**

1. This application is made under direction of the Court as set out in the December 17, 2015 Reasons for Judgment. The Public Guardian and Trustee is filing its application under revised terms from the December 17, 2015 judgment, which is under appeal.
2. The Public Guardian and Trustee is also filing this application despite the fact that the Parties have also provided the Court with a signed consent order for an extension of time, to file the within application.
3. The OPGT reserves the right to file an amended application once its Questioning of Paul Bujold on asset documentation has actually been held and upon the result of Appeals 1603-0029AC and 1603-0026AC.

**Material or evidence to be relied upon:**

1. All relevant materials filed to date in Court of Queen's Bench Action 1103 14112, including all transcripts, affidavits, excerpts of evidence and answers to undertakings;
2. Such further and other materials as Counsel may advise and this Honourable Court may allow.

**Applicable rules:**

1. *Alberta Rules of Court*, Alta Reg 124/2010, Rule 5.13;
2. Such further and other rules as Counsel may advise.

**Applicable Acts and regulation:**

1. *Public Trustee Act*, SA 2004, c P-44.1
2. Such further and other Acts and regulation as Counsel may advise.

**Any irregularity complained of or objection relied on:****How the application is proposed to be heard or considered:**

In chambers before Justice Thomas, the case management justice assigned to this file.

**WARNING**

If you do not come to Court either in person or by your lawyer, the Court may give the applicant 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 that date and at the time shown at the beginning of the form. If you intend to rely on an affidavit or other evidence when the application is heard or considered, you must reply by giving reasonable notice of the material to the applicant.