

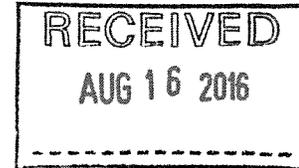
THE HONOURABLE MR. JUSTICE
DENNIS R. THOMAS



THE LAW COURTS
EDMONTON, ALBERTA
T5J 0R2
TEL: (780) 422-2200
FAX: (780) 427-0334

COURT OF QUEEN'S BENCH OF ALBERTA

August 12, 2016



Janet L. Hutchison
Hutchison Law
130 Broadway Boulevard
Sherwood Park, AB T8H 2A3

Dear Counsel:

**RE: Sawridge Bank Inter Vivos Settlement
Action No. 1103 14112**

Further to your letter of March 31, 2016 and Ms. Monson's email to Denise Sutton of June 13, 2016 I have now signed the December 17, 2015 Order and return it to your office for filing. Please provide me with a filed copy of this Order.

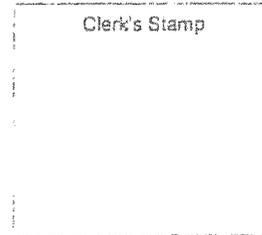
Yours truly,

A handwritten signature in black ink, appearing to be 'D.R.G. Thomas'.

D.R.G. Thomas

DRGT/saa
Encl.

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



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

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

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

DOCUMENT **ORDER**

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS
DOCUMENT **Dentons Canada LLP**
2900, 10180 101 Street
Edmonton, AB T5J 3V5
Attention: Doris Bonora
Telephone: (780) 423-7188
Facsimile: (780) 423-7276
File No.: 551880 -1

**DATE ON WHICH ORDER WAS
PRONOUNCED:**

December 17, 2015

**LOCATION WHERE ORDER WAS
PRONOUNCED:**

Edmonton, Alberta

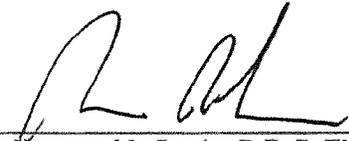
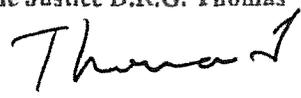
NAME OF JUSTICE WHO MADE THIS ORDER: Honourable Justice D.R.G. Thomas

UPON THE APPLICATION of the Office of the Public Guardian and Trustee of Alberta ("Public Trustee"), and Upon hearing from the counsel for: Sawridge First Nation, the Public Trustee, Sawridge Trustees and Catherine Twinn; and Upon the decision of The Honourable Mr. Justice Dennis R. Thomas dated December 17, 2015 (2015 ABQB 799);

IT IS HEREBY ORDERED THAT:

1. The Public Trustee's application for production of records/information from the Sawridge First Nation ('SFN') is denied.
2. Document production by SFN shall only be compelled pursuant to *Rule 5.13(1)* of the *Alberta Rules of Court*, Alta Reg 124/2010.
3. The Public Trustee shall not conduct an open-ended inquiry into the membership of the SFN and the historic disputes that relate to that subject.
4. The Public Trustee shall not conduct a general inquiry into potential conflicts of interest between SFN, its administration and the Sawridge Trustees.
5. The Public Trustee shall be limited to four tasks:
 - (a) Representing the interests of minor beneficiaries and potential minor beneficiaries so that they receive fair treatment (either direct or indirect) in the distribution of the assets of the 1985 Sawridge Trust; and
 - (b) Examining on behalf of the minor beneficiaries the manner in which the property was placed/settled in the Trust; and
 - (c) Identifying potential but not yet identified minors who are children of SFN members or membership candidates as these are potentially minor beneficiaries of the 1985 Sawridge Trust; and
 - (d) Supervising the distribution process itself.

6. The Public Trustee and the Sawridge Trustees are to immediately proceed to complete the first three tasks outlined in paragraph 5 above.
7. The Sawridge Trustees will submit a distribution arrangement by January 29, 2016.
8. The Public Trustee shall have until March 15, 2016 to prepare and serve an application, pursuant to *Rule 5.13(1)*, on SFN identifying specific documents it believes are relevant and material to test the fairness of the proposed distribution arrangement to minors who are children of beneficiaries or potential beneficiaries.
9. If no *Rule 5.13(1)* application is made in relation to the proposed distribution scheme, submissions on the distribution proposal shall be made by the Public Trustee and Sawridge Trustees at a case management meeting held before April 30, 2016.
10. The Public Trustee shall have until January 29, 2016 to prepare and serve an application, pursuant to *Rule 5.13(1)*, on SFN identifying specific documents for production which it believes are relevant and material to the issue of the assets settled in the 1985 Sawridge Trust.
11. If necessary, a case management meeting will be held before April 30, 2016 to decide any disputes concerning any *Rule 5.13(1)* application by the Public Trustee.
12. SFN shall provide the following to the Public Trustee by January 29, 2016:
 - (a) the names of individuals who have:
 - (i) made applications to join the SFN which are pending; and
 - (ii) had applications to join the SFN rejected and are subject to challenge;
 - (b) the contact information for those individuals where available.
13. The Public Trustee is instructed that if it requires any additional documents from the SFN to assist it in identifying the current and possible members of category 2, (Minors who are children of members of the SFN), the Public Trustee shall file a *Rule 5.13(1)* application by January 29th, 2016.
14. The SFN and the Sawridge Trustees shall have until March 15, 2016 to make written submissions in response to any application by the Public Trustee described in paragraph 13 above
15. The Public Trustee shall not engage in collateral attacks on membership processes of the SFN. The Sawridge Trustees shall not engage in collateral attacks on SFN's membership processes.
16. The decision on costs in relation to the Public Trustee's production application is reserved until the Court evaluates any *Rule 5.13(1)* applications brought by the Public Trustee


Honourable Justice D.R.G. Thomas


APPROVED AS TO FORM:

Reynolds, Mirth, Richards & Farmer LLP

Per: _____

Marco Poretti, Counsel for the Sawridge
Trustees

Denons Canada LLP

Per: _____

Doris Honora, Counsel for the Sawridge
Trustees

Hutchison Law

Per: _____

Janet L. Hutchison, Counsel for the Office the
Public Guardian and Trustee

Parlee McLaws LLP

Per: _____

Edward H. Molstad QC, Counsel for Sawridge
First Nation

Bryan & Co. LLP

Per: _____

Nancy E Cumming QC and Joseph Kueber QC , Counsel for Roland Twinn, Bertha
L'Hirondelle, Margaret Ward and E. Justin Twin

McLennan Ross LLP

Per: _____

Karen Platten QC and Crista Osualdini, Counsel for Catherine Twinn

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Per: _____

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Per: _____

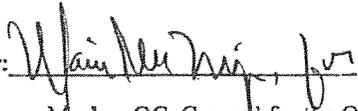
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L'Hirondelle, Margaret Ward and E. Justin Twin

McLennan Ross LLP

Per: _____

Karen Platten QC and Crista Osualdini, Counsel for Catherine Twinn

Supreme Advocacy LLP

Per: 

Eugene Meehan QC, Counsel for the Office the Public Guardian and Trustee

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