

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  
Trusts")

DOCUMENT **ORDER**

ADDRESS FOR SERVICE  
AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

**Dentons Canada LLP**  
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Edmonton, AB T5J 3V5  
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File No.: 551880 -1

**DATE ON WHICH ORDER WAS  
PRONOUNCED:**

September 2 -3, 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 Applicants, and Upon hearing from the Applicants and Upon hearing from the Public Trustee of Alberta;

**IT IS HEREBY ORDERED THAT:**

1. The Sawridge Trustees will prepare and serve an Affidavit of Records in compliance with Part 5 of the *Alberta Rules of Court* within 60 days of the date of this order
2. Specifically, the Sawridge Trustees will abide by the definition of relevant and material as such is defined in Rule 5.2;
3. The Sawridge Trustees will disclose all records that are or have been under the control of the Sawridge Trustees;
4. The Sawridge Trustees agree to be bound by Rule 5.10 such that they will provide notice of any records that come to their attention subsequent to service of the Affidavit of Records;
5. The Applicants withdraw their Settlement Application (filed June 12, 2015) and their Litigation Plan Application (filed June 12, 2015).
6. The following provisions sought by the Pubic Trustee of Alberta are adjourned sine die:

*The Sawridge Trustees agree the parties will request further direction from the Court on September 2 and 3, 2015, on the following questions:*

- a) *Are records the Sawridge Trustees have reviewed or otherwise been given access to by the Sawridge First Nation, records that are, or have been, in the possession or control of the Sawridge Trustees;*
- b) *Are the records that are, or have been, in the possession or control of individual Sawridge Trustees, for reasons including the multiple roles of the Trustees within the Nation, deemed to be in the possession or control of Sawridge Trustees;*

- c) *Is the unsworn Affidavit of Catherine Twinn from Court of Queen's Bench Action No. 1403 04885 a document that is, or has been, in the possession or control of the Sawridge Trustees;*
- d) *Are records relevant to the Sawridge Trustees' proposals to establish a tribunal to determine beneficiary status, including information regarding any concerns around the Sawridge Band's membership criteria, membership applications, or membership decision-making processes as they affect the Trust's beneficiary identification process, relevant, material and producible under Part 5 of the Rules;*
- e) *Are records relevant to conflict of interest issues arising from the multiple roles of Sawridge Trustees, including their roles as Band members, beneficiaries, within the Sawridge Band government and as decision makers within the Sawridge Band membership process, relevant, material and producible under Part 5 of the Rules;*
- f) *Are records providing the details and listing of any assets held in trust by individuals for the Sawridge Band prior to 1982; the details and listing of any assets transferred from individuals to the 1982 Trust; and the details and listing of the assets transferred into the 1985 Trust relevant, material and producible under Part 5 of the Rules;*

7.

"D.R. THOMAS"  
Honourable Justice D.R.G. Thomas

**APPROVED AS TO FORM:**

**Reynolds, Mirth, Richards & Farmer LLP**

Per: 

Marco Poretti, Counsel for the Applicants

**Dentons Canada LLP**

Per: 

Doris Bonora, Counsel for the Applicants

**Hutchison Law**

Per: \_\_\_\_\_

Janet Hutchison, Counsel for the Office of the  
Public Trustee

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