COPY

COURT FILE NO: 1103 14112

COURT: 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 (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

QUESTIONING ON AFFIDAVIT

OF

PAUL BUJOLD

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

Ms. J.L. Hutchison — For the Public Trustee

Susan Stelter — Court Reporter

Edmonton, Alberta

27 & 28 May, 2014

PAUL BUJOLD, SWORN AT 10:00 A.M., QUESTIONED BY MS. HUTCHISON:

Q MS. HUTCHISON: Good morning, Mr. Bujold. How are you?

A I am good.

Q Just a few initial questions, Mr. Bujold. Am I pronouncing your name correctly?

A Yes, you are actually.

Q You are the Paul Bujold who swore the Affidavit dated August 30th, 2011?

A Yes.

Q September 12th, 2011?

A Yes.

Q And September 30th, 2011 in the Court of Queen's Bench Action Number 1103 14112?

A Yes.

Q Thank you. And is it your understanding that you have the authority to bind the 1985 Sawridge Trust with your evidence today?

A Yes, I do.

Q Now I understand, Mr. Bujold, that you are the CEO of both Sawridge Trusts?

A That is right.

Q So we have a 1986 Trust and a 1985 Trust, and collectively they are known as the Sawridge Trusts?

A Trusts, yeah.

Q Are you also the Trust administrator and program

manager?
A Yes.
Q You are, okay. When did you start as CEO?
A The 14th of September, 2009.
Q And do you know who held that position prior?
A There wasn't anybody before.
Q Okay. It was just the trustees prior to that?
A That is right.
Q And did you start the role of Trust administrator and program manager at the same time?
A Yeah, everything started simultaneous.
Q And could you just give me a general idea of what your duties, your job description is for all three of those positions?
A Okay. For the Trust administration I advise the trustees, I prepare the minutes for the meetings, and the agenda, along with our chair. I administer the accounts and I provide payouts for beneficiaries.

For the program manager I create programs that are benefits to the beneficiaries, and advise the trustees on the creation of those benefits, and then I get their approval for policies to govern the various benefits.
Q Okay.
A As the chief executive officer I am basically responsible for the management of all the affairs of the Trust at the direction of the trustees. So I relay to the accountants, to the legal counsel, to institute

actions when it is necessary.
Q Thank you. Are you also the principal management officer under the Sawridge Financial Administration Act, or do you know?
A I don't know.
Q Let me actually take you to one of the documents that your counsel provided to me recently. Sorry, I apologize, Mr. Bujold, the Financial Administration Act is on your web site, or on Sawridge's web site.
MS. BONORA: Is that the Sawridge First Nation web site?
Q MS. HUTCHISON: First Nation web site. So as far as you know you are not the principal management officer under the Administration Act?
A No, I don't work for the band.
Q At all?
A At all. So I have no relationship to the First Nation.
Q Okay. That answers that question, that is great.
A Okay. Nor do the Trusts.
Q Do you hold any other roles or positions with the Trusts that we haven't talked about?
A No.
Q Just those three?
A That is right.
Q Okay. Preliminaries done, Mr. Bujold. Just a couple of things. I suspect just based on all of the shortened terminology that we have already adopted in

the Affidavit and in the material, I am going to be using short versions of longer terms throughout the examination. If I use one of those terms and you don't understand what I am referring to, will you ask me for clarification?

A I will absolutely.

Q Wonderful. And if I ask you a question you just don't understand, you will ask me for clarification?

A Same.

Q Great. And if I ask you a question that you need to look at documents or some sort of paperwork to refresh your memory, will you stop me and ask to do that?

A Yes.

Q Perfect. Okay. Speaking of paperwork, I have one quick question for you. In the style of cause in this action there is reference to the Sawridge Indian Band, No. 19?

A Yes.

Q In paragraph 6 of your September 12, 2011 Affidavit there is reference to Sawridge Band No. 454?

A That is right.

Q Are there two different designations for the band?

A No, we don't know where the 19 comes from. It showed up in legal documents and it shows up in the Trust documents, but it was never a number that referred to the First Nation.

Q Okay.

A It has always been 454.
Q Okay.
A So maybe at some time in the distant past 19 was the number that was assigned by the federal government, but it hasn't shown up anywhere else, and the Chief and Council of the band have told me that they don't know where that number comes from.
Q So as far as you know it is Sawridge Indian Band No. 454?
A That is right.
Q Okay. Thank you. Mr. Bujold, going to your Affidavit sworn on August 30th of 2011, if you have a copy of that available?
A M-hm.
Q I see in that Affidavit, and I am looking particularly at paragraphs 3 through 5, you have attached deeds of settlement for the 1982 Trust, the 1985 Trust, and the 1986 Trust?
A That is right.
Q I am assuming based on the time that you started with the Trust you didn't have any direct or personal involvement with the Trust being established?
A None.
Q Okay. So anything that you know about the establishment of the Trust is from your review of documentation or talking to other individuals connected with Sawridge or the Sawridge Trusts?

A That is correct.

(Discussion off the record.)

Q MS. HUTCHISON: Mr. Bujold, just looking at the 1982 Trust to begin with, can you help me a bit with, I am just looking at the names of the trustees in the first 1982 Trust. Walter Patrick Twinn, Walter Felix Twin, and George Twin?

A Right.

Q Do you know what the relationship was between those three individuals? Were they brothers, cousins?

A Well, Walter Patrick Twinn is a cousin to Walter Felix Twin.

Q Okay.

A And a brother to George Twin.

Q Okay. And is it your understanding that at the time the 1982 Trust was created Walter Patrick Twinn, Walter Felix Twin, and George Twin were the only members of Chief and Council for Sawridge First Nation?

A Yes.

Q Okay. And then when we turn to Exhibit D which is the 1985 Trust, am I correct in understanding that Walter Patrick Twinn, George V. Twin, and Samuel G. Twin were the councillors of Sawridge First Nation in 1985?

A That is right.

Q Okay. And what was the relationship as far as you know between Walter Patrick Twinn and Samuel G. Twin?

A They were brothers as well.

Q Okay. And just out of curiosity, any idea why the Twin name is spelt with two N's in some places and one in others?

A Yes. Walter Patrick Twinn and Walter Felix Twin had the same name.

Q Okay.

A And so it caused confusion and so they added a double N on Walter Patrick Twinn's name, even though -- because he never went by Walter Patrick, he went by Walter. And Walter Felix actually started going by Walter Felix, so everybody knows him as Walter Felix Twin, but the name, just so that there is no confusion, is spelt differently.

Q Thank you, that is very helpful. And the George V. Twin that is referred to here in the 1985 Trust is the same, that is the George Twin as referred to in the 1982 one?

A Yes.

Q Okay. Turning to the 1986 Trust, which is Exhibit C to your Affidavit, I see that the trustees for that Trust are Chief Walter P. Twinn, Catherine Twinn and George Twin?

A Yes.

Q So George again is Walter Patrick's brother?

A Yes.

Q Catherine Twinn was Walter Patrick's wife at that time?

A That is right.

Q Was she also a member of Chief and Council at that time?
A No.
Q Has she ever been a member?
A Never.
Q Never been on council?
A Never.
Q Okay. If we could just flip to your September 12th, 2011 Affidavit for a moment, paragraph 3, where you list the five trustees of the 1985 Trust?
A Yes.
Q Bertha L'Hirondelle, Clara Midbo, Catherine Twinn, Roland C. Twinn, and Walter Felix Twin, are those still the trustees as of today's date?
A No.
Q Who are the current trustees?
A Walter Felix Twin resigned the 21st of January of this year, 2014.
Q Okay.
A And was replaced by Everett Justin Twin, single N Twin.
Q And sorry, Everett Justin?
A He goes by Justin, but his legal name is Everett, E-V-E-R-E-T-T.
Q So that would be the same Justin Twin that is currently a member of Chief and Council for Sawridge First Nation?
A That is right.

Q Okay. And so I understand that Walter Felix Twin also resigned from the Membership Review Committee?
A I understand that. It is not -- we don't know who sits on that committee anymore.
Q Okay. So in terms of Walter Felix Twin's resignation from the Trust, did he give any reasons for his resignation?
A He was aged and ill. He had just had major surgery.
Q Sorry to hear that.
A Yes.
Q Now just so that I can try to get a bit of a sense of the trustees, then. Bertha L'Hirondelle was Walter Patrick Twinn's sister, or is his sister?
A Right.
Q Clara Midbo is also his sister?
A Yes.
Q Catherine Twinn is his widow?
A Right.
Q And Roland C. Twinn, was that Walter Patrick's son?
A Yes.
Q And Walter Felix Twin, when he was a trustee, was Walter Patrick's brother?
A Cousin.
Q Cousin, right. And what relationship, if any, did Everett Justin Twin have to Walter Patrick?
A Justin is the son of Vera Twin, Vera McCoy as she is known now, but she was Vera Twin, and I think she is

the niece of Walter Patrick and Bertha and Clara.
Q Okay.
A So that makes Justin their --
Q That is okay.
A -- nephew once removed.
Q We will figure that out.
A Okay.
Q But Vera was Walter Patrick's niece?
A Yes.
Q Do you know who her mother was?
A Pauline.
Q Twin?
A Yes.
Q And Pauline was one of Walter Patrick's sisters?
A Sisters.
Q Okay. Now I understand the other current member of Chief and Council, and there are only three members of Chief and Council, correct?
A Yes.
Q Is Winona Twin?
A Yes.
Q And what is her relationship to either Walter Patrick or --
A She is Justin's sister.
Q Okay.
A But they were raised by different people.
Q Okay. But by birth they are brother and sister?

A Right.
Q Mr. Bujold, I will probably ask this question by way of undertaking unless you have a very good memory, but what I am interested in is getting a list of who sat on Sawridge First Nation Chief and Council from 1985 until present. And the second undertaking would be to advise me who the Sawridge trustees were from 1985 to present. And if you could break it up as terms that they sat, you know, if they had multiple terms, just give me the date range, that would be super.
A I can do that for the trustees.
Q Okay.
A But I can't do it off the top of my head. I will have to look it up.
Q That is fantastic.
A And the Chief and Council, I have no idea. So we would have to get that information.
Q If you could certainly make inquiries, perhaps, of the trustees if they might be able to assist on that? Your counsel will have a very good understanding of the scope of information that you are required to actually ask. So if you are able to provide it that is super.
MS. BONORA: We will undertake to provide the Sawridge list of trustees. We will make our best efforts to try and get the information on Chief and Council since 1985.
MS. HUTCHISON: Thank you.

UNDERTAKING NO. 1:
RE PROVIDE LIST OF WHO SAT ON SAWRIDGE FIRST NATION CHIEF AND COUNCIL FROM 1985 UNTIL PRESENT.
UNDERTAKING NO. 2:
RE ADVISE WHO THE SAWRIDGE TRUSTEES WERE FROM 1985 TO PRESENT, BREAKING IT UP INTO TERMS THAT THEY SAT IF THEY HAD MULTIPLE TERMS, AND PROVIDE DATE RANGE.

Q MS. HUTCHISON: So I am still on our list of trustees for now. So let's start with the new trustee, Mr. Bujold. He is Justin Twin?

A Yes.

Q He is a member of Chief and Council?

A Yes.

Q Obviously he is a member of the Sawridge First Nation?

A Yes.

Q And by virtue of being a member of the Sawridge First Nation he would also be a beneficiary of both Trusts, the 1986 and '85?

A Yes, yes.

Q Okay. And is it your understanding that as a member of the First Nations he would also be a member of the Appeal Committee for membership issues? Are you aware of that structure?

A The Appeal Committee are all of the electors, and I would presume he is an elector.

Q Okay.
A But I don't know.
Q So the Appeal Committee is electors, not necessarily -- so there could be members that are not electors?
A Right.
Q Okay.
A There would probably be minors.
Q Okay. And do you know if Justin Twin sits on the Membership Review Committee? Did he take Walter Felix's position on that, or you are not --
A I don't know.
Q Let's just go off for a second.

(Discussion off the record.)

Q MS. HUTCHISON: Mr. Bujold, your counsel just reminded me that she gave me a list a week or so ago, and the current members of the Membership Committee are Vera McCoy, and she is the mother of Winona and Justin, correct?
A That is correct.
Q Roland C. Twinn who is Chief of Sawridge?
A Yes.
Q Catherine Twinn, Walter Patrick's widow?
A Yes.
Q Bertha L'Hirondelle, Walter Patrick's sister?
A Yes.
Q And Arlene Twinn?
A Is Roland's sister.

Q Okay. And so Walter Patrick's daughter?
A Right. I don't know if I need to clarify this, but she is -- Roland and Arlene are children of Walter's first marriage.
Q Okay. And are there children of Walter and Catherine's marriage as well?
A Yes.
Q Who are they?
A Walter Patrick; Samuel, I can't remember his second name; and Isaac, and I can't remember his second name.
Q Okay. And none of those children are trustees?
A No.
Q And none of them are on council?
A No.
Q Do you know if they hold any particular positions within the Nation?
A Not that I know of.
Q And no positions within the Trust?
A No.
Q They are beneficiaries of both Trusts?
A Yes, yes.
Q Okay. So other than the positions that we have just talked about for Justin Twin, any other positions that he holds in relation to the Sawridge Trust or the Nation that you are aware of?
A In relation to the Trusts, no. In relation to the First Nation, I am not aware of.

Q Any other one?
A No.
Q If you become aware of any other positions Justin Twin holds within the First Nation, if you could advise us?
A Sure.
MS. BONORA: Well, it will always be under this constant undertaking. So do you want us to undertake to inquire, or?
MS. HUTCHISON: Sure.
MS. BONORA: I don't want to be under a constant undertaking.
MS. HUTCHISON: Let's do it that way.
MS. BONORA: Okay.
MS. HUTCHISON: If you could undertake to advise us of any other titles or positions Justin Twin holds within the Sawridge First Nation.

UNDERTAKING NO. 3:
RE ADVISE OF ANY OTHER TITLES OR POSITIONS JUSTIN TWIN HOLDS UNDER THE SAWRIDGE FIRST NATION.

Q MS. HUTCHISON: Let's chat about Catherine Twinn for a second. Catherine Twinn is a trustee of the Sawridge Trust?
A Yes.
Q She was married to Walter Patrick Twinn?
A Yes.
Q Obviously she is a member of Sawridge?

A Yes.
Q And as far as you know, is she an elector?
A Yes.
Q Okay. So she would also be a member of the Membership Appeal Committee as an elector?
A As far as the definition goes.
Q As far as you know, is she a beneficiary of both the '85 and '86 Trust?
A Yes.
Q And Roland C. Twinn, the current Chief of Sawridge, would be her stepson?
A Yes.
Q Okay. And Catherine Twinn was, are you aware of her having a role in council or the Sawridge First Nation litigation about the constitutionality about Bill C-31?
A Yes.
Q She played that role?
A Yes.
Q Does she continue to deal with membership issues in that capacity?
A No.
Q And you have told me that she has never sat on Chief and Council?
A Not that I am aware of.
Q Okay.
MS. HUTCHISON: Ms. Bonora, if I could ask you to undertake to inquire whether or not Catherine Twinn has

actually ever been a member of Chief and Council.

MS. BONORA: We will give that to you in our earlier undertaking, so I don't need to give you another one.

MS. HUTCHISON: That is right.

Q MS. HUTCHISON: And Catherine Twinn sits on the Membership Review Committee?

A Yes, as far as I know.

Q Okay. Do you have any idea how long she has been on the Membership Review Committee?

A No, I don't.

Q Okay. As of today are you aware of any other role that Catherine Twinn holds for the Sawridge Trust?

A No.

Q Nothing, okay. Are you aware of any other roles or positions, titles, that she has for the Sawridge First Nation?

A No.

Q If I could ask you to undertake to inquire whether or not Catherine Twinn does actually hold any other roles, titles, positions, or fulfill any other responsibilities for the Sawridge First Nation, other than what we have discussed already.

UNDERTAKING NO. 4:

RE ADVISE WHETHER CATHERINE TWINN HOLDS ANY OTHER ROLES, TITLES, POSITIONS, OR FULFILLS ANY OTHER RESPONSIBILITIES FOR

THE SAWRIDGE FIRST NATION OTHER THAN THAT PREVIOUSLY DISCUSSED.

Q MS. HUTCHISON: Bertha L'Hirondelle. We have talked about the fact that she is a sister of Walter Patrick Twinn?

A Yes.

Q My understanding is that Bertha L'Hirondelle was Chief of Sawridge First Nation for a period of time?

A Yes.

Q And we will find out timing on that with the other undertaking. Do you happen to know if she stopped -- when her last term as Chief ended?

A No. The only thing that I am aware of is she became Chief when Walter Patrick died.

Q Okay.

A And she ceased to be Chief when she resigned and Roland Twinn was elected.

Q Okay.

A But the first undertaking should give you that.

Q The time frame?

A That time frame.

Q Thank you. And Bertha L'Hirondelle, she is a member of Sawridge First Nation?

A Yes.

Q As far as you are aware she is an elector of Sawridge First Nation?

A Yes.

Q Is she a beneficiary of both the '85 and '86 Trust?
A No.
Q She is not. So only the --
A Only the '86 Trust.
Q So Bertha is one of the individuals who, if the proposed new definition, I'm going to use that sort of terminology, for the 1985 Trust were adopted, Bertha would become a beneficiary of the '85 Trust?
A Yes.
Q Okay. And just your understanding, Mr. Bujold, but that is because Bertha L'Hirondelle was reinstated under Bill C-31, is that right? So she lost her --
A She lost her status.
Q -- her status, her membership because of marriage?
A Because of marriage, and then applied to be reinstated post Bill C-31.
Q Okay. So she was not only reinstated as a registered Indian, but Sawridge First Nation took her back as a member; is that correct?
A Yes.
Q Do you know what year she was reinstated as a Sawridge member?
A No.
Q Okay. I understand best efforts, Ms. Bonora, but if you could undertake to advise as to which year Bertha L'Hirondelle was accepted back into the Sawridge First Nation as a member.

UNDERTAKING NO. 5:
RE ADVISE WHICH YEAR BERTHA L'HIRONDELLE WAS ACCEPTED BACK INTO THE SAWRIDGE FIRST NATION AS A MEMBER.

Q MS. HUTCHISON: And we have already talked about Bertha also having a role in the Membership Review Committee.
A Yes.
Q Do you know how long she sat in that position?
A No.
Q My understanding from your counsel, and perhaps I will just ask if you have different information, is that the current membership of the Membership Review Committee, other than Walter Felix Twin's recent resignation, has been essentially the same for approximately a decade. Do you have any other information?
A No.
Q Okay. Other than the roles or the titles that we have discussed for Bertha L'Hirondelle, are you aware of her holding any other roles, titles, positions, or having responsibilities for the Sawridge Trust?
A No.
Q Okay.
MS. BONORA: Perhaps let's just go off the record for a second.

(Discussion off the Record.)

Q MS. HUTCHISON: Mr. Bujold, we just had a bit of a

chat off the record. I understand within the Sawridge Trust structure, at least, other than the trustees and yourself and the chairman, which is Brian Heidecker, there are no other roles --

A No.

Q -- within the structure of the Trust?

A No, there aren't.

Q So no subcommittees, no other particular titles or positions?

A No.

Q Okay. Thank you. That will save time. With Bertha L'Hirondelle, are you aware of her holding any roles, titles, positions or having other responsibilities within the Sawridge First Nation?

A Yes.

Q And what are the other roles?

A She is an elected elder.

Q Okay.

A Under the constitution.

Q Any other roles that you are aware of?

A Not that I am aware of. She could have, but I am not aware of them.

Q Ms. Bonora, I will ask for the same undertaking that we have been asking for, just to check and confirm whether or not Bertha L'Hirondelle holds any other roles, titles, positions or has other significant responsibilities within the Sawridge First Nation

structure?

MS. BONORA: Yes.

MS. HUTCHISON: Thank you.

UNDERTAKING NO. 6:
RE ADVISE IF BERTHA L'HIRONDELLE HOLDS ANY OTHER ROLES, TITLES, POSITIONS OR HAS OTHER SIGNIFICANT RESPONSIBILITIES WITHIN THE SAWRIDGE FIRST NATION STRUCTURE.

MS. BONORA: I am just going to say overall, that anything to do with our inquiries of Sawridge First Nation will just be on best efforts because we can't actually undertake.

MS. HUTCHISON: I understand. I do understand. I also appreciate that through the trustees you have a fair repository of knowledge about the Nation, but.

MS. BONORA: Absolutely.

MS. HUTCHISON: But I completely understand that it is a separate legal entity.

Q MS. HUTCHISON: Okay. Clara Midbo. We already chatted about the fact that she is the sister of Walter Patrick Twinn?

A Yes.

Q A member of Sawridge First Nation?

A Yes.

Q As far as you are aware, is she an elector of Sawridge First Nation?

A As far as I am aware of.
Q And Clara would be also in a situation of being a beneficiary of the '86 Trust but not the '85 Trust; is that correct?
A That is correct.
Q And another individual who would become a beneficiary of the 1985 Trust if the new definition were adopted?
A That is correct.
Q Are you aware of Clara holding any other roles, titles, positions or having significant responsibilities within the Sawridge First Nation?
A She is also an elected elder and I am not aware of any other roles that she may have.
Q Okay. And I will just ask for the same best efforts undertaking to find out if she does hold any other roles, titles, positions or responsibilities, Ms. Bonora. Thank you.
MS. BONORA: Yes.

UNDERTAKING NO. 7:
RE DETERMINE IF CLARA MIDBO HOLDS ANY OTHER ROLES, TITLES, POSITIONS OR RESPONSIBILITIES WITH SAWRIDGE FIRST NATION.

Q MS. HUTCHISON: Roland Twinn. So Chief of Sawridge?
A Yes.
Q At the present time. Are you aware of, and you may not

be, but are you aware of his role as principal financial officer under the Sawridge Financial Administration Act?

A I am not aware.

Q Not aware of it, okay. He is a member of Sawridge First Nation, obviously. And as far as you know he would be an elector?

A As far as I know.

Q Is Roland the beneficiary of both the '85 and '86 Trust?

A Yes, he is.

Q And we have confirmed that he is on the Membership Review Committee?

A Yes.

Q Any other roles, titles, positions or responsibilities that you are aware of Roland Twinn holding for the Sawridge First Nation?

A I am not aware of any.

MS. HUTCHISON: We will ask for the same undertaking, Ms. Bonora, to check on that.

MS. BONORA: Yes.

UNDERTAKING NO. 8:

RE ADVISE IF ROLAND TWINN HOLDS ANY OTHER ROLES, TITLES, POSITIONS OR RESPONSIBILITIES FOR SAWRIDGE FIRST NATION.

Q MS. HUTCHISON: Now Walter Felix Twin, and I do

understand that he is not currently a trustee, but he was at the time that the application was filed?

A Yes.

Q He was one of the original settlers of the Trust?

A Yes.

Q Okay. As far as you are aware, Walter Felix Twin is a member of Sawridge?

A Yes.

Q And as far as you are aware he is an elector of Sawridge?

A Yes.

Q And is he a beneficiary of both Trusts?

A Yes.

Q Okay. Are you aware of Walter Felix Twin holding any other roles, titles, positions or having significant responsibilities within the Sawridge First Nation?

A No.

Q And I will just ask you to undertake to make best efforts to confirm that.

UNDERTAKING NO. 9:

RE CONFIRM WHETHER WALTER FELIX TWIN HOLDS ANY OTHER ROLES, TITLES, POSITIONS OR HAS SIGNIFICANT RESPONSIBILITIES WITHIN THE SAWRIDGE FIRST NATION.

Q MS. HUTCHISON: Mr. Bujold, we have talked a little bit about individuals that might be elected elders within the Sawridge First Nation. Do you know who else

holds that title or that privilege other than Bertha L'Hirondelle and Clara Midbo?

A As far as I understand from the constitution, there are two elders who are elected to the Elders Commission, I think it is called, under their constitution.

Q Okay.

A And those are the two at this time.

Q Okay. And are there other members of the Elders Commission, or it is just a two-person?

A A two-person.

Q A two-person Commission. I think that I will ask for an undertaking, Mr. Bujold, could you make inquiries on a best efforts basis as to whether or not any of the past or present trustees have sat on the management board that is established under the Sawridge Financial Administration Act?

MS. BONORA: Sorry, why is that relevant?

MS. HUTCHISON: Well, we are trying to get a sense, I guess, of some of the crossover roles and responsibilities, Ms. Bonora, whether or not there is actually any issue or concern there around the administration.

MS. BONORA: So obviously when we answer all of the undertakings on the current trustees and other roles that they have, that undertaking will be answered.

MS. HUTCHISON: That is excellent. I just wanted

to point out that specific board. That's great. We can do it within those general undertakings.

MS. BONORA: I mean it will come up if it is going to come up, right.

Q MS. HUTCHISON: So, Mr. Bujold, again talking about the trustees. What policies, codes of conduct, procedures, do you have in place at the present time in relation to the trustees' role themselves?

A In the trustees there are some parameters listed for what -- for each -- not for each but for the trustees as a whole.

Q Okay.

A In addition to that they have also established a code of conduct to which they are all party as a contract.

Q Okay.

A In addition to that they also establish policies, various administrative policies for the Trust which includes remuneration for trustees, procedures for meetings, and benefits, and payment benefits.

Q So, Mr. Bujold, if you could undertake to provide us with a copy of any policies or contracts or other documents that relate to a code of conduct or matters such as conflict of interest for the trustees themselves?

A Yes.

Q That would be appreciated:

UNDERTAKING NO. 10:

RE PROVIDE A COPY OF ANY POLICIES OR CONTRACTS OR OTHER DOCUMENTATION RELATING TO A CODE OF CONDUCT OR MATTERS SUCH AS CONFLICT OF INTEREST FOR THE TRUSTEES THEMSELVES.

Q MS. HUTCHISON: Do you personally have an awareness of whether or not similar sorts of policies or documents exist for Chief and Council of the Sawridge First Nation? Codes of conduct, codes of ethics, guidelines around conflict of interest and that type of thing?

A I am not aware of.

Q Your counsel, in response to one of my inquiries, did provide us with a copy of a governance policy or a Governance Act, I should say, and the constitution of Sawridge First Nation. I take it that you are not personally familiar with those documents?

A I have read them.

Q Okay. And do you have any basis to understand that those documents apply to the trustees in their roles as trustees?

A None of the legislation or policies of the First Nation apply to the Trusts, because they are two separate entities.

Q Thank you.

MS. HUTCHISON: Ms. Bonora, very much on a best efforts basis, to the extent that you are able to

determine whether or not there are any other guidelines, policies, contracts, that relate to code of conduct or conflict of interest, or dealing with conflict of interest in relation to Sawridge First Nation Chief and Council, the Membership Review Committee, the Elders Commission, or the Membership Appeal Committee, other than what you have already provided to us which is the Governance Act and the Constitution Act, if you could undertake to use best efforts and advise.

MS. BONORA: I don't think that we will provide the undertaking with respect to all of Sawridge First Nation.

MS. HUTCHISON: Okay.

MS. BONORA: We are prepared to provide you with the Membership Committee and Membership Appeal Committee. But I don't think the whole of Sawridge First Nation is relevant to these proceedings. But we will give the undertaking on membership.

MS. HUTCHISON: I would also like it in relation to Chief and Council.

MS. BONORA: I don't understand the relevance. I'm happy to hear it, but I don't understand the relevance with respect to Chief and Council and these Trusts.

MS. HUTCHISON: The relevance, I would suggest, is that Chief and Council is actually the decision maker

on membership issues. So in the membership process, as I understand it, the Membership Review Committee makes a recommendation to Chief and Council and then Chief and Council make a decision to accept or reject. Is that your understanding, Mr. Bujold?

A That is my understanding.

MS. HUTCHISON: So Chief and Council being inherently involved in the membership process I would suggest makes that relevant.

MS. BONORA: So what specifically are you asking for with respect to Chief and Council?

MS. HUTCHISON: Whether are not there are any codes of conduct or any policies or legislation -- I understand the Nation refers to their policies as acts as a general rule, really any documentation that would deal with codes of conduct and conflicts of interest for Chief and Council. If there is one specific to the membership decision, that is really all I am interested in.

MS. BONORA: We will give an undertaking to provide code of conduct, conflict of interest issues, make our best efforts, for Chief and Council specific to membership. So that what is what we are prepared to do.

MS. HUTCHISON: Thank you.

UNDERTAKING NO. 11:

RE ON A BEST EFFORTS BASIS DETERMINE

WHETHER THERE ARE ANY GUIDELINES, POLICIES, CONTRACTS OR ANY DOCUMENTATION RELATING TO CODES OF CONDUCT OR CONFLICT OF INTEREST IN RELATION TO THE MEMBERSHIP REVIEW COMMITTEE, MEMBERSHIP APPEAL COMMITTEE, OR CHIEF AND COUNCIL SPECIFIC TO MEMBERSHIP.

Q MS. HUTCHISON: And I guess on that -- I am going to talk to your counsel for a minute, Mr. Bujold. Sorry to be rude. But given the constitution and the Governance Act have been provided in response to the May 5th, 2014 request for information, perhaps you could just clarify for me in that, as part of that response, Ms. Bonora, whether or not it is the trustee's understanding that those two documents apply to Chief and Council when they are dealing with membership decisions, and similarly, whether or not those two documents would apply to the Membership Review Committee or the Membership Appeal Committee when they are dealing with membership issues.

MS. BONORA: In answer -- you asked us a question to provide codes of conduct or any guidelines or policies regarding conflict of interest that have existed with Sawridge Band Membership Committee, Membership Appeal Committee or the Sawridge Trust from 1985 to present. And we asked that question of Sawridge First Nation, and they provided copies of the

constitution, referring you to Section 17.7 and the Governance Act referring to part 2. There would be no other answer that we could provide you.

MS. HUTCHISON: Thank you for that clarification.

Q MS. HUTCHISON: Do you accept the answer of your counsel on that, Mr. Bujold?

A Yes, I do.

Q Thank you. Mr. Bujold, if you have got your September 12th, 2011 Affidavit handy. And I am looking at paragraph 7, 8, and 9. I'll just give you a second to take a quick look at those paragraphs.

A M-hm.

Q I take it from those paragraphs, Mr. Bujold, that you actually spoke to Ron Ewoniak before you swore this Affidavit?

A Yes, I did.

Q Just help me understand. Mr. Ewoniak, is he completely retired or sort of does an engagement partner at Deloitte mean he is still available to respond to inquiries and do some work?

A As far as I understand he is completely retired.

Q Okay. So he was speaking to you really on a personal basis, I guess?

A Yes.

Q He is not with Deloitte anymore?

A No.

Q But I take it that he had a recollection of

establishing the Trust or being involved in establishing the Trust?

A Yes.

Q And what is your understanding of what role Mr. Ewoniak played in creation of the 1982 and 1985 and '86 Trust?

A I am not sure about the '82 Trust. My understanding is that for the '85 and '86 Trust he was the Deloitte partner who was providing accounting advice to the trustees.

Q Okay. And did you inquire with Mr. Ewoniak as to whether or not his files from that time period were still in existence?

A Yes, I did. And he did provide some documentation, but most of it he referred us to Deloitte.

Q Okay. And were you able to find out from Deloitte whether or not those files still exist?

A What we found out was --

MS. BONORA: Sorry, so which files are you particularly talking about? The files in relation to the creation of the Trust? Is that what you are asking about?

MS. HUTCHISON: That is what we are talking about at the moment, yes.

MS. BONORA: Okay.

A The files that Deloitte held had been -- weren't the complete accounting files. So they were sort of the remnant of the basic information.

Q MS. HUTCHISON: Okay.
A And so we were able to get copies for our files, some of which has been provided here.
Q Okay.
A Of the information that we have. And that was the only information they had available.
Q So I will just go a bit broader. Now you spoke to Mr. Ewoniak about the creation of the '85 and '86 Trust?
A Yes.
Q It appears from paragraph 7, 8, and 9 that he had some knowledge of the individuals that had held property in trust before it was transferred?
A Yes.
Q To the '82 Trust?
A That is correct.
Q Was he involved in setting that up as well, or?
A My understanding was that he was involved as the Deloitte partner assigned to this client. So he did have some knowledge of the entire financial process of the Trusts.
Q Okay.
A And the holding companies related to them.
Q Okay. So I understand your counsel has provided some documentation around or relating to the transfer of assets from the '82 Trust to the '85 Trust. It is not clear to me at this point, though, that we have gotten

everything. I'm going to put a few undertakings on the record.

MS. BONORA: Maybe just go off the record for now.

MS. HUTCHISON: Sure.

(Discussion off the Record.)

Q MS. HUTCHISON: So, Mr. Bujold, we have had a chat off the record, counsel has had a chat off the record about some of the efforts that have been made to locate documentation around the assets that were transferred from individuals to the 1982 Trust and then ultimately transferred from the 1982 Trust to the 1985 Trust. So I am just going to go through a little bit of that with you. Your counsel may want to assist, and I have no objection to her doing that, by explaining some of the efforts that have been made, and then we will deal with a few undertakings.

In general, what efforts have you made to try and locate documentation to demonstrate what assets were held by individuals prior to the creation of the 1982 Trust, and that were then transferred into the 1982 Trust? What have you done to locate that documentation?

A We tried to contact everyone who was still alive who had knowledge of the financial dealings of the Trusts at the time.

Q And who would that include?

A Well, Ron turned out to be the -- Ron Ewoniak turned out to be the main person.
Q Okay.
A So we contacted him. We also contacted the company -- the companies of the Sawridge Trusts for any records that they may be holding, and through the company and Ron Ewoniak we inquired with Deloitte who had been the accounting firm holding the records.
Q Okay.
A We also inquired with various legal firms who had provided counsel to the Trusts.
Q And so David Jones?
A David Jones we couldn't find. We spoke to -- we couldn't find David Fennell either.
Q Sorry, you couldn't find David Fennell?
A David Fennell.
Q Are you aware that he is actively involved in the gold mining corporation?
A Yes, we heard that but we were never able to sort of track him down to see if he still held any records.
Q So nobody has actually spoken to Mr. Fennell?
A Not that I am aware of.
Q Let's just go off the record for a second.

(Discussion off the record.)

Q MS. HUTCHISON: So Mr. Bujold, my understanding is that attempts were made to contact David Fennell but he didn't respond to your inquiries?

A No, and he didn't provide any documents.
Q Sorry, did he respond to your inquiries?
A No.
Q So nobody has actually spoken to him?
A And the requests -- we did contact him, or tried to contact him, but the request that we sent was a request for information that he may have, or records that he may hold in his, or have in his possession of the financial dealings of the Trusts in the earlier days. And he never responded to that.
Q Okay. So I am going to ask for a couple of things. First I will ask you to undertake to provide us with copies of any actual communications sent to Mr. Fennell, whether they were by letter, email, or otherwise, documenting the request that you were making. We would like a copy of those.
MS. BONORA: We will take that under advisement. I'm not sure that that is entirely relevant. But anyway, we will take that under advisement.

UNDERTAKING NO. 12:(UNDER ADVISEMENT)
RE PROVIDE COPIES OF ANY COMMUNICATIONS SENT TO MR. FENNELL, WHETHER THEY WERE BY LETTER, EMAIL, OR OTHERWISE, DOCUMENTING THE REQUEST THAT WAS BEING MADE.

MS. HUTCHISON: Secondly, I would ask you to undertake to renew your efforts to contact Mr. Fennell

and advise whether or not he has any documentation relevant to the assets that were held by individuals, and then the transfer from those individuals to the '82 Trust, or relevant to the transfer of assets from the '82 Trust to the '85 Trust. So whether he has got documentation relevant to that, has access to documentation relevant to that, or is aware of another resource or source that may have those documents available.

MS. BONORA: We will undertake to send him a letter. We can't make him respond. So all we will do is undertake to write to him again.

MS. HUTCHISON: Thank you, Ms. Bonora.

UNDERTAKING NO. 13:
RE CONTACT MR. FENNELL AND ADVISE WHETHER OR NOT HE HAS ANY DOCUMENTATION OR ACCESS TO DOCUMENTATION OR IS AWARE OF ANOTHER RESOURCE OR SOURCE THAT MAY HAVE DOCUMENTS RELEVANT TO THE ASSETS THAT WERE HELD BY INDIVIDUALS AND THEN THE TRANSFER FROM THOSE INDIVIDUALS TO THE '82 TRUST, OR RELEVANT TO THE TRANSFER OF ASSETS FROM THE '82 TRUST TO THE '85 TRUST.

Q MS. HUTCHISON: Now there is reference to a David Jones, legal counsel, that may have been involved in the establishment of the Trusts or the transfers of

assets. Do you know if that is David Jones of Jones De Villars here in Edmonton, or is it a different David Jones?

A As far as I know that is who it is.

Q Do you know if anyone made efforts to contact David Jones on the same topics that we have just been discussing?

A I can't recall if we actually made contact with him or not. Yeah, no, I can't recall if we tried or not to make contact.

Q So we will just deal with it as an undertaking, first, to provide copies of any documentation where you did attempt to seek information from David Jones?

A Okay.

Q Or if that didn't occur, I would ask you to, as with Mr. Fennell, send a letter or other communication to Mr. Jones to inquire whether or not he has access to documents that relate to the assets held by individuals that were ultimately transferred to the 1982 Trust, or the assets that were then transferred from the 1982 Trust to the 1985 Trust?

MS. BONORA: We won't give the first undertaking, but we will give the second that you asked for in terms of writing to him again to ask if he has any documents. My memory is that he was canvassed and he doesn't keep records going back 30 years, so those are not available. But we will write and confirm that

he has no records.

UNDERTAKING NO. 14:(REFUSED)
RE PROVIDE COPIES OF ANY DOCUMENTATION SENT ATTEMPTING TO SEEK INFORMATION FROM DAVID JONES.

UNDERTAKING NO. 15:
RE CONTACT MR. JONES AND ADVISE WHETHER OR NOT HE HAS ACCESS TO DOCUMENTS THAT RELATE TO THE ASSETS HELD BY INDIVIDUALS THAT WERE ULTIMATELY TRANSFERRED TO THE 1982 TRUST, OR THE ASSETS THAT WERE THEN TRANSFERRED FROM THE 1982 TRUST TO THE 1985 TRUST.

Q MS. HUTCHISON: On the efforts to contact David Jones, do you have any different information than what your counsel has just given?

A No, no.

Q Okay, thank you. In your discussions with Deloitte or Mr. Ewoniak, did you make inquiries or requests for financial statements or other forms of financial reporting that they might have prepared in 1982 through 1986 that might give some information about the assets and what was transferred?

A Yes.

Q And did they have those?

A What they had were the, for the most part, they had T3s that were filed on behalf of the Trusts for income tax

purposes, they had the financial statements that were used to prepare those tax returns, and that was all.

Q Okay.

A And we got copies of all of those documents and you have been provided with most of those.

Q So we have received most of them, Mr. Bujold. What have we not received?

A I am not sure.

MS. BONORA: So I think that that is a question that involves giving legal advice. We provided documents that showed anything in relation to the transfer of assets. If it didn't show anything in relation to the transfer of assets we haven't provided it because we did not deem it relevant. So we have provided the relevant documents in relation to the transfer of assets.

MS. HUTCHISON: So because we do need to get these documents into evidence, Ms. Bonora, I'm going to ask for the undertaking to provide us with copies of any of the documentation that you have located that is not in the original Affidavit that relates to what assets were originally held by the individuals pre 1982 in trust, what assets were then transferred into the 1982 Trust, and what assets were then transferred from the 1982 Trust to the 1985 Trust. And just to be clear, I understand that you sent me an email with some pdf's late Friday. I need those to be provided in some

format that we can get it in front of a court. So if you can send that as an answer to undertaking that would be super.

MS. BONORA: How about if we mark them today? That way I don't have to provide them in an undertaking later. We have them, they can be marked as a group, and --

MS. HUTCHISON: Let's go off for a second.

(Discussion off the Record.)

(Questioning adjourned.)

(Questioning resumed.)

Q MS. HUTCHISON: Mr. Bujold, still looking at your September 12th, 2011 Affidavit.

MS. BONORA: I am going to put on we will produce by way of undertaking the documents that we have with respect to the transfer of the assets from individuals into the 1982 Trust and then from the 1982 Trust to the 1985 Trust, and those are the documents that we provided you last Friday, May 23rd, and the additional financial statements that we provided you this morning. But we will provide those by way of undertaking to you.

MS. HUTCHISON: That is super, Ms. Bonora, and obviously if any other documents are located between now and the time you send those answers to me if you could include those in the answer to undertaking, that would be super.

MS. BONORA: Of course.

UNDERTAKING NO. 16:

RE PRODUCE DOCUMENTS WITH RESPECT TO THE TRANSFER OF THE ASSETS FROM INDIVIDUALS INTO THE 1982 TRUST AND THEN FROM THE 1982 TRUST TO THE 1985 TRUST, AND THE ADDITIONAL FINANCIAL STATEMENTS.

Q MS. HUTCHISON: Looking at your September 12th, 2011 Affidavit, paragraph 7, 8, and 9, do you personally have any understanding of what assets specifically were being held by Chief Walter Twinn, George Twin, Walter Felix Twin, Samuel Gilbert Twin, and Dave Fennell by 1982? And I am really looking specifically at your wording where you say they held a number of assets in trust for the Sawridge First Nation. I know that we have got the list in the exhibits to your Affidavit. Do you have any information other than what is set out in the documents that are attached as exhibits to your Affidavit?

A No.

Q Okay. Have you had an opportunity to speak to Walter Felix Twin about whether he recalls any specific assets that were being held by individuals in trust for the Sawridge Band other than the ones that are listed in Exhibit D of your Affidavit?

MS. BONORA: I think that we would only answer that question in relation to assets that were

transferred into the Trust. We couldn't possibly go through and give you a history of assets that were held by individuals by the First Nation because those are entirely irrelevant, except for those assets that were transferred into the Trust, because there may well have been lots of assets held by individuals in the Sawridge First Nation in terms of how they ran their assets. So the only relevant assets would be those that were transferred into the 1982 Trust, and then ultimately into the '85 Trust.

Q MS. HUTCHISON: I am sorry, Mr. Bujold, just so that I am clear. So you have indicated in paragraph 8 of your Affidavit that Mr. Ewoniak explained to you or advised you that at some time in the early 1970s individuals were starting to hold property in trust for Sawridge First Nation because of a concern about whether the nation had statutory ownership power?

A Yes.

Q Do you have any information to indicate that the assets that individuals were holding between the early 1970s and 1982, that some of those assets were not ultimately transferred into the 1982 Trust?

A From the records that we have got my understanding is that all of the assets that were held by individuals for the '82 Trust eventually ended up in the '82 Trust. And those assets were then transferred in full to the '85 Trust.

Q Okay. And I am not sure -- so were there other assets individuals were holding in trust that were transferred into the '86 Trust?
A No, because the arrangement was different by then. The question of whether or not the First Nation could own -- or whether or not the First Nation had the right to own assets was cleared up by 1985.
Q Okay.
A And the 1986 Trust was created a year after the 1985 Trust was created. And so by that time the ownership issue had been cleared up.
Q Okay.
A Between Indian Affairs and the First Nation.
Q I'm going to get you to look at paragraph 22 of your Affidavit.
A Yes.
Q And this might actually help. I was trying to understand something in your Affidavit. So in that paragraph you give us your understanding or belief about the transfer from the '82 Trust to the '85 Trust?
A Yes.
Q I am looking at the last sentence, though, it states, "Further there was additional property transferred into the 1985 Trust by the Sawridge First Nation or individuals holding property in trust for the nation and its members."
A Yes.

Q So were you intending to say there that pre 1982 individuals were holding certain assets in trust, and at the time that the '82 Trust was created some but not all of those assets were transferred into the '82 Trust, and then at a later date some further assets held by individuals were transferred directly into the '85 Trust?

A I will try and explain my understanding.

Q Sure, that would be super.

A So the assets -- initially the assets were owned by the First Nation, although there was a question of whether they had the authority to own those assets.

Q Yes.

A So they were assigned to individuals to be held in trust.

Q Yes.

A Sometime prior to 1982 there was a decision made to set some of those assets that were being held by individuals in trust for the First Nation into, they were to be put into or settled into a trust. And it was a First Nations trust. So the 1982 Trust was a First Nations trust.

Q Yes.

A So I don't know if there were other assets that were being held that continued to operate after the creation of the 1982 Trust, but those assets that the Chief and Council decided to settle into the 1982 Trusts were all

settled into -- you know, they were held by individuals and all of the assets that they decided to put into the Trust were put into the Trust in '82.

Then the '82 Trust, and as part of the undertaking you will see in the explanation, the '82 Trust created a holding company.

Q Yes.

A And that holding company actually acted on the asset, but the Trust also held shares that weren't part of the holding company. So there were two sets of assets. Those held by the holding company, and those held by the Trust. This is the '82 Trust.

Q Okay.

A And so all of those assets were transferred to the '85 Trust, it is just that they had to be transferred in two separate moves. The holding company assets were transferred in one move and then the non-holding company assets were transferred in a second move.

Our understanding from the records is that in order to effect that transfer the '82 Trust transferred the assets in the '82 Trust to the trustees, and then the trustees transferred these assets into the '85 Trust.

The holding company was, by resolution, the trustees decided to move all of the assets from the holding company -- actually they moved the whole holding company into the '85 Trust. So there is those two movements going on. But all of the assets that

were held by the '82 Trust, and that includes those that weren't part of the holding company and those that were part of the holding company, moved into the '85 Trust.

Q Okay.

A As far as we can determine from the records that we have.

Q Okay. So in paragraph 22 of your September 12th, 2011 Affidavit when you say that there was additional property transferred into the 1985 Trust by Sawridge First Nation or individuals holding property in trust for the nation and its members?

A Right.

Q When you are talking about individuals holding property in trust for the nation and its members, if I am understanding you you are not referring to individuals that had been set up to hold assets in trust pre 1982?

A No.

Q Okay.

A So these are -- this is the holding company -- or this is the differential --

Q The non-holding company assets?

A The non-holding company assets. So the non-holding company assets were held by the Trust, and then in order to move them from the Trust, '82 Trust to the '85 Trust, they were transferred to individual trustees, and then the individual trustees moved or settled them

into the '85 Trust.

Q Okay. Thank you. I was finding that a bit confusing.

A It is very confusing for us as well, so.

Q Okay, thank you. And just so that I am clear on this, going back to paragraph 7, 8, and 9?

MS. BONORA: Can we just go off the record for a second, just so that there is a clear picture.

(Discussion off the Record.)

Q MS. HUTCHISON: We had a useful discussion off the record. Thank you, Ms. Bonora.

So my understanding is that the transfer from the '82 Trust to the '85 Trust, we can probably talk about it as being three components. The holdco transfer?

A Yes.

Q The non-holdco asset transfer?

A Yes.

Q And then there was a third element that we hadn't discussed until we went off the record, where there was a transfer of a debenture?

A Yes.

Q From the '82 Trust to the '85 Trust?

A There was a debenture held by the First Nation separately, and it was a debenture for the construction of the Slave Lake Hotel and the development of that property. And so that debenture was held by the First Nation itself, and it decided to transfer that debenture to the '85 -- it wasn't part of the '82

Trust, but it was added to the 1985 Trust.
Q I see. So the '85 Trust ultimately ended up holding more assets actually than the '82 Trust?
A Yes, that is right.
Q Okay.
MS. BONORA: Sorry, if we just go off the record.
(Discussion off the Record.)
Q MS. HUTCHISON: Mr. Bujold, we are showing you a copy of what we have called the debenture?
A Yes.
Q Are you familiar with that document?
A I am, yes.
MS. HUTCHISON: So I wonder if we could mark that as Exhibit 1.
EXHIBIT NO. 1:
DEMAND DEBENTURE OF SAWRIDGE ENTERPRISES LTD.
Q MS. HUTCHISON: Mr. Bujold, I am just showing you a band council resolution dated April 15th, 1985. Is that document familiar to you?
A Yes.
Q And so if we could mark that as Exhibit 2.
EXHIBIT NO. 2:
BAND COUNCIL RESOLUTION DATED APRIL 15, 1985.
Q MS. HUTCHISON: And just by way of clarification,

taking a look at this document on its face, it appears that the debenture was being held in trust by Walter Patrick Twinn as an individual as opposed to by the First Nation?

A Yes.

Q And then that debenture was transferred into the 1985 Trust?

A Right. So the assets that were -- because of this ownership issue, the assets, even those held by the First Nation and not by the Trust, were still held by a trustee. And in this case it was the Chief.

Q Understood. So Walter Patrick Twinn was holding the debenture in trust for the band?

A That is right.

Q And that is what you were referring to?

A That is what I was referring to with the First Nations. So it is the First Nation that was doing the transfer because the BCR shows all of the Chief and Council agreed to it.

Q Just going back to this time period when there were individuals holding assets in trust, and then up to and including the creation of the 1982 Trust, I just want to be sure that I am understanding. It sounds as though at least at this point in time Sawridge Trust doesn't know or hasn't really -- does not know if there were other assets that individuals were holding in trust in that time period that didn't ultimately roll

into the 1982 Trust? You just know that --
A We are not aware of any assets that aren't part of the Trust.
Q Okay.
A So -- and we haven't made any attempts to determine if there were other assets because they are not relevant to us. So we have traced the assets that ended up in the 1985 Trust back to the '82 Trust.
Q Right.
A And from the '82 Trust to the First Nation, or to the trustees appointed by the First Nation to hold those assets in trust, or by the Trust -- the 1982 Trust to hold those assets in trust for various reasons. So that is the only part that we have traced. So we haven't traced anything outside of the creation of the Trust or the settlement of the Trust.
Q So I guess what I am trying to get a sense of, Mr. Bujold, and it may just be that I haven't tracked it down in the documents, but if we take a look at -- let's first look at Exhibit B of your September 12th, 2011 Affidavit?
A M-hm.
Q And Exhibit A, of course, is the 1982 Declaration of Trust.
A Yes.
Q So both of those documents refer to certain assets being put in to the Trust?

A Yes.
Q And I am looking right now at the meeting of the trustees and settlers of the Sawridge Band Trust, June 1982. Have you located a document that lists specifically what the certain assets were intended to be, or is it that you tracked back to figure out what was actually in the 1982 Trust?
A Yeah, in Attachment D.
Q So Exhibit D, this is the 1983 agreement?
A So the 1983 agreement, which is a restatement of the '82 agreement basically, does have a list of assets. And we have tried, you know, using this list, this is the assets that were held in trust and were held by the Trust and were part of the holding company. So part of this list of assets -- or this list of assets that is here is what we understand was transferred in.
Q Okay.
A But --
Q I am sorry, I'm going to interrupt to sort of break up my questions a bit. So you are telling me that the assets that are listed in Exhibit D --
A Right.
Q -- you have been able to determine that those assets, they all went in to the '82 Trust?
A Yes.
Q And all of them ultimately went into the '85 Trust?
A The '85 Trust.

Q Have you been able to determine if the list attached to the 1983 document, Exhibit D, was the certain assets that were being contemplated by the 1982 resolution that is attached as Exhibit B, or is it more that you have --

A We have assumed.

Q You have assumed, okay. So we don't have something nice and neat like an attachment that gives us a list of assets in '82?

A No. The other part of the difficulty that we have got is with a lot of these trust deeds we don't have the originals. So we don't -- in some cases there may have been attachments that we --

Q Don't have?

A -- don't have. And we have got copies of copies of copies for the most part of all of our documents.

Q Okay. That helps me. I was trying to just understand that.

So have you had an opportunity to talk to Walter Felix Twin about whether he was aware of any assets that were intended to be transferred into the 1982 Trust, and that is the resolution that we are looking at at Exhibit B, that are not listed in Exhibit D of your September 12th, 2011 Affidavit?

A The trustees and Walter Felix was part of that process of determining when we started trying to collect the information. To his recollection at the time, as I

recall, he didn't point out that there were any other assets. But we didn't ask him specifically if there were, but he didn't say, you know, there were other assets that were also included in this because all that we were looking at was tracing what was in the '82 Trust and what ended up in the '85 Trust.

Q Understood. You didn't go back to what existed just before the '82 Trust was created, and whether or not we have got something that tells us what exactly was intended in this document when it says settled certain assets?

A No, we don't know what the certain assets are, for sure.

Q Is Walter well enough to discuss any of this at the moment?

A Probably not.

Q Okay.

A No, he is probably not in very good frame of mind to be able to discuss this.

Q Sorry, is it health related?

A Yes, he is sort of starting to lose memory.

Q Okay. Had you, prior to Walter Felix's health issues, had he been asked to check his own records?

A Yes.

Q He has. And he found nothing around those issues?

A No. All of the trustees were asked to provide all of the records or copies of all of the records that they

had in their possession to me so that we could create a filing system with all of the records. They provided everything that they had.

Q Okay.

A And what we have provided you wasn't in their possession, it was in the possession of Deloitte's, or the companies, or ...

Q Is George Twin still alive?

A No, he is dead.

Q When did he pass?

A '86.

Q We have asked for some undertakings around contact with Dave Fennell and David Jones. If they actually respond I would ask you to inquire with them whether or not they have got either a recollection or documentation that would provide a list of the certain assets that were intended to be referred to in the Exhibit B, so this is the --

MS. BONORA: In Undertaking 14 and 15 we have undertaken to write to them to get any documents they have about the transfer. So that will be encompassed in those undertakings. We don't need a separate undertaking of that.

MS. HUTCHISON: All right. As long as that is understood. And also just to be clear, if they have got any sort of a schedule or a list that would have originally been attached to the 1982 Declaration of

Trust we would like a copy.

MS. BONORA: We are going to ask for a comprehensive request about any documents they have.

MS. HUTCHISON: Great.

MS. BONORA: I'm not going to give any more specific undertakings than our general request for them if they have any documents.

MS. HUTCHISON: As long as you and I are on the same page about what is relevant. That is what I am looking for.

Q MS. HUTCHISON: Do you recall if you made a specific request of Mr. Ewoniak or Deloitte for whether or not there was a schedule or a list of assets that was attached to either Exhibit D or Exhibit A of your September 12th, 2012 Affidavit?

A Yes. While we were tracing we asked everybody that we could ask if they had any documents relating to the transfer of assets from '82 to '85.

Q Right.

A So yes, we asked everybody if they had. That was as a matter of course. So the companies were asked, Deloitte's was asked, any of the law firms that we were in contact with were asked as well, and the trustees were asked. So everybody was asked.

Q I appreciate, Mr. Bujold, that they have been asked about the transfer from '82 to '85. What I am also really looking for here is the transfer from pre 1982

into 1982. So that is what we are talking about here with Exhibit B and Exhibit A. Have those requests been made?

A No, because of what we -- the way that the request was formatted was do you have any documents related to any of the Sawridge Trusts. So that was the '82 Trust, the '85 Trust, and the '86 Trust. Do you have any documents relating to any transactions done by any of these three Trusts. And at the time I think that we thought that there were four Trusts because we thought '83 was actually a separate trust, but it turned out that it was just an extension of the '82. So we did ask in that format. So we have never asked for information about what the First Nation held before, and that has always been a very sensitive subject in any case.

Q So what I am interested in, Mr. Bujold, is an undertaking to locate, and we have talked about many of the sources of information, so I will let you and your counsel discuss what sources that you have got, but to locate and provide any documentation you may have that would assist us in determining what certain assets were to be settled into the 1982 Trust as that term, certain assets, is being used in Exhibit B and in terms of the intention of the settlement in Exhibit A, the 1982 Trust.

MS. BONORA: I think that actually that inquiry

has been made in the sense that this is clearly taking the assets that were previously held by individuals and transferred into the Trust. This document doesn't make reference to a schedule. So there isn't going to be a schedule to this document as far as when you read the face of it there isn't a schedule anticipated. When we look again at Exhibit D which Mr. Bujold made reference to, that is a document that talks about a transfer from the individual to the Trust. So again, this is a document talking about assets held prior and --

MS. HUTCHISON: Ms. Bonora, I do appreciate you being very helpful and I do appreciate it. But based on Mr. Bujold's answers, I am just going to leave that undertaking on the record. If you want to take it under advisement I completely understand. But based on his actual responses to my inquiries I will leave my undertaking on the record.

MS. BONORA: I am going to say that we won't give the undertaking because we believe that it has been answered. That all of the documents have been produced. That is the answer, and so we will not give that undertaking.

MS. HUTCHISON: It is refused?

MS. BONORA: The undertaking isn't refused because there are no other documents that will be produced. I am satisfied in having reviewed documents that there are no other documents. I can't give you an

undertaking to do a search to tell you that there is going to be nothing. We are answering the undertaking. The answer to the undertaking is there are no other documents. So we are not refusing the undertaking, we are answering it.

MS. HUTCHISON: I am going to leave the undertaking on the record and we will all get to read transcripts in due course and let's put it under advisement so that you are not committed.

MS. BONORA: No, I'm telling you that I am providing the answer. The answer is that there will be no other documents. I can tell you -- I can't go away and review it again.

MS. HUTCHISON: Let's go off.

(Discussion off the Record.)

MS. BONORA: We will give the undertaking with respect to making an inquiry on whether there are any documents that show assets that were held in trust by individuals of Sawridge First Nation that were transferred into the 1982 Trust.

MS. HUTCHISON: I will go with my initial wording on the undertaking, but I understand.

MS. BONORA: Then I need to understand what your initial wording was. So just tell me what your undertaking is.

MS. HUTCHISON: I am asking for an undertaking for you to inquire of all of the various individuals and

sources that we have already discussed to find out if they have any documentation or information that would assist us in understanding what specific assets were intended to be settled as the certain assets referred to in Exhibit B, and what specific assets were intended to be included in the Declaration of Trust that we see at Exhibit A. So whether it is schedules, a list, someone's recollection, we are trying to determine which of the pre '82 assets, I will call them, were intended to be transferred into the 1982 Trust vehicle. Is that making sense?

MS. BONORA: I'm having some trouble with intention. The idea that they were -- the assets were to be transferred, because even if there was an intention, if they actually weren't transferred it had to actually be formulated. They might have talked about having an intention. It had to be formulated into a transfer, right.

MS. HUTCHISON: I am trying to determine what -- I think can we leave it on the record as that undertaking, Ms. Bonora, and we will go from there. I am looking -- I think that --

MS. BONORA: I will take that undertaking under advisement.

MS. HUTCHISON: Super.

UNDERTAKING NO. 17:(UNDER ADVISEMENT)
RE INQUIRE OF THE VARIOUS INDIVIDUALS

AND SOURCES PREVIOUSLY DISCUSSED TO DETERMINE IF THEY HAVE ANY DOCUMENTATION OR INFORMATION THAT WOULD ASSIST IN UNDERSTANDING WHAT SPECIFIC ASSETS WERE INTENDED TO BE SETTLED AS THE CERTAIN ASSETS REFERRED TO IN EXHIBIT B, AND WHAT SPECIFIC ASSETS WERE INTENDED TO BE INCLUDED IN THE DECLARATION OF TRUST AT EXHIBIT A.

(Questioning adjourned 12:00 p.m.)

(Questioning resumed 1:30 p.m.)

Q MS. HUTCHISON: Mr. Bujold, you acknowledge that you are still under oath?

A Yes.

Q So going back, Mr. Bujold, to paragraph 7, 8, 9 and 10 of your September 12th, 2011 Affidavit, what I am sort of focusing on there is that if I understand what you are saying your belief is that, and I apologize, I am actually looking at paragraph 22, so you indicate that your belief is that all of the assets from the 1982 Trust were actually transferred over to the 1985 Trust?

A Yes.

Q Now so I understand the basis of your understanding of that, it is from talking to Ron Ewoniak, talking to the trustees, looking at the documents that your counsel has provided informally to me today and we are getting by way of undertaking. What else was forming it to

your understanding?

A It is primarily in connection with the documents, because people's recollection, like even talking to Ron Ewoniak he couldn't identify this asset was transferred. I mean he may have sort of a general recollection about, you know, these property assets, or this share or whatever, but it is primarily the Deloitte's financial statements and the T3s that gave us any lead as to what the transfer is that took place. And then the '83 Trust document that sort of lists some of the assets. But that is the sort of -- that is the closest connection that we can make, given the documentation that is available to us.

Q Okay. So there is nothing that we haven't discussed already today, at least, that you are relying on when you say that you believe that all of the '82 Trust property was transferred into the '85 Trust?

A No. I mean there isn't any -- in terms of documentation, and that is all that I have relied on primarily is the documentation, there isn't any other document that has led me to believe that there is any outstanding asset that wasn't transferred from the '82 to the '85 Trust.

Q Okay. Now looking at paragraph 24 of your Affidavit you are talking about, you say the transfers were done but the documentation is not currently available.

At the time that you swore the Affidavit were there

other avenues that you were trying to explore to get documentation? Is that what you were intending to communicate?

A No. What -- I don't know what we were intending to communicate in terms of in the future -- because we had exhausted -- we had done an exhaustive search from 2009 until this date. We had done an exhaustive search of documents to try and collect them, and we scanned them into our system. And I had gone through every single document that came in.

Q Okay. So it wasn't, when you swore this Affidavit, it wasn't that you were aware of some other potential repository of documentation. It is that you are just communicating that there is documentation that you haven't located and may not be available?

A I guess what we are communicating is if there is any document that would indicate otherwise, we aren't aware of it, nor are we aware of if there is any hidden repository of documents. We just -- we have done an exhaustive search ourselves. What we have got is what we have got. We don't expect to find anything else. You sort of -- at the initial phase you get a whole bunch of documents, and then in the end it is a trickle of one document here. I mean the Deloitte stuff was at the end of this process when we finally -- we finally felt that we had exhausted all search possibilities.

Q Okay. So just on that, on what you had done in terms

of searching, had any inquiries been made to Canada Revenue Agency, CRA, to see if they had documentation through their archives or their records that would be of assistance?

A No, because we had the T3s from Deloitte's and we had some correspondence, some early correspondence between Canada Revenue Agency and First Nation about assets and Indian Affairs. So there was sort of three, you know, three-party communication going on about these assets and the transfers out of the First Nation capital revenue account into these Trusts and into assets. So we had that and we still do have those documents. Then we had Deloitte's. So we didn't think that Canada Revenue Agency would have any more than the T3s because that is what was filed officially, along with the financial statement.

Q I take it you did make inquiries with the Department of Indian Affairs or INAC to see if they had any documentation relevant to the assets of the band pre '82, and then --

A No, we didn't. And again, we had correspondence between the First Nation and Indian Affairs, whatever it was called at that time. And it was about the transfer of money out of capital revenue into various assets, primarily the assets that were related to the Trust. So the Slave Lake Hotel -- the building of the Slave Lake Hotel, there was a lot of correspondence

around that. So we didn't inquire if there was any further information.

Q Not even to the regional office?

A No.

Q How about inquiries with the Sawridge Trust Banking institution?

A Yes.

Q You made those inquiries?

A Yes, we inquired -- they primarily dealt with Scotiabank, so we inquired with Scotiabank on all of the records. We wanted copies of all of their bank statements and all of their cancelled cheques going back to the beginning. They were able to provide that a limited period of time because they destroy all of their documents after, I think it is seven years. So they had destroyed all of the documents when I made the inquiry, they had destroyed everything past a certain date. And I think that I got back to 2001 or something like that.

Q So nothing that went back as far as either the individual to '82 Trust transfer, or '82 Trust transfer to '85 Trust transfer?

A Definitely not. So they had destroyed everything, all of the records that I had -- past the date that I got which I think was 2001.

Q Okay. And we have established that you made inquiries with Deloitte's?

A Yes.
Q Were they the only accountant that the Trust were using from --
A No. Well, they were the only accounting company that was used. The First Nation and the Trust and the companies used various bookkeepers, internal bookkeepers. So there was a lot of internal bookkeeping documents that we were able to access through the companies.
Q Anything that related to, so I am going to say from pre '82 transfer to --
A Nothing.
Q Nothing?
A Nothing from pre '82 to '82. Nothing really from '82 to '85. A little bit -- it sort of was a trickle at the beginning because the companies didn't really function as organized entities until the late '80s, early '90s. So that is about when the accounting records, the company records start showing up, is late '80s, about '88 to '92 you start seeing sort of a growing number of records. But they weren't -- even then, they weren't complete. The companies hadn't -- like some of the documents had been stored, because the First Nation was doing the accounting for the Trusts and the companies, as well as their own accounting. So we had -- they provided what they had left.
Q Okay.

A We were able to go through their storage facility to see what they had. A lot of what they had were bar chits from Slave Lake Hotel, you know, which doesn't tell us anything about the transfer of assets. So, you know, there was those kinds of documents. There was more company operating documents or business sales documents rather than transfer of assets. So the transfer of asset information came primarily from Deloitte's and from the T3s and from the legal documents that we were able to gather together from the company that it had stored for the Trusts. And that was basically it.

Q Okay.

MS. BONORA: Can we go off the record for a second.

(Discussion off the Record.)

Q MS. HUTCHISON: Mr. Bujold, I am going to ask you to undertake to make inquiries with CRA and the Department of Indian Affairs to determine whether or not they may have documents relevant to several periods. The first period would be documents that would assist in any way in showing what assets were intended to be included within the Trust settlement that we find at Exhibit A, the 1982 Trust or Declaration of Trust, and then any documentation that would assist in showing us what happened with the transfer from the 1982 Trust to the 1985 Trust, and

obviously if they have no documentation that is my answer. But my understanding is at this point we don't know. So I would ask you to inquire of those two entities.

A With CRA and Indian Affairs?

Q And Department of Indian Affairs, yes. That would include obviously the regional office, but I think that you have to make the request through Ottawa. So I will leave that with your counsel.

MS. BONORA: So I mean obviously CRA is only going to have filings, right, so we are going to make inquiries with respect to filings they may have with respect to the 1982 Trust and the 1985 Trust; is that correct? I just need to understand the undertaking, and what time period you are looking for, because there would have been filings for the '82 Trust and the -- the '82 Trust up to 1985 and then the 1985 Trust up to the present. So I don't know what time period you want us to ask for filings from the CRA.

MS. HUTCHISON: Well, certainly the time period -- any time period for the '85 Trust that is going to give us insight into the transfer from the 1982 Trust to the 1985 Trust. I can't say at this point in time if that is only '85 and '86, or if there might be relevant documentation beyond that date because I don't know what they might have and we don't have a complete record, so.

In relation to the transfer from the 1982 Trust into the '85 Trust, so the period prior to that, frankly I would say that any information that is going to give us insight into what assets are being held by individuals in trust for the band that were intended to form part of the 1982 Trust is potentially relevant.

MS. BONORA: I won't give the undertaking to inquire of the CRA with respect to intentions.

MS. HUTCHISON: No, Ms. Bonora, that is not my point. And I'm not asking you to inquire of the CRA with respect to intentions. I am asking you to inquire of them with respect to documentation that may assist us into determining what assets existed prior to the creation of the 1982 Trust, and were to be transferred -- we have nothing in front of us right now that definitively tells us what the certain assets that were to form part of the 1982 Trust were.

Mr. Bujold has been very frank with me that he is assuming the list for the 1983 transfer was the whole list of assets that were being contemplated in 1982, but we don't know that. So there is, frankly, at the moment a complete lack of information about the specifics of the assets that were being held by individuals from the early 1970s until just prior to the creation of the 1982 Trust.

So if there is documentation in possession of the Department of Indian Affairs or CRA that assists us in

filling in that blank we would certainly take the position it is relevant to your application to regularize all of these transfers.

MS. BONORA: So what I would say to you is we will not give the undertaking to determine all of the assets that were being held by individuals for Sawridge First Nation. That is not relevant to us, it is not relevant to the Trust, and we are not regularizing the transfer into the '82 Trust, only the transfer between the '82 Trust and the '85 Trust. So we are not saying that there is anything wrong with the transfers that happened in '82. We are not asking the court to look at those transfers. Just so that you understand what our application is about.

The transfer that we think has some problems because we are missing some documents -- we believe we are missing documents -- is between '82 and '85. So we are not asking the court to regularize anything pre '82 or in '82 because that transfer and those transactions happened absolutely regularly.

In respect of CRA, they will not have documents in relation to this trust prior to its first filing in '83. It would have had a year-end and then filed in '83. We can provide you with -- we can ask CRA for the filings of these Trusts between '82 and '86, for sure we will give that undertaking. There would be nothing else. And so I am prepared to give that undertaking.

With respect to the Department of Indian Affairs, we can ask them about whether they have any knowledge of intention, I don't know if they will, so knowledge of intention to transfer assets into the '82 Trust and we can ask them about any knowledge that they have about the transfers that actually occurred into the '82 Trust. So we will give that undertaking.

MS. HUTCHISON: Okay. And I will let my undertaking stand on the record, and obviously you will respond to the portions that you are accepting. Can we go off for a second.

(Discussion off the Record.)

UNDERTAKING NO. 18:

RE INQUIRE OF CRA AND DEPARTMENT OF INDIAN AFFAIRS TO DETERMINE IF THEY HAVE DOCUMENTATION SHOWING WHAT ASSETS WERE INTENDED TO BE INCLUDED WITHIN THE TRUST SETTLEMENT AT EXHIBIT A, THE 1982 TRUST OR DECLARATION OF TRUST, AND ANY DOCUMENTATION INDICATING WHAT HAPPENED WITH THE TRANSFER FROM THE 1982 TRUST TO THE 1985 TRUST.

Q MS. HUTCHISON: Mr. Bujold, if you could just flip to again your Affidavit of September 12th, 2011, and I am looking at paragraph 11 which is also related to Exhibit C. And I just wanted to be sure that I wasn't misunderstanding something. Your Affidavit refers to a

court order entered June 17th, 2003, but it looks as though Exhibit C is actually a 1983 document. I just wanted to be sure that we were both of the same understanding about that. I think that there is just a typographical error in your Affidavit. I just wanted to confirm.

A Where is the typographical?

Q Paragraph 11 of your Affidavit says the '82 Trust was varied by court order entered on June 17th, 2003 to stagger the terms. When I turn to your Exhibit C, which is the court order, it says 1983. I just wanted to be sure that there is not some other court order that varies the Trust.

A Oh, oh, oh, I see. No, it is the one.

Q So the 1983 court order at Exhibit C is the only order that you are aware of that varies the terms of the '82 Trust before it was wrapped up?

A Yes.

Q Okay. Thank you. Now turning to paragraph 15 and then 18 of your September 12th, 2011 Affidavit, Mr. Bujold. The last sentence of paragraph 15 and then paragraph 18, I read those as your understanding to some degree of the purpose of the '85 Trust?

A Yes.

Q What were you basing your understanding on, other than just the text of the Trust deed itself, or the Trust declaration, if anything?

A I was basing this on documents and conversations that I have had with various individuals including the trustees about the reason for the establishment of the 1985 Trust.
Q Okay. So which trustees did you discuss that with?
A All of them.
Q All of them, okay. Can you give me a bit of a summary of what -- let's start with Catherine Twinn, what her recollection was about the purposes or intention of the Trust?
A What the purpose of the Trust was to provide for the economic future of the members of the Sawridge First Nation. That was pretty much understood by everybody.
Q But not Bill C-31 individuals?
A Well --
Q At that time?
A Right, right.
Q At that time, okay. So when you say the members, you mean the members that existed prior to --
A In 1985.
Q -- Bill 31, okay. And anything else that Catherine Twinn was able to advise you on or inform you about on the background or the purposes of the Trust?
A Well, the concern, and I can't remember exactly where I got the information, but I remember from looking at the court record of the constitutional challenge on Bill C-31, and some of the testimony of Walter, Chief Walter

Twinn at that, in the discoveries of that case, and also other testimony that he had given, that there was concern that there would be a huge increase in the membership of the Sawridge First Nation caused by the provisions of Bill C-31. And in an effort to preserve the assets for those people who had stayed with the First Nation that the provisions of the 1995 Trust was set up.

Q Anything else that you recall from your discussions with Catherine?

A No, no.

Q Was Bertha L'Hirondelle able to add anything to that?

A No, they basically all said the same thing. You know, it was the concern of Chief Twinn and all of the members of the First Nation at the time were that there would be this huge influx as a result of Bill C-31.

Q Okay. So rather than go through each trustee individually, was there any discussion that you had with any of the other trustees that amplified that understanding or added to your information that you can recall?

A No, that was -- I mean that pretty much --

Q Captured it?

A -- captured it, yeah.

Q Did you prepare memorandums or summaries of your discussions with the trustees on those topics?

A No.

Q Okay. Would any of the discussions have occurred by email, do you know, or in a written format?
A No.
Q Okay. To the extent that you have got any records, or any actual documentation of, you know, written documentation that supports your understanding as set out in paragraph 15 and 18 of your September 12th, 2011 Affidavit, if you could undertake to provide us with copies, that would be appreciated.
A These two pieces, as I recall, are primarily related to an extract from the testimony of Chief Twinn where he explained these two pieces exactly the way they are explained here.
Q Okay. Interesting issue about whether it is producible in this proceeding or not, but I am still going to ask for the undertaking to produce it so that we can take a look at it.
MS. BONORA: I will take that under advisement.
MS. HUTCHISON: Okay.
MS. BONORA: I will, for your benefit, in terms of one answer to that undertaking is going to be Exhibit H already to the Affidavit, which sets out exactly that history on the resolution of the trustees and why they created the '85 Trust. So that document is already produced.

UNDERTAKING NO. 19:(UNDER ADVISEMENT)
RE PRODUCE WRITTEN DOCUMENTATION THAT

SUPPORTS THE UNDERSTANDING SET OUT IN PARAGRAPH 15 AND 18 OF MR. BUJOLD'S SEPTEMBER 12TH, 2011 AFFIDAVIT.

Q MS. HUTCHISON: Mr. Bujold, let's go back to your August 30th Affidavit, if we could. So starting with paragraph 7, Mr. Bujold. The direction that you are referring to there from the trustees to place advertisements to collect the names of individuals who may be beneficiaries of the 1985 Trust, was that communication between you and the trustees in writing, verbal? How did that occur?

A The advice was provided by legal counsel to the trustees at the time. And it was discussed at board meetings and minuted, and the decision was made and it was just carried out based on the decision of the trustees.

Q Okay. Clearly I don't want any -- well, I might want privileged information but I can't have it. To the extent that there is anything in the minutes that is not privileged, but that deals with this topic, if you could undertake to provide us with a copy?

A Okay.

Q Thank you.

UNDERTAKING NO. 20:

RE PRODUCE ANY PORTION OF BOARD MEETING MINUTES DEALING WITH THE DIRECTION REFERENCED IN PARAGRAPH 7 OF MR.

BUJOLD'S AUGUST 30, 2011 AFFIDAVIT.

Q MS. HUTCHISON: You then went ahead and carried out that direction by placing advertisements. Do you recall what publications you put advertisements in?

A Yes.

Q And what were they?

A I couldn't tell you off the top of my head. I recall they were all the -- I mean we went to, our office was located on the south side right next to the Local Newspaper Association of Western Canada or something like that. So I said to them give me the names of all of the newspapers. And they said you just can place an ad and it will place in all of the local newspapers, and in certain city newspapers.

Q Okay.

A So that is how we determined who to send it to. I just had to determine the territory, and that was Alberta, Saskatchewan, and British Columbia. I don't think we eventually went to Manitoba, or -- I am not sure if we went to Manitoba.

Q If I could ask you to undertake to check your records and advise us which publications you advertised in?

A Okay.

Q And how regularly that advertisement appeared and over what period of time?

A All right.

Q Okay. And also if I could ask you to undertake to

provide us with a copy of the advertisement?
A The newspaper ad?
Q Yes.
A Yes.
Q I am assuming it was one, an identical ad that --
A It was a standard ad, and it was ran twice.
Q Okay.

UNDERTAKING NO. 21:
RE ADVISE WHICH PUBLICATIONS WERE ADVERTISED IN, HOW REGULARLY, AND OVER WHAT PERIOD OF TIME. ALSO PROVIDE COPY OF ADVERTISEMENT.

Q MS. HUTCHISON: Now I understand from your Affidavit then, Mr. Bujold, that after that ad was placed you did receive some inquiries, perhaps correspondence. You got some feedback from potential beneficiaries?
A That is right.
Q Fell me what you recall about that. Was it phone call, emails, letters?
A There was phone calls, emails, letters, faxes just inquiring, because the ad also said that they should get in touch and we would send them out a package.
Q Okay. So what sort of volume of documentation are we talking about for responses?
A I think it was about 192 in total.
Q Okay.

A I can check actually.
Q I am going to ask you to undertake to give us copies of any documentation that you got. You don't have to do it right now.
A I have got a list, I can tell you the number. No?
Q I would ask you to undertake to provide us with copies of any responses you received to the newspaper ads. And that may be letters, faxes, emails. If they were phone calls and you kept notes of the discussions?
A I didn't, because primarily what the newspaper ad says is get in touch with us, we will send you an application package. And so that is basically -- I didn't keep any notes of who called in, other than to get their name, address, telephone number, and then I would send them by mail a package which included an application form and a letter.
Q And that is the letter at Exhibit D of your Affidavit?
A Yes, that is it exactly.

UNDERTAKING NO. 22:
RE PROVIDE ANY RESPONSES RECEIVED TO NEWSPAPER ADVERTISEMENT.

Q MS. HUTCHISON: Okay. Sorry, you sent that letter. You also sent an application form?
A Yes.
Q Was that an application form for membership in the Sawridge First Nation?
A No, it was an application form -- it wasn't actually an

application form in terms of applying for something. It was an application form to give us information about whether or not they were potential beneficiaries. And they had to -- the form, we spent a fair amount of time figuring out what information we would require in order to determine who was an eligible beneficiary or not. And so those categories were sort of listed out on the form.

Q Could I ask you to undertake to get us a copy of that standard form that was sent out?

A Yes.

UNDERTAKING NO. 23:
RE PRODUCE COPY OF STANDARD FORM THAT WAS SENT OUT TO THOSE WHO RESPONDED TO AD.

Q MS. HUTCHISON: I take it some people returned them filled out?

A Sort of.

Q Okay. Could I ask you to undertake to give us copies of any, whether they were complete or partially complete, anything that you got back in response to sending that application out to people?

A Okay.

UNDERTAKING NO. 24:
RE PRODUCE COPIES OF ANY COMPLETED OR PARTIALLY COMPLETED APPLICATIONS RECEIVED BACK.

Q MS. HUTCHISON: Okay. So in paragraph 9 of your Affidavit where you say correspondence with potential beneficiaries of the 1985 Trust, you are just referring to the form letter dated November 24th, 2009 attached as Exhibit D?

A That is right.

Q There weren't sort of individualized communications beyond that?

A No.

Q Okay. Have you checked your records for that, for additional communications with potential beneficiaries other than the November 29th, 2009 letter?

A I am not sure that -- the purpose of the newspaper ad was just to get them to contact us and request the application form and to get this information letter.

Q Right.

A It wasn't to enter into a dialogue with them. So I discouraged any dialogue overtures. And there were lots of dialogue overtures. So there were a lot of people who wanted to have extensive discussions over the phone about why they should be members of the First Nation, and I said this has nothing to do with the First Nation, it is just the Trust. There were a lot of people who wanted to discuss why should they -- why they should get Indian status. I said I have nothing to do with your Indian status. You need to get in touch with Indian Affairs in order to get Indian

status. So there was, you know -- and then there were people who said, you know, I have already done that and I have been refused. I still think that I should be a beneficiary of the Trust. I said well, you know, that is not the way that it works. You fill out the application, we will look at your application, and we will get back to you.

Q Okay. And --

A So this was mainly phone stuff.

Q And it doesn't sound from our discussions thus far that you were keeping notes of those telephone discussions?

A No, no.

Q Okay. And just moving to paragraph 10 of your Affidavit where you are referring to the list that you had compiled?

A Yes.

Q I take it that that list was developed based on the responses that you got to the November 24th, 2009 letter?

A That is right.

Q And could I ask you to undertake to give us a copy of that letter?

A We have it here if you want.

Q I will ask your counsel to give it to us as an undertaking. I suspect that we will be back to chat about a few of the undertakings.

MS. BONORA: Just to be clear, paragraph 10

makes reference to a list of the following people respecting the administration, and then there is a series of subparagraphs. So I just want to be clear, obviously Sawridge First Nation is just one person, paragraph (a). So just to be clear about the undertaking --

Q MS. HUTCHISON: Sorry, I'm talking about -- my understanding, Mr. Bujold, is that in paragraph 10 you list some categories of individuals that are on your list, but you actually have got a list with people's names on it; is that correct?

A Right. It is not by category.

Q So your Affidavit has set out the categories of individuals but the list that you are talking about at the start of paragraph 10 is a list of people's names, right?

A Right.

Q So I am looking for the list of people's names.

A So just the list.

MS. BONORA: List of people's names.

MS. HUTCHISON: Yes. The list that Mr. Bujold is referring to specifically in paragraph 10, which I understand exists as a document.

MS. BONORA: Understand that paragraph 10 ends with a colon and the list with the following persons is a reference to all of (a) to (i).

MS. HUTCHISON: Ms. Bonora, the witness has

actually given evidence that a list exists with a list of individuals' names. And I am sorry, when I look at paragraph 10 I consider that to include all of the subparagraphs. Paragraph 10 is multiple paragraphs. Regardless, I am looking for, when swearing his Affidavit he was referring to a list of persons. He has told me that such a list exists and it has people's names on it, not divided up into categories, just individuals' names. That is the list that I am looking for.

MS. BONORA: So that list of persons is what, just so that we are clear on the undertaking. The list of persons that what?

MS. HUTCHISON: I'm reading from Mr. Bujold's Affidavit, that he believes may have an interest in the application for the opinion, advice, and direction of the court.

Q MS. HUTCHISON: Mr. Bujold, is there another list that --

A Well, there is a number of lists actually. There is three separate lists.

Q What are the three lists?

A There is the list of all of the people who applied, or who gave information in the process that we undertook in the newspaper ad.

Q So everyone --

A Everybody who filled out the application form.

Q Got you.
A Then there is a list of band members.
Q Okay.
A And then there is a list of all of those people who are affiliated with Sawridge First Nation by Indian Affairs, but are not members of Sawridge First Nation. So they are considered by Indian Affairs to be somehow affiliated with Sawridge First Nation, and so they are listed with a 454 number.
Q Okay.
A You understand the band numbering system?
Q I do, yes.
A They are listed with the 454 number by Indian Affairs, but they are not members of the Sawridge First Nation. So those are the three lists that we have.
Q So I will ask you to undertake to provide us with a copy of all three lists, and I am assuming that one of those lists is the list that you were referring to in paragraph 10, at least?
A Yes, paragraph 10 and 11.
Q Great, okay. So we will ask for an undertaking for all three lists.

UNDERTAKING NO. 25:
RE PRODUCE ALL THREE LISTS REFERENCED IN PARAGRAPH 10 AND 11 OF MR. BUJOLD'S AUGUST 30, 2011 AFFIDAVIT.

Q MS. HUTCHISON: One point, Mr. Bujold. Paragraph

12 of your Affidavit, at least at the time that you have sworn the Affidavit, you were indicating that the Minister wouldn't provide a list of the individuals affiliated, considered by the Department of Indian Affairs to be affiliated with Sawridge First Nation. I take it that you have provided it since?

A No.

Q So how did you get a list of the individuals?

A We were able to obtain a copy of the 2001 pay list from a regional office that used to exist in High Prairie. So we -- but it doesn't have any addresses on. So when we had to notify -- when Justice Thomas asked us to notify all of these individuals we explained to him that we didn't have addresses for these individuals. So we were told to request the Minister to send out notification to all of the individuals on this list, on the pay list.

Q Okay.

A As it existed as of this date. So the only list that we have got are the affiliates as of 2001.

Q Okay. And as far as you know the Minister, or Department of Indian Affairs did send those notices out?

A They said that they would and I got telephone calls from some people who said they had received such a letter from the Minister's office, so.

Q Have you seen a copy of the letter from the Minister's

office?
A No, I didn't actually, although we did provide the Minister with a copy of the letter that we were sending out to the other lists.
Q Okay.
A So that they could use that as their framework.
Q And that is the letter at Exhibit D of your Affidavit or is that a different --
A Is that the November --
Q November 24th, 2009 letter?
A No, this is a different letter that was as a result of our application for advice and direction. So it was specifically saying we are going to court to apply for advice and direction, and it was sent by registered -- that is it.
Q I am showing you a September 1st, 2011 letter to the Public Trustee. Does that look familiar?
A That is it, yes.
Q So that would be --
A This is the letter that we also sent to the Department of Indian Affairs to use as a model. So I don't know if they used this information or if they copied my letter, or I don't know what they did.
Q They didn't send you a copy of it?
A No.
Q Could we mark that as Exhibit 3.

EXHIBIT NO. 3:

LETTER DATED SEPTEMBER 1, 2011 FROM SAWRIDGE TRUST TO THE OFFICE OF THE PUBLIC TRUSTEE.

Q MS. HUTCHISON: So let's take a look at Exhibit D of your August 30th Affidavit. That is the November 29th, 2009 letter, Mr. Bujold. So August 30th, 2011 Affidavit, Exhibit D, and it should be a November 24th, 2009?

A Okay.

Q So I am just looking near the bottom of the first page, Mr. Bujold, where you indicate that there is a statement that the two Trusts can operate together. So just help me understand what you are describing there. I mean I am assuming that there is no mixing of funds or assets?

A No.

Q So what were you trying to communicate in terms of --

A That the two Trusts operate out of the same office.

Q Okay.

A With the same trustees and the same administration.

Q Okay. So it is simply a matter of the two Trusts using the same infrastructure, as it were?

A That is right. I mean from a beneficiaries point of view and from the most uninformed public people, they wouldn't know about mixing of assets and all of that other stuff, but ...

Q Great. Turning to page 2, and I am looking at the

third paragraph.
A It starts "whatever"?
Q "Whatever is relevant for these purposes." Again, we talked a little bit about your understanding of what the purposes of the Trust was. Was there anything beyond what we have already discussed that you had in mind when you were talking about the purposes of the Trust here?
A No.
Q Your understanding of the purposes of the Trust when you were writing this letter was again based on the Trust deeds and discussions with the trustees?
A Yes. The letter, I should tell you, was drafted by our legal counsel.
Q Okay.
A And I made some minor modifications for formatting and that was about it.
Q Okay. So these are not necessarily your words?
A No.
Q Okay.
A And our legal counsel at the time was not Doris.
Q Okay. Going to the fifth paragraph it says, "Sawridge Trusts are developing a web site".
A Yes.
Q And there is reference to the web site will list programs currently available through the Trust. Is that part of the web site developed at this point,

Mr. Bujold? Does it exist?
A We did set up the web site with the programs that provided program descriptions, and then if people felt that they -- if they were beneficiaries, if they were identified beneficiaries and felt that they wanted access to that program, they could click on the link and I would get a message and I would then get in touch with them. Nobody has used that so I have disconnected that part.
Q Okay. Do you still have access to the information that would have been set out for what programs were available for the beneficiaries of the '85 Trust?
A There were no programs available to the beneficiaries of the '85 Trust.
Q So it was only for the '86 Trust at that point in time?
A That is right, because we don't know who the beneficiaries are for the '85 Trust.
Q Okay. So --
A And that is part of the infrastructure stuff that we are talking about. We talk about this as if both Trusts are involved all of the time, but.
Q They are not?
A But they are not.
Q Okay. That makes more sense to me, thank you, Mr. Bujold. Now the next paragraph refers to an attached flow chart in relation to this company.
A Yes.

Q Do you still have a copy of that flow chart?
A Yes.
Q Could you undertake to provide me with a copy of it, please?
A Certainly.
Q Thank you.

UNDERTAKING NO. 26:
RE PRODUCE COPY OF FLOW CHART REFERENCED ON PAGE 2 OF EXHIBIT D TO MR. BUJOLD'S AUGUST 30, 2011 AFFIDAVIT.

Q MS. HUTCHISON: Will that flow chart let us know who the directors and officers of Sawridge Holdings Ltd. and 352736 Alberta Ltd. were in 2011?
A No.
Q Could you undertake to let me know who they were in 2011 and if there has been a change in the interim, just let me know about the change?
A Okay.
MS. BONORA: I'm going to take that under advisement because this letter from 2009 -- like do you want to know as at the date in 2009? Is that your question?
MS. HUTCHISON: As of the date in 2009, and then changes subsequently, yes, thank you.

UNDERTAKING NO. 27:(UNDER ADVISEMENT)
RE ADVISE WHO THE DIRECTORS AND OFFICERS OF SAWRIDGE HOLDINGS LTD. AND 352736

ALBERTA LTD. WERE IN 2011 AND ADVISE IF THERE WERE ANY CHANGES IN THE INTERIM.

Q MS. HUTCHISON: Looking at the last paragraph, Mr. Bujold, on page 2 there is reference to the resources of each trust are limited. I am just curious, in this process of reaching out to the potential beneficiaries in 2009 and right up to just before filing the application for advice and direction, were the potential beneficiaries of the 1985 Trust told that, you know, roughly what the total value of the Trust was? Of the assets that were held by the '85 Trust?

A The potential beneficiaries?

Q Yes.

A No.

Q So the existing beneficiaries would have been aware of that figure?

A No.

Q Okay. I guess I am trying to understand what was your purpose in talking about limited resources of the '85 Trust when it --

A There was a very good reason for that. One of the reasons was that I was getting phone calls from people saying I understand that the Trust is worth many millions of dollars and I should get my share. I want my share.

Q Okay.

A And my share should be 1 or 2 million.

Q So it was just sort of to stop the looting of the store, as it were?
A That is right.
Q Okay. But it is individuals who got in touch as potential beneficiaries requested that information, were they told what the value of the Trust assets was?
A No, they weren't, because at the time the trustees felt that potential beneficiaries were not beneficiaries and therefore not entitled to any information about the Trust until they were determined to be beneficiaries at which time they would be -- they would have a legal right to the information.
Q Okay.
A Potential beneficiaries were members of the general public as far as the trustees were concerned.
Q Okay.
A And continue to be that. And this is a private trust, so.
Q Okay. The top of page 3, and I am just looking at the first paragraph. Was it your understanding when this letter was prepared that a newer beneficiary of the '85 Trust action, some who were freshly approved, might not have the same access, I guess, to programs or services or payments from the 1985 Trust as the long-standing beneficiaries?
A No, there was some discussion with our legal counsel at the time because the trustee talks about unfettered

discretion, that the trustees have unfettered discretion in distributing assets to any and all who they so choose, including one single beneficiary, if that is what they choose. And so there was some discussion with legal counsel about what parameters that you could put on benefits. And so we didn't want anyone to think that they would simply, by becoming a new beneficiary, that they would be entitled to a full set of assets. And we weren't sure at this time, anyway, whether the beneficiaries of the '85 Trust would be the same as the beneficiaries of the '86 Trust. And if the beneficiaries of the '85 Trust were primarily people who had been long-time member, because the way that the Trust is defined, that basically it sets -- there is sort of a freeze on who the beneficiaries are, at least as far as the adults are concerned as of 15 April, 1985, so there is a freeze and that is a very small number compared to the band list. It is actually about half the band list.

Q Right.

A So there was some question about should they get the same assets, should they claim double assets from one -- could they claim the same asset from the '85, or the same benefit from the '85 Trust as they got from the '86 Trust. Would we look at it as a combined trust where if they got it from one it would be considered 50/50 from both, but only if they were beneficiaries of

both Trusts. So I mean there was a lot of complications about how we could -- because, and that is part of the reason for coming for advice and direction, is this separation of lists and, you know, the fact that there could be two different lists troubled with the trustees because they made it difficult to have a community, a small community of people, some of whom have greater benefits than others and maybe they could double dip from '85 and '86 Trust, and others who weren't eligible for '85 Trust that only single dip from the '86 Trust. So that was the concern that we not give anybody the impression that they would be able to get a windfall from both Trusts.

Q Okay. Now in relation to the -- I understand the purpose of your application for advice and direction is, in part, a wish to start to distribute through the Trust -- just off.

(Questioning adjourned.)

(Questioning resumed.)

Q MS. HUTCHISON: So I understand one of the reasons for the application for advice and direction is a desire to, you know, start to access the assets of the 1985 Trust and distribute benefits possibly through the four world model of these programs and benefits and services.

So in relation to that vision, and it is sort of referred to in some of your Affidavit, as well as

written material, is there any intention at the moment that new 1985 beneficiaries would get different programs and services, or a different distribution than old 1985 Trust beneficiaries, the long-standing ones?

A No.

Q Okay.

A The discussion that the trustees had was that everybody would have as equal a benefit as they could possibly get. The reason for wanting to have access to distribute '85 Trust funds is that all of the benefits at this point are being paid out of the '86 Trust.

Q Okay.

A And that in the long-term will deplete the resources of the '86 Trust if the '85 Trust can never be accessed. So if there are some beneficiaries whose benefits could be split 50/50 between the two Trusts, it would be more advantageous than to have them all coming out of the '86 Trust. That is where the distribution is. So there is not going to be like a windfall coming out of the '86 Trust -- or the '85 Trust, rather, it is we want to equalize between the two Trusts, or we want to be able to use the full resource of the Trusts to provide for the beneficiaries.

Q Okay. So going to the next paragraph of Exhibit D, the paragraph that starts "Another factor the trustees may consider".

A Are we on the letter?

Q Yes, page 3 of the letter.
A Okay.
Q And if you go to the very last sentence it says, "In considering the appropriate programs the trustees may consider it relevant that certain programs and other benefits are only available to beneficiaries who live on reserve and other programs may only be available to beneficiaries living off the reserve."
A Yes.
Q Is that structure or model different than programs and services on reserve versus off reserve still part of the proposed distribution that the Trusts are looking at for the 1985 Trust?
A It is not part of a proposal. It is part of a consideration. The people -- the beneficiaries who live on reserve have housing, utilities, and home maintenance provided. Those who live off the reserve don't have that.
Q Okay.
A If the Trust, and the Trust is considered providing a housing benefit. If the Trust were to provide a housing benefit it would not be, in the trustee's mind, it would not be fair to provide the same housing benefit to people who live on reserve who are already receiving a free benefit from the First Nation, and instead wanted to provide that to people who are living off reserve and are having to struggle with mortgages

and utility bills and home repairs and that sort of stuff. We haven't resolved that, and there is still a question about whether or not the First Nation could free up some of its resources if the Trust were to take over a housing benefit and provide the same benefit for on and off reserve. But then those -- then the question becomes those living on reserve don't own their homes because it is communal property, and those living off reserve own their homes and therefore can sell it and profit from it since it is not communal property. So again, we always have this, you know, because of the strange situation for a First Nations people and communal property and reserves and how they are run and on and off reserve benefits, it has been very difficult. So at this point all of the benefits are provided equally on and off reserve, but there is discussion about how could we help in these special circumstances, like housing.

Q Other than housing, are there any other programs where the trustees are struggling with that, how to deal with benefits on reserve versus off reserve, or are the programs and services outside of housing --

A Sort of related to housing is seniors housing, so lodges and assisted-living facilities are available off reserve but are not available on reserve because the population is too small, or because the federal government doesn't provide that benefit. So those

usually have to be funded either by the First Nation or in this case they could be funded by the Trust, but again, it becomes this -- so then we would provide assisted-living facilities on reserve, but not off reserve. And so what would we do for those off reserve. If you live in an assisted-living facility off reserve, only a quarter of your income goes into paying for that facility in most cases. So does that mean that First Nations people living off reserve have sufficient resources to pay that? Probably. So I mean those are the kinds of questions that we are struggling with.

Q Okay. Any differences of that nature in relation to education benefit that you are aware of?

A No, absolutely not.

Q In relation to health benefit?

A No.

Q In relation to other social, I will call them social support benefit?

A No, not -- we provide child support benefits, we provide personal development benefits, we provide education benefits, we provide health benefits, life insurance, all of those are equally provided off and on reserve to beneficiaries, and sometimes to their children through their parents.

Q So actually I will just, it might be faster if we took a look at Exhibit L of your September 12th, 2011

Affidavit.

A Okay.

Q Just from your understanding is there anything, or are any of these programs that are described in Exhibit L that you understand may be provided, you know, differently to individuals on reserve versus off reserve? Whether that difference is in amount or accessibility, value, or is it really just housing is the only one on this list?

A Housing is really the only one that is strange. I mean the other -- there are some benefits that we are having difficulty with because of trust law, because there is no beneficiary identified. So Number 11, for example, on page 46, numbered page 46, community strengthening, there is no identified beneficiary that you pay that to so we could actually not provide that benefit.

Q Okay. So there is --

A Well, no, none of these -- 18 is the same as the other one.

Q There is no actual specific --

A There is no actual beneficiary. It is sort of a wellness, community wellness stuff, but there is no identified beneficiary, so. And we have about 50 percent of our beneficiaries live off reserve, so.

Q Okay. Back to Exhibit D. Sorry, we are flipping back and forth.

A Back to the letter.

Q Back to the letter of November 24th, 2009.
A Right.
Q Try not to laugh at this question but I want to be sure I understand. If you look at the fifth paragraph it talks about the rules for eligibility of the beneficiary are presently being worked out for each of the Trusts. I understand the entire purpose of your application is to set the beneficiary definition for the 1985 Trust. What I was struggling to understand is what rules for eligibility you would be working on other than just to determine if someone is a member or not?
A It depended whether or not we were using the 1970s Indian Act rules as they existed on the 15th day of April, 1982, and what were those. So you would have to -- we would have to go back to the 1970s Indian Act, find the version that existed on the 15th of April, then find the membership rules that applied at the time that we could -- because it is members who qualify as members as of that date. So then we would have to say okay, as of today would you have qualified if today was the 15th of April, 1982. So that is what we meant by determining the beneficiaries for the 1985 Trust, is that.
Q So when you are talking about rules for eligibility, and then in the last paragraph, last sentence, there is a reference to developing a clear list of criteria?

A Right.
Q You are not talking about something over and above membership?
A Oh, no.
Q It is just a question of whether it is a pre Bill C-31 membership or post Bill C-31 membership?
A If it is post Bill C-31 membership then the membership rules of the Sawridge First Nation apply as of April 15th -- no, actually as of the 15th of June, 1985, something like that, when that was approved by the Minister.
Q But nothing that the Trusts were referring to here other than membership. It is just a question of which model of membership was going to determine beneficiaries added?
A Yeah, because the trustees felt that they really don't have control of who the beneficiaries are, because the beneficiaries are defined by other rules. So they are defined by either the Indian Act if we are using the 1970s Indian Act, or defined by the membership rule if they are defined under the 1986 Trust as who is a member of the Sawridge First Nation.
Q Okay. Thank you. Back into the body of your August 30th, 2011 Affidavit, and you were looking at paragraph 10 previously, and 11. If I could get you to have those in front of you?
A 10 and 11, yes.

Q So the three lists that we were talking about previously, have you updated those lists since 2011, since the application was filed?
A Yes, this -- well, parts of it. So the people who applied hasn't changed because we stopped the application process when we launched the application.
Q Okay.
A So I am confusing you. So when we launched the application for advice and direction we stopped anybody who had felt that they had an interest as a beneficiary to the 1985 Trust, we stopped them filling out forms.
Q You didn't ask them to keep working on forms?
A We actually refused forms after that point.
Q Okay.
A Because we felt that the court would, at the end of the application for advice and direction process, that the court will settle this issue. So it was no longer necessary for the trustees to get a bunch of people to state their claim.
Q Okay. How were forms refused? Was it in writing? Was it verbal?
A Well, they had sort of petered off by then anyway. People weren't applying very much. Those who did, I still get calls every once in a while saying I would like an application form and I just tell them we don't do that anymore. And we are in this process and the court is going to, we hope --

Q Decide?
A -- give us a new definition and then we will have to figure out how we decide then.
Q Is there a form letter that you send out to explain that?
A No.
Q It is just verbal?
A Verbal. Most of the people are phoning and asking. So that list hasn't changed. The affiliates list, we don't -- Indian Affairs won't tell us who is on the list. We would only have the 2001 pay list, that is it. So that is the end of that list. And the only list that changes is the Sawridge First Nation membership list and who has been born and died since then. So I do not modify that list.
Q Okay.
A So that is a list of beneficiaries.
Q So to the extent that that list has changed, particularly in relation to minor children of members, if you could give us both the list that existed when you swore the Affidavit and the updated list?
A Yeah, it is actually one list because it changes as of their birthday. So all you need to do is look at their birthday and if the birthday is the date of the application, then they were on the other list.
Q Okay.
MS. BONORA: We will just amend Undertaking 24

to provide you with the most recent list of Sawridge members.

MS. HUTCHISON: Sure.

MS. BONORA: Which shows all of that information.

A It has all of that information.

Q MS. HUTCHISON: The original information?

A Yes.

MS. HUTCHISON: Great.

Q MS. HUTCHISON: If you look just under subparagraph (h) of paragraph 10, Mr. Bujold, it indicates that everybody in the categories above, so from subparagraph (a) to (h) are collectively referred to as beneficiaries and potential beneficiaries. And then subparagraph (i) is referring to people who regain their status as Indians under Bill C-31 and who in the Department of Indian Affairs or Aboriginal Affairs and Northern Development is considered to be affiliated with Sawridge First Nation. And I just wanted to understand, was that category of individuals excluded from the, you know, the definition just within your Affidavit, but were they excluded from that because it is your understanding that individuals affiliated with Sawridge First Nation for the purposes of Indian Affairs are not potential beneficiaries? Are they not even considered as potential beneficiaries, or --

A The only way they can be considered, if you look at the

definition in the 1985 Trust, is they have to be members of the Sawridge First Nation.

Q So if --

A And so they have to -- they have to have qualified as members of the Sawridge First Nation under the 1970s Indian Act as it existed on the 15th of April, 1982. So these -- this last category, these affiliates, are anybody that the Minister feels has an affiliation with somebody.

Q So they are the individuals --

MS. BONORA: Can we go off the record for a second?

MS. HUTCHISON: No, we can't, Ms. Bonora. I'm sorry.

MS. BONORA: I'm going to say it on the record then.

MS. HUTCHISON: I have given you a lot of leeway about interrupting today.

MS. BONORA: I drafted the Affidavit. The purpose of the split was purely definitional. So we could serve the people in (a) to (h), we categorized them as beneficiaries and potential beneficiaries so that we could tell the court how we wanted to serve them. We separated out (i) because we couldn't serve them and we had to deal with them differently. There is nothing in respect of how we are treating those people differently. I can tell you it is purely

definitional for the purpose of how we were going to serve those people. So there is nothing sinister about it, it is just purely definitional. And I'm putting that on the record because it is just an important fact. It saves a lot of time.

Q MS. HUTCHISON: Mr. Bujold, you read this Affidavit thoroughly before you signed it?

A I did.

Q And you were comfortable with the words?

A Yes.

Q Representing your understanding of all of the information?

A Yes.

Q Okay, thank you. So the individuals in subparagraph (i) wouldn't even be potential beneficiaries under the current definition of the 1985 Trust, is that fair?

A Under the '85 Trust -- well, we don't know. We don't know because we don't know what their qualifications are for being placed on the affiliated list by Indian Affairs in the first place.

Q Okay. Assuming, though, that they were not members of the Sawridge Band before Bill C-31 was passed?

A Right.

Q They couldn't qualify as beneficiaries under the '85 Trust today?

A That is right.

Q Okay. But there is a possibility that they could be

potential beneficiaries if the new definition for the '85 Trust was adopted, if they were accepted by Sawridge?

A Yes.

Q Through its membership?

A If they were accepted by Sawridge through its membership process. This list, the other thing that you need to know about this (a) to (i) list is that these were the requirements of Justice Thomas. So he said you have to notify these people, these people, and he actually specified each of these categories.

Q Understood, okay. Thank you. Just so I am clear on this point, Mr. Bujold, the three lists that you talked about providing to me, one of them is going to be the list of beneficiaries and potential beneficiaries consisting of 194 people, correct? I just want to make sure --

A I don't think that it is 194. I think we may have sort of edited it down. I don't know. I have got it, and I can check it if you want and tell you if it is 194.

Q You can definitely do that through undertaking, and I appreciate it. But the list that you are referring to in paragraph 11 is one of the lists that you are going to give to me?

A One of the lists, yes.

Q Okay, great. Now for the four individuals that you were not able to find mailing addresses for -- sorry,

tell me a bit about those individuals. Have you, at this point in time, have you been able to find mailing addresses for them?

A No.

Q Do you have any information at all about whether any of those four individuals have minor children or did at the time that you swore this Affidavit?

A There is one, and that is William MacDonald, who has minor beneficiaries who are members of another First Nation and therefore wouldn't qualify under our trust.

Q Okay.

A They are members of Seneca First Nation.

Q And so the other three individuals who you don't have mailing addresses for, do you know if they have minor children or not?

A I don't think that they do. But they didn't always tell us whether they had minor children. I mean we asked the question, but they didn't always tell us, so.

Q The four individuals that you are referring to here, did you become aware of those individuals because they submitted the application form?

A Yes.

Q Okay.

A And then we corresponded with them and our letter came back, the mail came back.

Q And we are going to get copies of that correspondence already so we will take a look at that and see what it

says.
A Yes.
Q Okay, thank you.
(Questioning adjourned.)
(Questioning resumed.)
Q MS. HUTCHISON: Mr. Bujold, I understand that at the break you pulled out your copy of one of the listings that we have been talking about and you wanted to clarify an answer that you have given?
A Yes. I mentioned one of the people whose addresses that I didn't have was William MacDonald and that is incorrect. So those people who I didn't have addresses for, as far as I know, had no minor beneficiaries -- or no minor dependents.
Q Dependents, okay. Thank you for clarifying that, Mr. Bujold.
Just speaking of lists, when I get your three lists am I going to be able to tell from the lists who has minor dependents, or who on the list is a minor?
A Depends which list, so.
Q Let's do it this way, then. How about if you undertake to get to us any of the information that you have about the identity, contact information, of presumably their parents, of all of the minors that the Sawridge trustees are aware who are affected or potentially affected by the main application? So I am looking for minors that --

A That is one of the lists that we are going to be providing, with their birth dates.
Q Okay, perfect.
A And their reasons for qualifying.
Q Okay, thank you.
MS. BONORA: We will make that undertaking. I don't think that that was necessarily part of the prior list. So we will do the list of minor beneficiaries that may be impacted by this application and the reason, did you say?
A Also the reason that they qualify or do not qualify.
MS. HUTCHISON: Thank you, Mr. Bujold.

UNDERTAKING NO. 28:
RE PROVIDE LIST OF MINOR BENEFICIARIES IMPACTED BY THE APPLICATION, INCLUDING IDENTITY AND CONTACT INFORMATION, AND THEIR REASONS FOR QUALIFYING.

A I'm not sure if it identifies their parents, though. Is that what you wanted as well?
MS. HUTCHISON: We will be looking for contact information. So I am assuming that that will mean contact information for their parents in the course of their --
A Then I will need to modify that list if I need to provide contact information.
MS. HUTCHISON: Thank you.
Q MS. HUTCHISON: So just returning to the topic of

the individuals who regained their status as Indians under Bill C-31, and who have been deemed to be affiliated with Sawridge First Nation by the Minister of Aboriginal Affairs.

I take it not only has the Minister not been willing to provide you with their names and addresses, the Minister has not provided you with any information about whether they have minor dependents?

A No.

Q So you have no information on that at this point in time?

A No.

Q I am going to ask you to provide me with copies of any correspondence or documentation as between the Trust and the Minister requesting that information. It is my understanding that you did ask them for a list of individuals affiliated with Sawridge and their addresses. So any documentation around your request to the Minister on that topic, and their responses, if you can undertake to provide us with copies of that documentation. Sorry, you can't actually ask your counsel questions.

A You know, Janet, I'm not sure. I don't remember if we ever asked them.

Q Take a look at paragraph 12, Mr. Bujold, of your Affidavit. It says, "The Minister will not provide us with a current list of these individuals, nor their

addresses, citing privacy concerns."

A Okay. I think we may have gotten that information from the department's lawyer. Do you remember when we had the first meeting?

Q Mr. Kindrake.

A Mr. Kindrake.

Q We will leave it as an undertaking. You can review your records.

A I will see if I have got anything.

Q And, of course, we are particularly interested in whether there was any documented request to the Minister about information for minor dependents of these Bill C-31 individuals?

A There wasn't. For sure there wasn't.

Q Okay.

MS. BONORA: So I am just going to clarify, the undertaking is to review our records and provide any correspondence that we have with the Minister with respect to the refusal to provide the current list of these individuals mentioned in paragraph 12.

MS. HUTCHISON: With respect to the request for the information and their subsequent refusal to provide it, yes. That is correct.

UNDERTAKING NO. 29:

RE PROVIDE ANY CORRESPONDENCE WITH THE MINISTER RESPECTING THE REQUEST FOR INFORMATION AND REFUSAL TO PROVIDE THE

CURRENT LIST OF INDIVIDUALS MENTIONED IN PARAGRAPH 12 OF MR. BUJOLD'S AUGUST 30, 2011 AFFIDAVIT.

Q MS. HUTCHISON: Turning to your September 12th, 2011 Affidavit, and specifically paragraph 32. The statement in the first sentence of that paragraph is that the trustees have determined that maintaining the definition of beneficiaries contained in the 1985 Trust is potentially discriminatory?

A Yes.

Q Without getting into communications with the Trust lawyers, because that is not something that we can talk about, what is your understanding of what led up to this trustees arriving at that determination? Were there discussion papers, was it dealt with in non in-camera portions of your trustee meeting minutes? I am just looking for really any source of information around that topic.

A It was primarily dealt with in discussions with our legal counsel.

Q Okay.

A And the legal counsel was present at trustee meetings where that topic was discussed.

Q Okay.

A So it was primarily my discussions with legal counsel and my -- and the trustee's discussion with legal counsel that led us to believe that.

Q Okay. So this undertaking may not result in any documentation, but I am still going to ask for it. If you could undertake to review your documentation and if there is any nonprivileged documentation that deals with discussion or assessment of that topic, including any sort of communication as between the trustees and the Nation, if you could undertake to provide us with any of that?
A Between the trustees and the Sawridge First Nation?
Q That is correct, yes. So it may not exist, Mr. Bujold.
A It doesn't, I can tell you right off, because we don't get communications from the Sawridge First Nation.
Q Not from --
A No. We don't get any letters from them. We get -- occasionally we get a phone call from the office staff saying Chief and Council have just added so and so to the list and here is his name.
Q Okay.
A And his address.
MS. BONORA: So just to clarify, can you clarify the undertaking that you are asking?
MS. HUTCHISON: I think that I will just leave the undertaking as is, and if you need to repeat it maybe Susan can read back.
MS. BONORA: You said about this topic, so I need to understand what topic you are talking about.
MS. HUTCHISON: About the determination of the

trustees maintaining the definition of beneficiaries from the 1985 Trust would be potentially discriminatory.

MS. BONORA: Okay.

UNDERTAKING NO. 30:
RE REVIEW DOCUMENTATION AND PRODUCE ANYTHING NONPRIVILEGED DEALING WITH THE TOPIC OF THE DETERMINATION OF THE TRUSTEES MAINTAINING THE DEFINITION OF BENEFICIARIES FROM THE 1985 TRUST WOULD BE POTENTIALLY DISCRIMINATORY, INCLUDING ANY COMMUNICATION BETWEEN THE TRUSTEES AND THE SAWRIDGE FIRST NATION.

Q MS. HUTCHISON: Mr. Bujold, still in paragraph 32 I am wondering if you can help me understand this one element of this whole matter. So you are saying in paragraph 32 that the current definition of beneficiaries of the '85 Trust would allow nonmembers of the Nation to be beneficiaries of the '85 Trust while excluding certain members of the Nation.

Can you give me some examples of a situation where an individual would qualify as a beneficiary under the 1985 definition without being a member of Sawridge First Nation today?

A I would have to use names. Is that okay?

Q That is okay. I'm trying to understand the process, because...

A Roland Twinn's wife, Haytena (phonetic) Twinn --
Q Okay.
A Is white, not a member of Sawridge First Nation and not eligible under current membership rules to be a member because she doesn't have Indian status.
Q Okay.
A She does qualify under the 1970 Indian Act as the wife of an Indian male and, therefore, as a member of a First Nation and, therefore, as a beneficiary of the 1985 Trust. So she is not a member of the First Nation, but she is a beneficiary to the 1985 Trust.
Q Okay.
A Adversely Clara and -- Bertha L'Hirondelle, Clara Midbo, Liz Poitras and any of the other Bill C-31s, if they came in as a result of application or as a result of the court order from Justice Huggessen don't qualify as members of the Sawridge -- of the 1985 Trust but they are members of the Sawridge First Nation.
Q Okay. That helps me. So my understanding is that there are, and I am turning quickly here to your September 30th Affidavit. Sorry, it is the Supplemental Affidavit to the September 12th, 2011 Affidavit.
A Okay.
Q So help me understand what you are talking about in paragraph 3 and 4, Mr. Bujold. So there are 8 mine or dependents?

A This is a moving target, this minor dependent stuff is a moving target because they get old.
Q Got you. At the time that you swore this Affidavit there were 8 minor dependents?
A That is right.
Q And I just want to be clear, at the time these 8 minor dependents did or did not qualify under the current definition?
A Did not.
Q Did not?
A Yeah.
Q But would qualify as beneficiaries under the new definition of the '85 Trust? The proposed one?
A No. They would continue not to qualify unless they applied for membership.
Q Okay.
A So under the '86 Trust it is a member -- anybody who is a member of the Sawridge First Nation, and that includes children. Children have to apply just like adults have to apply. Parents can apply on behalf of their children, but they still have to apply.
Q Are there situations, though, where some children will automatically be considered members?
A If a band member marries a band member, then those. But in most cases in Sawridge it would be incestuous.
Q There are very few children that qualify under that provision?

A Practically none.
Q It is a small community?
A It is a very small one or two family, and that is, you know, very hard not to marry your cousin and then you end up with --
Q Okay, got you.
A So the only way that you can qualify is to apply for membership. And so the 8 children who don't qualify under the '85 Trust would also continue not to qualify even if the definition changed because they don't qualify under the '86 Trust either, neither do the other 31 children qualify because their parents have to apply.

Now of these 31 dependents one of the parents has actually applied on behalf of two of those children and they have been admitted, and they are continuing to be minors, but they are also members of the First Nation and, therefore, full beneficiaries of the Trust -- of the '86 Trust, but not of the '85 Trust.

Q But if the '85 Trust definition changes --
A Changes.
Q -- they would become beneficiaries?
A They will continue to be, because they already are beneficiaries under the '85 Trust. They are part of the 31 who already are. So there is two who are already beneficiaries, but under the '86 Trust they don't qualify because -- okay, we have to sort of back

up a little bit.

So under the '85 Trust the definition is if you could be a member --

Q Pre Bill C-31?

A -- using the rules as they existed on that day, and you could be a member as a minor under those rules. Under the new Sawridge membership rule you can't be -- you are not automatically considered a member just because you are born to a member. You have to apply.

Q Right.

A So the children of members of the Sawridge First Nation all have to apply. And if they don't apply, they don't become members. Therefore, they won't be beneficiaries.

Q Okay. So I just want to be clear because I know we have all gotten a little confused on this issue at times. So in paragraph 4 when you say 23 of the minor dependents qualify as beneficiaries of the 1985 Trust, and I understand that the 23 may have changed over time?

A Right, right, right.

Q But were you saying that they qualify as beneficiaries of the '85 Trust with the current definition?

A Yes.

Q Okay. And would any of those 23 cease to be beneficiaries of the 1985 Trust under the proposed new definition?

A Yes. 21 of them.
Q 21 of them?
A Because two of them have applied for membership and have been accepted.
Q Okay.
A So because they applied and were accepted their beneficiary status continues because then they are still members of the First Nation.
Q The remaining 21 would have to apply for membership?
A Would have to apply for membership in the First Nation.
Q And if they didn't receive it they would not be beneficiaries of the 1985 Trust?
A That is right.
Q Or the 1986 Trust?
A That is right.
Q Okay. Just going back to numbers for a moment, Mr. Bujold. The numbers of dependent children of Sawridge members has changed, I think, since 2011, right?
A Yes.
Q Do you know what the current figure is? How many dependent children there are, or would you like to undertake to --
A I can give you an undertaking, because even though the numbers have changed, I think that the numbers are constant. So I think that it is still 31 but, you know, we have two who became adults and two who were

born, and I think that that is what has happened. I think we still have 31, but I can do an undertaking.

Q Let's do it this way because we need to establish names and identities here, so.

A Yes.

Q So why don't you undertake to give us a list of who the 31 dependent children were at the time that this Affidavit was sworn, and then also identify of those 31 dependent children which were the 23 that qualified as beneficiaries of the '85 Trust at the time that you swore the Affidavit and which were the 8 that did not qualify as beneficiaries of the '85 Trust at the time that you swore the Affidavit, and then update that list for me through until today's date?

A All right.

Q Okay.

UNDERTAKING NO. 31:
RE PROVIDE LIST OF WHO THE 31 DEPENDENT CHILDREN WERE AT THE TIME THE AFFIDAVIT WAS SWORN AND IDENTIFY OF THOSE 31 WHICH WERE THE 23 THAT QUALIFIED AS BENEFICIARIES OF THE '85 TRUST AT THE TIME THAT THE AFFIDAVIT WAS SWORN AND WHICH WERE THE EIGHT THAT DID NOT QUALIFY. ALSO UPDATE THE LIST UNTIL TODAY'S DATE.

Q MS. HUTCHISON: Mr. Bujold, are you able to tell

me, and I am asking a question about the '86 Trust just because it is pertinent to the proposed new definition. So since Sawridge took over its membership process, which was 1985, how many Bill C-31 members are you aware of that have also become beneficiaries of the 1986 Trust?

A Of the '86 Trust?

Q Yes. So how many of those Bill C-31 individuals have actually become members since Sawridge took over its membership process?

A Those -- if I am understanding the question correctly, there are -- there is 14 or 15 absolutes. So those -- and those are just about -- there was one man, but the rest were all women. Most of them came in as a result of Judge Huggessen's court order.

Q Came in as members?

A Came in as members and therefore as beneficiaries of the '86 Trust. Clara Midbo and Bertha L'Hirondelle and Frieda Draney were Bill C-31 who applied and were granted membership.

Q Okay. Just remind me, Frieda Draney is also --

A She is a sister.

Q A sister of Walter Twinn. Other than Clara, Bertha, and Frieda, if I may just use their first names, the only other individuals that have become Bill C-31 individuals -- I apologize, that have become members of the Sawridge First Nation and the beneficiaries of the

'86 Trust are the women and other individuals added by Justice Huggessen?

A That is right.

Q Just so there is no confusion could I ask you to give us a list of those names so that we are all on the same page? If you could undertake to tell us who --

A The applications plus the Huggessen order?

Q Let's do that, yes.

UNDERTAKING NO. 32:
RE PROVIDE LIST OF INDIVIDUALS ADDED BY JUSTICE HUGGESSEN TO BE MEMBERS OF SAWRIDGE AND BENEFICIARIES OF THE '86 TRUST.

Q MS. HUTCHISON: There have been other applications for membership since the 1985 Trust has been approved?

A Yes.

Q But they weren't for Bill C-31 individuals. They were children that were born to only one member, and that sort of situation?

A Yeah, but Bill C-31 rules are actually quite restrictive. So in order to meet the restrictions there were only these people who actually qualified. And even, you know, there is some -- Sawridge First Nation doesn't agree with all of the people who were placed on the list by Huggessen because they didn't have any affiliation that they know of.

Q Right.

A By blood or by residence with the Sawridge First Nation. So none of the people that we know, other than those who we have been sort of pulling through our process or the affiliates, would qualify as absolutes. So they have to meet that very narrow definition.

Q Okay. From what you know, Mr. Bujold, I mean do you know what the total number of applications, and whether it is complete or incomplete application, the total number of applications that the Nation has received for membership since 1985, since they took over the process?

A I don't know it off the top of my head. I know that a report was provided to you that we received from Sawridge First Nation, and I think the number was about 40 or something.

Q Do you have that?

A Because it came from the First Nation. It is not something that -- we don't pay attention to that unless it results in a beneficiary.

Q Does that look familiar, Mr. Bujold?

A Yes, this is it, yes.

Q So this is a list that your counsel sent me?

A Yes. So this is the list that we received from Sawridge First Nation and they would know. I wouldn't know how many applications they have received, so. They are saying 74 received and 52 processed.

Q Are we okay to mark this as an exhibit?

MS. BONORA: It came from the stuff I sent you by email?
MS. HUTCHISON: Yes. Or you can undertake to provide it to me in another format.
A There was another sheet that went in front of it.
Q MS. HUTCHISON: There are answers to other questions in front of it, yes.
A Okay.
Q Do you want to undertake to --
MS. BONORA: I'm good. I see it now.
MS. HUTCHISON: So we can mark that as an exhibit?
MS. BONORA: M-hm, that would be fine.

EXHIBIT NO. 4:
DOCUMENT ENTITLED TOTAL APPLICATIONS RECEIVED AND PROCESSED.

Q MS. HUTCHISON: Mr. Bujold, this page sets out some statistics on total membership applications received and processed. So what you are telling me is that that information came from the Sawridge First Nation?
A That is right.
Q So the trustees haven't done anything to double-check those numbers or determine if they are accurate at this point in time?
A We wouldn't have any cause to interfere in Sawridge First Nation business.
Q And I am not suggesting --
A So we haven't checked that.

Q So you haven't requested any of the documentation that would be behind this list, like the membership application forms, or --
A No.
Q Okay. So this list is saying between 1993 and 2014 74 applications for membership were received and 52 were processed?
A Right.
Q And within that number, 74, 15 were accepted. I'm trying to understand, I am not sure if you can tell me, but within the 15 that were accepted does that include the 11 people that were added by order of Justice Huggessen?
A No.
Q So you have actually got 26 individuals that were accepted or added to the Sawridge membership?
A That is right.
Q Okay.
A And that would tally, because in 1985 there were 23 members, and now there are 40-some members, so.
Q Okay. Within this accepted number for this 15, that would include Clara, Frieda, and Bertha; is that correct?
A Yes.
Q Okay. Other than the 11 individuals added by court order --
A Just hang on a sec because the beginning date that he

has got here is '93.

Q And they were added before that?

A And I think Bertha's application, I just read somewhere Bertha's application was in '91. So maybe that doesn't include. So maybe I am wrong.

Q You are taking me to my next question actually. So this list starts at 1993, but it is your understanding Sawridge took over its membership process in 1985?

A Yes, in July of 1985.

Q So what I would like you to undertake to do is to inquire with Sawridge First Nation about how many applications they received between 1985 and 1993, and just exactly the same review as is done here, how many were received, how many were processed, and what were the outcome of those membership applications 1985 to 1993?

MS. BONORA: We will make that inquiry. We will make our best efforts to provide an answer. We can't control that answer, so.

MS. HUTCHISON: Thank you.

UNDERTAKING NO. 33:

RE INQUIRE OF SAWRIDGE FIRST NATION AS TO NUMBER OF APPLICATIONS THEY RECEIVED BETWEEN 1985 AND 1993, HOW MANY WERE RECEIVED, HOW MANY WERE PROCESSED, AND WHAT THE OUTCOME OF THOSE MEMBERSHIP APPLICATIONS WERE FROM 1985 TO 1993.

Q MS. HUTCHISON: And I am just looking at one of the little notes here in this summary, Mr. Bujold, that talks about 14 applications received in 2006 which were determined not to be complete and letters were sent out to request additional information.

At this point in time has the Sawridge trustees been able to get copies of either those membership applications or the correspondence indicating that they were incomplete?

A The letters -- the incomplete letters, we have received copies of those, and those were provided to you.

Q Okay. So you have provided me with any that you received back?

A That is right.

Q Okay. But not copies of the application forms themselves?

A No, we would -- the application forms, even though the trustees have asked about them, we have been informed that under the privacy legislation that they are not allowed to give us that so we are not allowed to see them.

Q Despite that, and I recognize all you can do is the make the request, one of the undertakings that I will ask you for today is request from the Sawridge First Nation copies of all membership application forms that they have received from 1985 until today's date.

MS. BONORA: Copies of all application forms?

MS. HUTCHISON: Membership application forms that they have received, whether complete or incomplete, since they took over their membership process, so that would be 1985.

MS. BONORA: We will make the request. We are not undertaking to provide an answer. We expect the answer will be no, so.

MS. HUTCHISON: Understood.

UNDERTAKING NO. 34:
RE REQUEST OF THE SAWRIDGE FIRST NATION TO PRODUCE COPIES OF ALL MEMBERSHIP APPLICATION FORMS THAT THEY HAVE RECEIVED FROM 1985 UNTIL PRESENT DATE.

Q MS. HUTCHISON: Mr. Bujold, you may or may not be aware of this, but are you aware of band council resolution, Sawridge Band Council Resolution from July 21st, 1988 that attached a list of 164 people who had expressed an interest in writing in making an application for membership with the band?

A No.

Q So you have never seen that before?

A No. I don't know if I ever heard of it.

Q Just for reference for the undertaking that I am going to ask you for, it is referred to in paragraph 34 of Sawridge Band v. Canada 2004 SCA 16.

So I am going to ask you to inquire, or to request from Sawridge First Nation a copy of that July 21st,

1988 band council resolution, and specifically to ask them to check the documentation that was filed in relation to this court application to see if they can locate a copy of that BCR and the list attached.

MS. BONORA: What is the number?

MS. HUTCHISON: There is not a BCR number. I can just give you that case. There are apparently 194 individuals listed in the BCR, or in a list attached to the BCR, and the BCR is dated July 21st, 1988.

UNDERTAKING NO. 35:
RE REQUEST OF SAWRIDGE FIRST NATION TO PRODUCE A COPY OF THE JULY 21ST, 1988 BAND COUNCIL RESOLUTION, AND SPECIFICALLY ASK THEM TO CHECK THE DOCUMENTATION THAT WAS FILED IN RELATION TO THE COURT APPLICATION SAWRIDGE BAND V. CANADA 2004 SCA 16, TO SEE IF THEY CAN LOCATE A COPY OF THAT BCR AND THE ATTACHED LIST.

Q MS. HUTCHISON: Just so I am clear, Mr. Bujold, the trustees, as part of your efforts to identify beneficiaries or potential beneficiaries, clearly you have not had access to the resource of that BCR that we are talking about?

A No.

Q Never seen it?

A No.

Q So you would have no way to know how the list of 194 people attached to that BCR would interrelate with the list that you have developed?

MS. BONORA: The 164?

Q MS. HUTCHISON: Sorry, the 164. You wouldn't have any way to cross-reference them at this point in time?

A No.

Q We have had quite a lot of discussions about what efforts that you have made to try and identify beneficiaries or potential beneficiaries. Are there any efforts in that regard that you have made or that the trustees have made that we have not discussed? Other correspondence, documentation, searches? Anything else that the trustees have been doing on that front?

A No. The original list of potential beneficiaries to the 1985 Trust that I started working with is a list that was developed by the trustees themselves sometime in the 1980s. I think '88 or '89.

Q Okay.

A Or maybe later. I would have to -- and so we sort of use that as the basis list, and then we sort of evaluate it based on who was still alive and who was living, and. So that is the only other work that I know of, and then we have done this research putting together lists of names, getting these applications.

Q Okay. So turning back to your August 30th, 2011

Affidavit for a moment. And specifically I am looking at paragraph 10 sub (e). So I just want to be clear, at the time that you swore this Affidavit had Sawridge First Nation actually provided a list of names of individuals who applied for membership in Sawridge First Nation, or was this just one of the general categories?

A This was the general category.

Q So they hadn't given you that information then?

A No.

Q And haven't given it to you today?

A Haven't given it to me since.

Q I will ask you to undertake when you are requesting the other information from the Sawridge First Nation on membership application, to the extent that it is not apparent from the other documents that they might provide, we would like to know the date that each membership application was received by the First Nation, and the date that a decision was actually made on each membership application. And I understand all you can do is ask, Ms. Bonora.

UNDERTAKING NO. 36:

RE INQUIRE OF SAWRIDGE FIRST NATION THE DATE EACH MEMBERSHIP APPLICATION WAS RECEIVED BY THEM AND THE DATE A DECISION WAS MADE ON EACH MEMBERSHIP APPLICATION.

Q MS. HUTCHISON: I am going to add one other element

to all of the undertakings that are requesting information on Sawridge First Nation membership applications. So should a situation arise where for some reason the First Nation refuses or fails to provide any of that information, I am going to ask you to canvass the trustees directly to provide any and all information or documentation that they can and provide to answer those questions around membership applications.

A Wouldn't that cause a conflict of interest to arise? Like aren't you promoting a conflict of interest to arise in the Trust?

MS. BONORA: We will take that under advisement.

UNDERTAKING NO. 37:(UNDER ADVISEMENT) RE WITH RESPECT TO UNDERTAKINGS REQUESTING INFORMATION ON SAWRIDGE FIRST NATION MEMBERSHIP APPLICATIONS, IF THE FIRST NATION REFUSES OR FAILS TO PROVIDE THAT INFORMATION INQUIRE OF THE TRUSTEES DIRECTLY TO PROVIDE ANY AND ALL INFORMATION OR DOCUMENTATION THAT THEY CAN TO ANSWER THOSE QUESTIONS AROUND MEMBERSHIP APPLICATIONS.

(Discussion off the Record.)

MS. BONORA: Based on discussion off the record in respect of Undertaking 35 which we have taken under advisement, but just to be clear, we are only making

the request of the trustees as trustees, and not in any other role that they would play.

MS. HUTCHISON: That is actually not how the undertaking is phrased. You may choose to respond in that context, but that is not how my undertaking is phrased.

Q MS. HUTCHISON: Mr. Bujold, looking at your September 30th Affidavit again, paragraph 3. To the extent that your other undertakings don't tell me this, and I suspect that your other answers to undertakings will tell me this, but if they don't could you just update the figure that is set out in paragraph 3 if it has changed?

A It has.

Q Okay. Do you know what the figure is today?

A Yes, it is 45.

Q Okay, thank you.

A But they are not all older than 18 years of age because now there are two minors in there.

Q Okay. So 43 adult members and 2 minor members?

A 2 minors.

Q Okay. And just going back to the 8 beneficiaries that you were discussing in paragraph 4, and I realize they may or may not still be -- I apologize. Minor dependents, not beneficiaries, the 8 minor dependents, at the time that you swore the Affidavit do you know if they were living on or off reserve?

A They were living off reserve. They were in the process of moving on to reserve.
Q Okay. And are any of these -- some of these 8 minor dependents remain minor dependents today; is that correct?
A No, they all do. They all do.
Q They are all still minors?
A They are all still minors.
Q Are they all living on reserve now?
A No, they are right now living in Sherwood Park but they will be living on reserve soon. They have a house, it is just not complete yet.
Q But the house has been allocated to the family?
A Yes.
Q Okay. Now in paragraph 6 my understanding is that you were explaining the proposal of the Trust, or the intention of the trustees that those 8 minor dependents who did not qualify as beneficiaries in the 1985 Trust would still be offered programs, services and other benefits through their parents. So they would have access to the same programs, services, and other benefits as would be offered to the 1985 minor beneficiaries?
A That is right.
Q Now once those 8 minor dependents turn 18, you agree with me that unless the new definition is accepted, and unless they are accepted as members of Sawridge First

Nation, they would no longer have access to the programs, services and benefits through the 1985 Trust?

A The 8?

Q The 8 minor dependents?

A The 8 minor dependents don't have access now, so there is 8 who don't have access.

Q Understood. And paragraph --

A And they would continue not to have access when they are 18 or 50 or 75 unless they apply for membership.

Q Sorry, and I may have misunderstood your Affidavit, Mr. Bujold. Were you trying to communicate in your Affidavit here that if the new definition was adopted for the 1985 Trust, the Trust would still provide programs, services, and other benefits to the 8 minor dependents through their parents?

A Paragraph 6 was not meant to talk about the 8 minors who don't qualify, and would continue not to qualify regardless of what the membership -- regardless of what the beneficiary definition is.

Q Okay.

A Unless they applied for membership. If they don't apply for membership they will continue to receive some of the benefits of the Trust as dependents of their parents until age 18 or age 25 for educational benefits.

Q Okay.

A There are some benefits that they -- I mean they would

never get seniors benefits obviously if they don't apply and become members.

Q Okay. And then the 21, and I just want to be sure I understood --

A The 23? There is 31.

Q There is 31.

A So there is 23 minors under the '85 Trust who now qualify.

Q Who will cease to qualify under the new definition?

A Who would cease to qualify under a new definition unless they or their parents applied for membership.

Q And succeeded in getting membership?

A Obviously.

Q So 23, not 21?

A There is 23. There is 31 total so 23 plus 8.

Q Got you. So those 23 minors, unless they were successful in their application to become members of the Sawridge First Nation, would cease to receive any benefit through the 1985 Trust if the new definition is approved, once they cease to be minor dependents of their parents? Is that your understanding?

A Once they cease to qualify as minor dependents under the policies of the benefits. So it is 18 for most benefits, 25 for educational benefits.

Q Understood, thank you.

A Or if they are handicapped then they continue until they are 25.

Q Are you aware, are any of the 23 minors handicapped?
A No.
Q And --
A Not that I know of.
Q And any of the 8 minors that would not qualify under any definition? Anybody who is handicapped?
A No. I mean some of them have learning disabilities, but they are not -- like it is not a handicap.
Q They are not dependent adults?
A No.
Q Okay. Mr. Bujold, turning to your September 12th, 2011 Affidavit and looking at paragraph 22. To the extent that the other undertakings don't result in production of these documents, what I would like you to do is undertake to provide us with any other documents or additional documents that you have reviewed or are relying on for your belief that all of the property from the 1982 Trust was transferred to the 1985 Trust. Just a little bit broader than one of your previous undertakings.
MS. BONORA: Sorry, you are asking us for any other documents than is already produced and that we have produced in our email to you, is that right?
MS. HUTCHISON: Well, as we talked about a number of times, Ms. Bonora, you have given me documents that at the moment have absolutely no status before the court, so.

MS. BONORA: In Undertaking 16 we would --

MS. HUTCHISON: Unless you are planning to produce a supplemental Affidavit we need to get all of the documents that you provided by undertaking or in some form.

MS. BONORA: Okay. So in Undertaking 15 we said we would produce all of the documents with respect to the transfer of assets, and that we produced to you on Friday and any other documents in relation to the transfer of assets. So I can't imagine that we need another undertaking.

MS. HUTCHISON: We may not. I'm asking for, and it may simply be that your answer is to say all of the documents that he is relying on are the ones provided in response to the previous undertaking. But I'm looking for copies of any and all documents that Mr. Bujold was relying on when he swore that he believed that all of the property for the 1982 Trust was transferred to the 1985 Trust.

MS. BONORA: We aren't going to give that undertaking because now you are going to ask us to separate out ones he may have relied on compared to ones that we have subsequently found and we are not going to do that. We are going to produce the relevant documents with respect to the transfer of assets. So that undertaking is refused.

Q MS. HUTCHISON: Mr. Bujold, your understanding in

paragraph 22 hasn't changed as of today's date? You still believe all of the 1982 assets were changed to the 1985 Trust assets?

A M-hm.

Q If you could undertake to provide me with copies of any documents that you are relying on to support that belief and understanding. Ms. Bonora, if the answer to that undertaking is simply to say it is only the documents provided in response to previous undertakings, that is fine. But I want to be absolutely certain we have every piece of paper that Mr. Bujold is relying on to arrive at that understanding.

MS. BONORA: That is a duplication, so that undertaking is refused.

UNDERTAKING NO. 38:(REFUSED)
RE PROVIDE COPIES OF ANY DOCUMENTS BEING RELIED UPON TO SUPPORT THE BELIEF AND UNDERSTANDING THAT THE 1982 ASSETS WERE CHANGED TO THE 1985 TRUST ASSETS.

Q MS. HUTCHISON: Turning to paragraph 26 of your September 12th Affidavit, Mr. Bujold. Do you have, or does the Trust have financial statements for Sawridge Holdings Ltd. and/or the Sawridge group of companies?

MS. BONORA: Excuse me, can you tell me why that is relevant?

MS. HUTCHISON: What I would like to know -- I'll

ask it another way, Ms. Bonora.

Q MS. HUTCHISON: Did Mr. Peterson simply provide you with the figure of $68,506,815 or did he provide you with documentation to show you that value?

A The companies are required to provide the trustees with financial statements.

Q Could I ask you to provide us with copies of those financial statements from 2011 until today's date, please?

MS. BONORA: Sorry, again can I ask for the relevance of it? Just because they have it doesn't make it relevant. If you would like to know, we thought it important for the court to know value. The whole issue of what is in those financial statements I am not sure is relevant to this application. So if you tell me why it is relevant, I can then make a determination of whether we will give that undertaking.

MS. HUTCHISON: The court's previous decision have already made it rather clear that the amounts in question are pertinent to some of the care that is required to deal with this application. There is also a statement in paragraph 28 of Mr. Bujold's Affidavit that in order to try to actually find or deal with the documentation around the transfer of assets of the '85 Trust would destroy the Trust. It has absolutely been put in issue by the Sawridge trustees what the current status of the Trust is, what its wherewithal is, what

its value is, what assets it holds. So I will leave my undertaking on the record.

MS. BONORA: We will take it under advisement.

MS. HUTCHISON: Thank you.

UNDERTAKING NO. 39:(UNDER ADVISEMENT) RE PRODUCE COPIES OF THE FINANCIAL STATEMENTS FOR SAWRIDGE HOLDINGS LTD. AND/OR THE SAWRIDGE GROUP OF COMPANIES FROM 2011 UNTIL PRESENT DATE.

Q MS. HUTCHISON: So turning to paragraph 28 of your September 12th, 2011 Affidavit, Mr. Bujold, what research or investigation did you do to determine what the cost would be? You are referring to enormous costs to unravel the assets of the 1985 Trust. So what did you do to determine those costs, and is it documented?

A Well, we had discussions with our accountant, with the trust's accountant.

Q M-hm.

A About what would be required, and we have had other discussions related to the 21-year rule and other taxes that the Trusts have to pay. And that is on which basis we came to the conclusion that it would be very expensive.

Q And I am just trying to get an understanding here. Enormous costs and very expensive could be considered two different ends of the spectrum. So did you actually get some sort of an estimate of costs from

your accountant? Was there some --

A I can't recall that we did get like a detailed breakdown, an estimating cost. We were just told that it would be very expensive with the capital gains tax that we would have to pay in the transfer, the cost of transferring and the taxes and the reorg, the corporate reorganization that would be required as a result of that would be very expensive.

Q I think what I will do, Mr. Bujold, is ask you to review your records and to the extent that you got non-privileged documentation that relates to the statements in paragraph 28, if you could undertake to provide me with copies, please.

UNDERTAKING NO. 40:
RE PRODUCE ANY NONPRIVILEGED DOCUMENTATION RECEIVED RELATING TO THE STATEMENTS IN PARAGRAPH 28 OF MR. BUJOLD'S SEPTEMBER 12, 2011 AFFIDAVIT.

Q MS. HUTCHISON: Now if I understand the situation correctly, Mr. Bujold, since the transfer of assets from the 1982 Trust to the 1985 Trust there have not actually been any -- there has been no distribution or benefit to any beneficiaries from the '85 Trust?

A No.

Q So there would be operating costs and expenses, assets being sold with funds going back into the corpus of the Trust, but no actual distribution of the assets?

A None to beneficiaries, no.
Q To anyone?
A To anyone, sorry.
Q Okay. Just so I am clear. Mr. Bujold, in response to one of the informal information requests I had made to your counsel we received a copy of the Sawridge Indian Band membership application form, a flow chart for the membership application process, and a document titled Membership Application Process, as well as a document entitled Sawridge Membership Rules.

I am going to start with the Sawridge Membership Rules. Have you seen those rules before?

A Yes, I have.
Q As far as you are aware have they remained unamended since they were first passed in 1985, or have they changed?
A There has been some amendments. I don't have a copy in front of me, but I think there have been some amendments.
Q So I will just ask you to deal with this question by undertaking, then. If you could undertake to try and locate for us the original version of the Sawridge membership rules and then any interim versions of those rules?
MS. BONORA: We will take that under advisement.

UNDERTAKING NO. 41:(UNDER ADVISEMENT)
RE PRODUCE THE ORIGINAL VERSION OF THE

SAWRIDGE MEMBERSHIP RULES AND ANY INTERM VERSIONS OF THOSE RULES.

Q MS. HUTCHISON: And I see that you are looking at a copy of the Sawridge membership rules provided by your counsel. Do you recognize those?

A Yes, I do.

Q If we could mark those as an exhibit. The copy that you are looking at, as far as you are aware, Mr. Bujold, is that the current membership rules?

A It is the current.

Q Great.

EXHIBIT NO. 5:
SAWRIDGE INDIAN BAND MEMBERSHIP RULES.

Q MS. HUTCHISON: And I don't know if your counsel has an extra copy of the Sawridge Indian Band Membership Application Form. So is it your understanding that -- you recognize that application form?

A I do.

Q Is it your understanding that that is the current Sawridge Indian Band membership application form?

A As far as I know.

Q Could we mark that as an exhibit, please.

EXHIBIT NO. 6:
SAWRIDGE INDIAN BAND MEMBERSHIP APPLICATION FORM.

Q MS. HUTCHISON: Mr. Bujold, do you know if there

have been previous iterations or versions of that membership application form?

A I understand that there were other membership application forms, yes.

Q And have you seen them?

A No.

Q Do you have copies?

A No.

Q You don't have copies of them?

A No.

Q Could I ask you to undertake to contact Sawridge First Nation, all you can do is request it, but ask them to provide all previous versions of the Sawridge Indian Band membership application?

MS. BONORA: We will take that under advisement.

MS. HUTCHISON: Thank you.

UNDERTAKING NO. 42:(UNDER ADVISEMENT) RE REQUEST OF SAWRIDGE INDIAN BAND TO PRODUCE ALL MEMBERSHIP APPLICATION FORMS PRIOR TO THE ONE ENTERED AS EXHIBIT 6.

Q MS. HUTCHISON: Mr. Bujold, do the trustees receive copies of letters of acceptance, letters of rejection, notices of appeal, or appeal decisions under the membership process?

A No, they do not.

Q Have you requested copies of any of those documents as part of your efforts to identify beneficiaries and

potential beneficiaries?
A No.
Q I am going to ask you to undertake to request copies of all such documents from Sawridge First Nations. So any letters of acceptance in relation to membership application, any letters of rejection, any notices of appeal that have been filed in relation to membership decisions and any appeal?
MS. BONORA: So the acceptance and rejection letters you already asked for and those were provided to you.
MS. HUTCHISON: Those have been provided to me informally, Ms. Bonora. We can mark them as exhibits today, or we can deal with them by undertaking. What is your preference?
MS. BONORA: No, we made that request already. You asked us to make the request and we did and those have been provided.
MS. HUTCHISON: How would you like to get them into the evidentiary record?
MS. BONORA: We can mark them as exhibits.
Q MS. HUTCHISON: Mr. Bujold, you are looking at a series of letters, the first one is June 1st, 2004 to Mr. Alan Floyd McDermott?
A Yes.
Q And the last page is an April 25th, 2008 letter to Mr. Kieran Cardinal?

A Yes.
Q Have you seen those letters before?
A Yes, I have.
Q If we could mark those as an exhibit as a bundle, please. I would just note on the record, Ms. Bonora, what we have previously discussed. Many, in fact almost all of the documents we marked as exhibits today I didn't receive by the May 16th date that we discussed and the fact that we are marking them as exhibits today we are agreed doesn't limit my ability to examine Mr. Bujold on them in the future?
MS. BONORA: I understand that. I just wanted to make clear that our answer to you when we provided it was that we have not located a letter for every processed applicant. They have provided what has been located. So in respect of all letters of rejection or acceptance, we have provided the ones that have been located.
MS. HUTCHISON: Okay.
MS. BONORA: So does that answer the undertaking? I just want to be clear. I think it is an answer to the undertaking.
MS. HUTCHISON: I thought that you had asked me to deal with these by way of exhibits.
MS. BONORA: So there is no Undertaking 41 then.
MS. HUTCHISON: Unless there are further efforts that Sawridge First Nation can make to locate

additional letters. I haven't seen your request or their responses.

MS. BONORA: I am telling you that that is all of the information that they were able to provide, so.

EXHIBIT NO. 7:
BUNDLE OF LETTERS OF ACCEPTANCE AND REJECTION, FIRST ONE DATED JUNE 1, 2004 TO MR. ALAN MCDERMOTT AND LAST ONE DATED APRIL 25, 2008 TO MR. KIERAN CARDINAL.

Q MS. HUTCHISON: Mr. Bujold, let's take a look at the first letter in Exhibit 7. Have you at this point in your role with the Trust and information that you have received from Sawridge First Nation, do you have any understanding of what factors would be considered in a membership process around the question of whether an individual has the character and lifestyle that would or would not cause their admission in the band to be detrimental to the future welfare and advancement of the band?

A I do not. I can make conjecture in this particular case.

Q If you have information I would appreciate it.

A He was -- this application was filled out when he was in provincial jail.

Q I see, okay. Do you have any understanding about, let's go to the letter to Ms. Belcourt which is the next letter in the package, October 31st, 2012. Do you

have any understanding of what factors would be considered when deciding whether an applicant's admission into the membership of Sawridge would be in the best interest and welfare of the First Nation, in a general sense, firstly?

A Paragraph 3?

Q Paragraph 3, yes.

A No.

Q Do you have an understanding in relation to Ms. Belcourt specifically about what factors might have been in play in the decision that it would not be in the best interests and welfare of the First Nation to accept her as a member?

A No.

Q Do you have any understanding at this point in your tenure with the Sawridge Trust about what factors would be considered in assessing whether an applicant for band membership has a commitment to knowledge of the history, customs, traditions, culture, and communal life of the First Nation?

A No.

Q Have you or the trustees ever requested some detail around what goes in to an assessment of those factors from Sawridge First Nation?

A We haven't requested any information about what goes into it because we feel this is a process that is totally independent and not under our purview. So what

we have done is asked the First Nation to consider, is to consider that the process be fair and that it meet the standard of administrative law, and that is it.

Q Other than these types of letters that are sent out to applicants to tell them the results of their application, are you aware of any document that the Sawridge First Nation might provide to an applicant to give them any more detail about the reasons for refusal or acceptance? And I am just referring to the fact that all of these letters sort of use a standard wording without relating them back to specific facts. Is there a more detailed decision document?

A I don't know.

Q You have never seen one?

A No.

Q Okay.

A I understand from a description given by the band administrator that sometimes the council or the Membership Committee will meet with one of the applicants, so I would suppose that the question that we are asking may lead the applicant to have a better understanding. But I don't know of any documents, no.

Q Okay. I realize all you can do is ask, Mr. Bujold, but I am going to ask you to undertake to inquire of Sawridge First Nation in relation to each one of these letters, and of course any other refusals or approvals that these letters may not deal with, whether or not a

more detailed sort of reasons for decision document or something that sets out in more detail for these applicants what specific factors or facts in their application were considered?

A Okay.

Q Thank you.

UNDERTAKING NO. 43:
RE INQUIRE OF SAWRIDGE FIRST NATION WHETHER APPLICANTS RECEIVED A MORE DETAILED REASONS FOR DECISION DOCUMENT THAN THAT RECEIVED IN EXHIBIT 7 IN RESPECT TO WHAT SPECIFIC FACTORS OR FACTS IN THEIR APPLICATION WERE CONSIDERED.

Q MS. HUTCHISON: Have you ever seen, or are you aware of any document, a policy, a guideline, anything that would provide either applicants or the people within Sawridge First Nation charged with reviewing membership applications with more insight into how these factors that we just discussed would relate back to specific facts of an individual's application?

A No.

Q I suspect that you will end up telling me that they will tell you that it doesn't exist, but I am going to ask you to inquire of Sawridge First Nation if they have any such policy or guide that would assist in detailing what factors would be considered in assessing

whether an individual's admission into the Sawridge First Nation would be in the best interest and welfare of the nation, whether an individual applying for membership has a sufficient commitment to and knowledge of the history, customs, traditions, and culture and communal life of the First Nation, and whether an individual has a character and lifestyle that would make their admission in the band detrimental to the future welfare or advancement of the band.

MS. BONORA: We will undertake to make that inquiry.

UNDERTAKING NO. 44:
RE INQUIRE OF SAWRIDGE IF THEY HAVE ANY POLICY OR GUIDE THAT WOULD ASSIST IN DETAILING WHAT FACTORS WOULD BE CONSIDERED IN ASSESSING WHETHER AN INDIVIDUAL'S ADMISSION INTO THE SAWRIDGE FIRST NATION WOULD BE IN THE BEST INTEREST AND WELFARE OF THE NATION, AND WHETHER AN INDIVIDUAL APPLYING FOR MEMBERSHIP HAS A SUFFICIENT COMMITMENT TO AND KNOWLEDGE OF THE HISTORY, CUSTOMS, TRADITIONS, AND CULTURE AND COMMUNAL LIFE OF THE FIRST NATION, AND WHETHER AN INDIVIDUAL HAS A CHARACTER AND LIFESTYLE THAT WOULD MAKE THEIR ADMISSION IN THE BAND DETRIMENTAL TO THE

FUTURE WELFARE OR ADVANCEMENT OF THE BAND.

(Questioning adjourned 4:30 p.m.)

QUESTIONING RESUMED 10:00 A.M., MAY 28, 2014.

Q MS. HUTCHISON: Mr. Bujold, good morning.

A Good morning.

Q You will still acknowledge that you are under oath?

A Yes.

Q Thank you. Let's jump right back into membership, Mr. Bujold.

Your counsel provided me with a copy of Sawridge Constitution Act and Sawridge Governance Act. And I am looking first at the Governance Act. There is a provision under Section 5 that allows for complaints in relation to conflicts of interest. So what I am going to ask you to do is make inquiries with Sawridge First Nation to obtain copies of any letters, emails, or other documents that relate to complaints of conflict of interest in relation to any element of the membership process, whether it is a membership application, Membership Appeal Committee hearing, membership issues before council, or the interviews that are held occasionally for members' admission.

UNDERTAKING NO. 45:

RE INQUIRE OF SAWRIDGE FIRST NATION TO PRODUCE COPIES OF ANY LETTERS, EMAILS, OR OTHER DOCUMENTS RELATING TO

COMPLAINTS OF CONFLICT OF INTEREST IN RELATION TO ANY ELEMENT OF THE MEMBERSHIP PROCESS, WHETHER IT IS MEMBERSHIP APPLICATION, MEMBERSHIP APPEAL COMMITTEE HEARING, MEMBERSHIP ISSUES BEFORE COUNCIL, OR INTERVIEWS THAT ARE HELD OCCASIONALLY FOR MEMBERS' ADMISSION AS PROVIDED FOR UNDER SECTION 5 OF GOVERNANCE ACT.

MS. HUTCHISON: And if I could ask you to make the same inquiries in relation to the Constitution Act Article 17, Subsection (8), which allows a written complaint with the Elders Commission around conflict of interest. So again, we are only interested in any complaints that might relate to the membership process, any stage of the membership application process.

A Okay.

UNDERTAKING NO. 46:
RE INQUIRE OF SAWRIDGE FIRST NATION TO PRODUCE COPIES OF ANY LETTERS, EMAILS, OR OTHER DOCUMENTS RELATING TO COMPLAINTS OF CONFLICT OF INTEREST IN RELATION TO ANY ELEMENT OF THE MEMBERSHIP PROCESS, WHETHER IT IS MEMBERSHIP APPLICATION, MEMBERSHIP APPEAL COMMITTEE HEARING, MEMBERSHIP ISSUES BEFORE COUNCIL, OR INTERVIEWS

THAT ARE HELD OCCASIONALLY FOR MEMBERS' ADMISSION AS PROVIDED FOR UNDER ARTICLE 17, SUBSECTION (8)OF THE CONSTITUTION ACT.

MS. BONORA: Again, that is just documents, correct? That is what you are asking for?

MS. HUTCHISON: Yes, any records that exist. I recognize that there may be verbal complaints. It seems that those sections are asking for written complaints, so I would expect it would have to be a document.

Q MS. HUTCHISON: Okay. Mr. Bujold, do you have copies available of, there was a bundle of about seven letters that your counsel provided to me in response to item 10 of our sort of informal information request.

MS. BONORA: Is this with respect to missing information?

MS. HUTCHISON: The applications made by minor children that were deemed incomplete. So the first letter I have is March 13th, 2013 letter to a Mr. Wesley Twin.

A Yes.

Q Have you seen those letters before?

A Yes.

Q Could we mark those as the next exhibit as a bundle.

EXHIBIT NO. 8:

BUNDLE OF 7 LETTERS, TOP ONE DATED MARCH

13, 2013 FROM SAWRIDGE TO WESLEY TWIN.

Q MS. HUTCHISON: Mr. Bujold, do you know when these applications -- it appears the membership application is made for Brittany Twin, Alexander Twin and Justice Twin. Do you have any other information about when the applications were actually submitted?

A No, I don't.

Q Well, we have got undertakings asking for Sawridge to let us know dates of receipt and dates that they were processed.

Do you have any understanding or information about whether Wesley Twin and his three minors, how they are related to --

A To the family?

Q Yes.

A Wesley is Walter Felix's son.

Q Okay. With his first wife?

A No, Walter Felix, not Walter Patrick.

Q I apologize, Walter Felix.

A So Walter Felix, one N, Twin who -- and Wesley was adopted.

Q And I am assuming that the mother of Brittany, Alexander and Justice is not a Sawridge member?

A She is not a status member.

Q That is why there is a need for an application for membership?

A That is right.

Q Do you know whether or not these membership applications have now been processed?
A I don't.
Q As of January of this year they were still waiting for information on them, I understand.
A Yes, so these all related to Wesley? Yes.
Q It appears that the entire bundle relates to his three children?
A Right. And I haven't received notice from Sawridge First Nation that these children have been admitted into membership, so. I presume that their applications are still outstanding.
Q And are you aware of any other pending membership applications that relate to infants or minor dependents?
A No, I am not.
Q Okay. And so I just want to tie in to a document that we were talking about previously, Mr. Bujold. So the trustees had at one point sent out what we were looking at as Exhibit D attached to your September 12th Affidavit, I believe. Sorry, attached to your August 30th Affidavit. The November 24th, 2009 letter?
A Yes.
Q So just talking about present day, when the trustees become aware of a membership application similar to the ones that we are looking at in Exhibit 8, is there a process then where they receive a letter similar to

this November 24th, 2009 letter or something that alerts them to this proceeding, alerts them to the existence of the Trust?

A No, because the trustees generally don't become aware of membership applications that are in process until they are completed, and so they don't alert anybody. Yeah, they don't alert anybody about the proceedings proactively.

Q Proactively?

A Yes.

Q So, and I am sort of surmising here so please let me know if I am not surmising correctly. So the trustees would wait until a membership application was actually approved by Sawridge First Nation before any contact would be made with that individual about whether they were now a beneficiary under one of the Trusts?

A That is right.

Q And tell me about that process. How do the trustees find out about new membership approvals?

A Usually I receive an email from the band administration office informing me that certain membership applications have been approved and giving me the coordinates of those people. Then I send them a letter informing them that they are beneficiaries of the Trust. And at this point I am just informing them that they are beneficiaries of the 1986 Trust.

Q Right.

A And then I send them a package of information about what benefits are available to them.
Q So it is sort of a standard form, standard package?
A That is right.
Q Okay. Could you undertake to just give me a copy of the standard notification or first contact package that you send out?
A For a new beneficiary?
Q Yes.
A Yes.
Q Thank you.

UNDERTAKING NO. 47:
RE PRODUCE STANDARD NOTIFICATION OR FIRST CONTACT PACKAGE SENT OUT FOR A NEW BENEFICIARY.

Q MS. HUTCHISON: Mr. Bujold, I am referring to -- at the moment I am taking a look at a letter that I got from your counsel dated January 27th, 2014 that sets out a summary of Sawridge First Nation membership application process and decisions which I don't believe we can mark at this point in time. Sorry, can we just go off.

(Discussion off the Record.)

MS. HUTCHISON: So we have just had a chat off the record, and we will refrain from any reference to the January 27th, 2014 correspondence for the purposes of this examination.

MS. BONORA: Because it was provided on a without prejudice basis.

MS. HUTCHISON: The memorandum attached to it was, yes.

Q MS. HUTCHISON: Now, Mr. Bujold, are you at all familiar with the membership applications or the process around the membership applications for Elizabeth Poitras and Tracy Poitras Collins?

A In a very general way. I certainly have seen correspondence related to that.

Q Okay. What sort of correspondence? Have you been copied by the band, or?

A I haven't been copied by the band, but there were some documents that we received in the collection of trust documents that happened to contain some of that information.

Q Okay.

A I have had conversations, many conversations with Liz Poitras.

Q Are you aware of the status of Tracy Poitras Collins of the Sawridge Band membership at this point?

A Yes, I am.

Q What is your understanding?

A She is a full member.

Q What is your understanding of the process that she went through prior to getting membership approved? Was she approved by Chief and Council? Did she have to move

through the appeal process? What is your understanding?

A My understanding, and this is only in hearsay, was that her application had to go through the appeal process.

Q Okay. And has she now received one of those introductory packages as a Trust beneficiary?

A She has, and she is receiving benefits for her education amongst other things.

Q Through the 1986 Trust?

A That is right.

Q And am I correct in understanding that under the current definition she would not qualify as a beneficiary of the '85 Trust?

A That is right.

Q But she would qualify if the new definition is approved?

A That is right.

Q I am just trying to get a sense of that. I am going to ask you to undertake to get in touch with the Sawridge First Nation and request any documents that they have in relation to Tracy Poitras Collins' membership application, and the various decisions that were made along the way right up until the final decision that approved her membership. So we are looking for the letters that might have been sent out to her to tell her the results of the initial application; if there was then an appeal, the result of that; if there was a

community interview, the result of that. Really anything.

MS. BONORA: And why Tracy Poitras? Why are you singling her out and asking for her information?

MS. HUTCHISON: Because it is an example of how the membership process has worked or not worked. So we have been having some trouble getting information from -- we have asked for some broad undertakings, I just want to make sure that on this one we know that there is some documentation that should exist.

MS. BONORA: And have you made inquiries of Tracy to provide that information yourself?

MS. HUTCHISON: Do you want to go off the record for a minute?

(Discussion off the Record.)

MS. HUTCHISON: So we will leave that undertaking on the record as is, and Ms. Bonora, I understand that you would like to take it under advisement.

MS. BONORA: Yes.

UNDERTAKING NO. 48:(UNDER ADVISEMENT) RE INQUIRE OF SAWRIDGE FIRST NATION AND REQUEST ANY DOCUMENTS THEY HAVE IN RELATION TO TRACY POITRAS COLLINS' MEMBERSHIP APPLICATION, AND THE VARIOUS DECISIONS MADE ALONG THE WAY RIGHT UP TO THE FINAL DECISION THAT APPROVED HER MEMBERSHIP INCLUDING LETTERS THAT MIGHT

HAVE BEEN SENT OUT TO HER INITIALLY, RESULTS OF ANY APPEALS AND RESULTS OF ANY COMMUNITY INTERVIEW.

Q MS. HUTCHISON: Mr. Bujold, we have certainly had some discussions already about what the Sawridge trustees have been doing to identify and locate beneficiaries, or potential beneficiaries of the '85 or the '86 Trust. I am assuming -- I should just say '85, but I think there is going to be overlap between the two. Is there anything that we haven't talked about that the trustees have been actively doing to identify and locate particularly minor beneficiaries or potential minor beneficiaries? Any other efforts or research that we haven't already gone over?

A The other thing that the trustees have been doing is based on their knowledge of the various families, because it is a very small number.

Q Right.

A They have certainly identified certain potential beneficiaries or, you know, minor beneficiaries that should be checked out. That is how the list -- that is how we came up with the list.

Q Okay. So the results of that research or dialoguing will be in the list that you are going to provide to me by way of undertaking?

A That is right.

Q Are there ongoing efforts being made in that regard, or

have they just stopped since the application was filed?
A I continue to keep -- because of the benefits provided by the Sawridge Trust under the '86 Trust sometimes extend to dependents I have to keep track of all births and, you know, when children become adults and deaths, so I do keep track of that information by polling the known beneficiaries themselves, and I also receive information from the band office when there is a birth or a death, or.
Q So there is a process for communication between the Trust and the First Nation at least around that particular topic?
A That is right.
Q So new applications for membership, or approval for membership you are advised of?
A Yes.
Q Not applications, though?
A No.
Q And then you are advised if an existing member were to pass away or have a minor -- have a new child?
A That is right.
Q And I am just thinking for a moment about some of the discussions that we had around Exhibit D, that November 24th, 2009 letter. Is there a process at the moment where the trustees are also tracking whether these individual beneficiaries or potential beneficiaries are on or off reserve, or do you just deal with that issue

at such time as you have to actually provide a benefit?
A No, I also, as part of my own information, data base, keep track of who is living on and off reserve.
Q Okay.
A And again, I check this with the band office and often with the beneficiaries themselves.
Q Okay. And so how does the nation provide that information to the Trust? Is it sort of you just inquire from time to time, or do they actually notify you when there is a change in residency?
A We keep each other -- because sometimes I receive information that the First Nation doesn't receive because the beneficiaries know that they have connection with the Trust in terms of benefits. So they do usually keep me apprised of their address changes and changes in status. And so either I receive that information directly from the beneficiaries or I receive it from the band office if they get the information first. And we also, I don't know how to put this, we sort of keep track of the rumour mill of where people have moved and who has had kids and who is getting married and who has died or who is sick. So we -- and the band office and the Trust office keep each other informed because we need -- I mean we have a mutual interest.
Q You need to keep track of the individuals that you are trying to provide services to?

A That is right.
Q Okay. So, Mr. Bujold, looking at Exhibit 3, that is the September 2011 letter, and we have chatted about this. So that letter was sent out after the trustees got some direction from Justice Thomas about who was to be notified about the applications?
A That is correct.
Q So Justice Thomas gave you the categories, as it were, of the people that were to be notified?
A That is correct.
Q Is there anything that we haven't already discussed in terms of the various lists that you have developed that was done by the trustees to actually generate or populate, I guess, the list of names within each category of individual that you were to send this letter out to?
A I think that we have talked about all of the lists that were generated as part of that process. I don't recall that there is anything that we have missed. I think that we have pretty much covered everything.
Q And it is hard not having some of the documents, there may be other things that we need to chat about. But if you do find as you are dealing with the answers to undertakings that there were -- there is additional documentation or background, research that led to you developing the list that you used to send out this form letter, September 1st, 2011, we would just like to see

anything that relates to potential beneficiaries particularly, and most particularly any minor dependents that those potential beneficiaries or actual beneficiaries may have?

MS. BONORA: We will take that under advisement. I am not sure that the research wouldn't partly be privileged. I mean I think we can provide you with the list which I think that we have already done. You are now asking for the background information to the list, is that what you are asking for?

MS. HUTCHISON: That is right, Ms. Bonora. So what we are trying to -- obviously we don't know what information was used to develop the list, and whether or not the lists reflect potential minor beneficiaries. You know, we don't know -- frankly, we don't know what information was obtained. So we want to be sure that we have got individuals, adults, identified as actual beneficiaries or potential beneficiaries, that the Office of the Public Trustee is fully aware of whether they have children who may also have the potential to be beneficiaries or to benefit from the Trust. So we are just looking --

MS. BONORA: Just to short-circuit that, isn't really what you are looking at is perhaps anyone who didn't make it to the list? Like the idea is if the person is on the list now you know about them, you can investigate whether they have children, although their

children are listed. So you are going to get all of the people who are notified, you are going to get the lists of children. So really you don't want the research on those people, that doesn't matter to you.

MS. HUTCHISON: Well, it does if the research perhaps indicates that they have minor dependents, because as we say, the minor dependents may or may not have made it on the list.

MS. BONORA: No, the minor dependents are on the list. All of the minors are on the list. So I am just wondering -- I just think that what you are asking for is something that is not going to be of any assistance. If the person is on the list and the minors are on the list why would you need the research behind that?

Q MS. HUTCHISON: Mr. Bujold, for every adult that is on your list that you are going to be providing me by way of undertaking, have you also listed their minor dependents on the list?

A No.

MS. BONORA: Okay, sorry.

MS. HUTCHISON: I think that I will just leave the undertaking on the record.

A So the applicants, those people who applied under this process of the November 2009 letter.

Q MS. HUTCHISON: Where you sent out that form.

A That is right, so we didn't get a complete list of minors. They often didn't give us the age of their

children. If they listed their children they often didn't give us an age. So we didn't create a list of those potential minors who would be involved.

Q Understood. So the form that we haven't seen yet, but the form that you sent out when people contacted you after you emailed them the November 24th, 2009 letter, did ask for some information about minor dependents or children, I take it?

A It did. Yes, it did.

Q Okay.

A That was often left blank.

Q Okay. So, you know, I know one of our undertakings was to ask for copies of those forms that were returned?

A Yes.

Q So it may be that once we see those forms it answers some of our questions. But I am looking for any other research or documentation or information that would assist us in determining whether the people on your list have got minor dependents or not. So if --

A We couldn't identify that at the moment.

MS. BONORA: Are you going to have any other documents that you can provide?

A Well, other than the application form which may list the names of children; if they don't put the birthday, I don't know if it is a minor or not. And if the children that are listed -- I mean if there is no other description of them other than their name, I don't even

know if they would qualify.

Q MS. HUTCHISON: So just so that I get the process clear in my own mind, Mr. Bujold, so you get these application forms back?

A Right.

Q And if there wasn't complete information on, let's just talk about the minors or the children, there wasn't a process then where you phoned or followed up and did additional research on those particular applications?

A No. The way that the application process worked is that anybody who wanted to apply had to apply for their children as well, and they were informed of that usually on the phone, when they phoned in. So some did fill out separate applications for their children, most of whom were not minors, but. And then sometimes the children would list their children, but not necessarily applied for them.

Q Okay.

A And so it was sort of a complicated process, you know, that they -- some people were very detailed in what they provided, some people were not.

Q Okay.

A And some people filled out separate application forms for their children, minors or not, and some didn't. So the -- in order for the Trust to be able to even deal with these children we would have had to have had the same kind of information that their parents were

providing. And if we didn't have it, then they wouldn't have received notice.

Q Okay. So essentially, if I am understanding correctly, you get the application forms back in and there just wasn't, at least at this point in time, there is not a process for follow-up to gather more information. You are just accepting the information in those application forms as is?

A That is right.

Q Okay. So I think because we will have an opportunity to chat with you again if we need to, when we get your answer to undertaking with all of the copies of the application forms, perhaps we will just leave that. It doesn't sound like there is any more research that we can identify right now. So I will reserve my further questions on that, I think, until we get the answer to that previous undertaking?

A You know, on the applications, even though we asked people for this information, it wasn't a process -- we hadn't decided how we were going to deal with the information that we received in this process.

Q Right. And then you proceeded with the application for advice and direction?

A That is right.

Q And that is sort of -- I am using my own words, so don't feel you have to adopt it, but once you filed the application for advice and direction you sort of

suspended the qualification process as it were?
A That is right, because initially there was another possibility and we looked at other ways of determining who the beneficiaries were prior to the application for advice and direction. So, you know, we looked at, you know, some kind of review, some kind of arbitration review, you know, some kind of process, tribunal, we looked at the applications and then, you know, interviewed the applicants. And then it was determined that the Trusts had no right to inquire as to who the members of the Sawridge First Nation were or should be because that wasn't under our purview, under our legal purview. So that is why we went for the application for advice and direction.
Q Okay.
A The applications that we asked for led nowhere.
Q Okay.
A So we ended up with, you know, impartial -- or not impartial, but partial information that couldn't go anywhere.
Q Okay.
A So it sort of sat there.
Q So am I to understand at some point in time the Trust wasn't able to get all of the information that you wanted from the First Nation? There were privacy concerns?
A No, that wasn't what the issue was. The issue was

whether or not the Trusts had the right to determine who the beneficiaries were, given that the two trustees named the beneficiaries as members of the Sawridge First Nation.

Q Okay.

A So we would have to then determine who members would be. And we felt that that question was beyond our purview.

Q Okay.

A So then the legal obligation for determining membership falls entirely within the Sawridge First Nation and not with the Sawridge Trusts. And so it left us with a lot of information that we couldn't do anything with, because we couldn't determine membership not having that as part of our legal responsibility.

Q Understood. Thank you for clarifying that, Mr. Bujold.

A Okay.

Q Just turning to Exhibit J of your September 12th, 2011 Affidavit. And if you just turn to the signature page, Mr. Bujold. Have the trustees been able to locate a copy of this document that has been signed by all of the trustees, or is this the only one?

A It is the only one that we have got.

Q Okay. Have you been able, just looking at page 1 of that document, have you been able to locate copies of any minutes of the general meeting that is referred to as being held on April 15th, 1985 to ratify and approve

the settlement of the '85 Trust?

MS. BONORA: Sorry, can you just tell me what you are referencing?

Q MS. HUTCHISON: The second paragraph, "And whereas the settlement was ratified and approved at a general meeting of the Sawridge Indian Band held at the Band office in Slave Lake, Alberta."

A Okay.

Q Have you been able to locate any minutes or documents that would tell us whether there is any discussion of the transfer of assets?

A Other than --

Q Sorry, I'm looking at Exhibit J?

A I know. The other -- the only other thing that we have got is this resolution.

Q And that is --

A Exhibit I.

Q You are talking to the resolution attached to Exhibit I. It is the last page of Exhibit I, is that right?

MS. BONORA: There is only one page of Exhibit I.

Q MS. HUTCHISON: Sorry?

A It is just the resolution. That is the only record that we have.

Q Okay.

A So I don't know if there were minutes that were taken at that meeting other than this resolution.

Q Okay.
A I think that the resolution is the only document that we have got on record.
Q Okay. Have you made any inquiries with Sawridge about whether they have got other documentation that relates to that April 15th, 1985 meeting?
A Yes.
Q And they have nothing?
A They have nothing.
Q Okay. Have you been able to discuss with, I'm just looking at the signatories on Exhibit I, it looks like we have Walter Felix Twin and Catherine Twinn, at least.

Have you been able to find out from those two individuals whether they recall if there was any information presented about the assets that were actually being transferred at that meeting?

A We never inquired.
Q Could I ask you to undertake to speak to them? And I do understand that Walter Felix Twin may simply not be able to --
MS. BONORA: We won't give the undertaking on Walter Felix because there is a dementia issue, so.
MS. HUTCHISON: If you could undertake to make the inquiries of Catherine Twinn about her recollection of whether or not there was -- what I am looking for is was there a paper trail. Was there some documentation

around the transfer of the 1982 Trust assets to the 1985 Trust at this April 15th, 1985 meeting.

MS. BONORA: Sorry, was there a paper trail presented at this meeting? Is that what you are asking for?

MS. HUTCHISON: Was there information or documentation? I am looking for the paper trail.

MS. BONORA: But I am just -- you know, a paper trail indicates that there is a whole bunch of documents. We have presented a whole bunch of documents. You are asking was their documents presented at this meeting? Is that what the undertaking is?

MS. HUTCHISON: Let's phrase the undertaking this way. Could you please make inquiries with Catherine Twinn about any recollection that she has of what was discussed at the April 15th, 1985 meeting that the Sawridge Band resolution presented at Exhibit I of this Affidavit dealt with, and then specifically does she recall if there was any discussion or documentation presented in relation to the transfer of assets from the 1982 Trust to the 1985 Trust. And also if Ms. Twinn has any documentation of that particular meeting, if you could undertake to make those inquiries and provide anything that she has.

UNDERTAKING NO. 49:

RE INQUIRE OF CATHERINE TWINN HER

RECOLLECTION OF WHAT WAS DISCUSSED AT THE APRIL 15TH, 1985 MEETING THAT THE SAWRIDGE BAND RESOLUTION PRESENTED AT EXHIBIT I OF MR. BUJOLD'S SEPTEMBER 12, 2011 AFFIDAVIT DEALT WITH. SPECIFICALLY DOES SHE RECALL IF THERE WAS ANY DISCUSSION OR DOCUMENTATION PRESENTED IN RELATION TO THE TRANSFER OF ASSETS FROM THE 1982 TRUST TO THE 1985 TRUST. ALSO INQUIRE IF MS. TWINN HAS ANY DOCUMENTATION OF THAT PARTICULAR MEETING.

Q MS. HUTCHISON: Mr. Bujold, just looking at Exhibit A of your August 30th, 2011 Affidavit. So that is the 1982 Declaration of Trust. And I am looking at paragraph 10 of that instrument.

A Which one?

Q Paragraph 10 on page 5. So I just want to be clear in some of the discussions that we have had around the transfer of assets from the '82 Trust to the '85 Trust, I take it that you have at this point made every inquiry that you have been able to to try and locate any documentation that would have been kept pursuant to this paragraph?

A Yes.

Q You have, okay. And you have provided us with copies of anything that in any way relates to, or you will be

by way of undertaking, anything that relates to the transfer of the assets in the '82 Trust to the '85 Trust?

A Yes.

Q Okay. What is your understanding of what system did the trustees have for -- there is an identical paragraph to this in the '85 Trust. What system did they have for keeping accounts, receipts, disbursements, investments, and transactions prior to you assuming the role of CEO?

A For the 1982 Trust all of the records were kept in the band office and were administered through the band office.

Q Okay.

A From 1985, so that includes both the '85 and '86 Trusts, until, I think until 2003, or it could be 2001, the records were kept in the band office.

Q Okay. So some of the challenges that we talked about in terms of documenting exactly what happened with the transfer of assets from 1982 Trust to the 1985 Trust, is it just a situation where the documents are no longer -- they were perhaps in the band office at one point and are no longer there, or?

A Yes, and I just wanted to continue. From either 2001 or 2003, whenever they switched over, then the companies kept the Trust documents until I arrived in 2009. So company employees were managing the

transactions. Since that time I have maintained all of the records.

Q Okay.

A When the records were in the band office, previous year's records were kept in a storage room -- or in a storage building, and I understand that there was a flood or a fire that destroyed some of those documents.

Q Okay. Do you know what year?

A No, I don't. So when we started inquiring, you know, the reason for not obtaining all of the documents was that there had been a flood or a fire, and some of these documents simply did not exist anymore. So they aren't in the band office anymore and we, as far as we know, have extracted out of the storage building for records anything that remained, and out of the companies anything that remained, and out of the offices of the Trust anything that remained. So it is quite possible that the band office also may not have had the same records-keeping policy. So they, you know, they wouldn't have realized that you need to keep Trust records forever and probably used the seven-year rule and also destroyed some of the records.

Q Okay.

A So some of that, you know, sort of leads to the paucity of documents in the first place.

Q Thank you, Mr. Bujold.

(Questioning adjourned.)

(Questioning resumed.)

Q MS. HUTCHISON: Mr. Bujold, you acknowledge that you are still under oath?

A Yes, I do.

Q I just have one last question, Mr. Bujold. Have you been able to locate any minutes of trustees' meetings, either for the 1982 Trust or the '85 Trust, for the time period 1982 to 1986? Were there any minutes at all that exist for that time period?

A There are some minutes, yes. I am not sure if they go as far back as '82. I would have to check and see.

Q Have you reviewed the minutes that are available for any information that would assist or relate to the transfer of assets, either from individuals into the '82 Trust, or from the '82 Trust into the '85 Trust, or that one transfer that we are aware of from an individual to the '85 Trust. Have you looked for that information?

A No, I haven't been that filtered.

Q If I could ask you to undertake to just look at what is available, obviously?

A And just from '82 to '86?

Q Well, you know what, let's actually just say any date range where you are going to find information that may assist us with the asset transfer. I mean I can't speculate about whether the asset transfer might have been discussed at a later date.

A Okay.
Q It seems as though '82 to '86 is our most likely date range, but if there is information in the minutes after that date range that relates to these asset transfers, either from the individual into the Trust, or from the '82 Trust into the '85 Trust?
A Okay.
Q As you are aware from our discussions that is a topic of interest.
A Okay.

UNDERTAKING NO. 50:
RE REVIEW ANY TRUSTEE MEETING MINUTES AVAILABLE RELATING TO THE TRANSFER OF ASSETS FROM INDIVIDUALS INTO THE '82 TRUST, OR '82 TRUST INTO '85 TRUST, OR THE ONE INDIVIDUAL TRANSFER TO THE '85 TRUST.

MS. HUTCHISON: And I think that that is it. Now I don't think that we need to belabour this, but Ms. Bonora and I have had some discussions on we may have some additional questions on the documents that we received sort of later in the day, and of course we may have questions on your answers to undertakings, but other than those two areas we are concluded in our examination on your Affidavit.
A That is good.
Q Thank you.

(Questioning adjourned 11:15 a.m.)

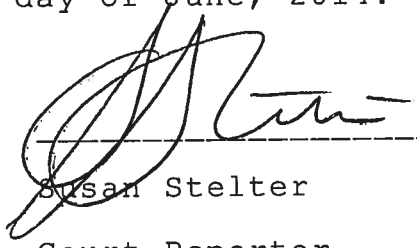
PROCEEDINGS ADJOURNED

SUBJECT TO UNDERTAKINGS

Certificate of Transcript

I, the undersigned, hereby certify that the foregoing pages are a complete and accurate transcript of the proceedings taken down by me in shorthand and transcribed to the best of my skill and ability.

Dated at the City of Edmonton, Province of Alberta, this 13th day of June, 2014.



Susan Stelter

Court Reporter

EXHIBITS

UNDERTAKINGS

1	UNDERTAKING NO. 10: RE PROVIDE A COPY OF ANY POLICIES OR 2 CONTRACTS OR OTHER DOCUMENTATION RELATING TO A CODE OF CONDUCT OR MATTERS SUCH AS 3 CONFLICT OF INTEREST FOR THE TRUSTEES THEMSELVES.	28
4		
	UNDERTAKING NO. 11: 5 RE ON A BEST EFFORTS BASIS DETERMINE WHETHER THERE ARE ANY GUIDELINES, POLICIES, 6 CONTRACTS OR ANY DOCUMENTATION RELATING TO CODES OF CONDUCT OR CONFLICT OF INTEREST IN 7 RELATION TO THE MEMBERSHIP REVIEW COMMITTEE, MEMBERSHIP APPEAL COMMITTEE, OR CHIEF AND 8 COUNCIL SPECIFIC TO MEMBERSHIP.	31
9	UNDERTAKING NO. 12:(UNDER ADVISEMENT) RE PROVIDE COPIES OF ANY COMMUNICATIONS SENT 10 TO MR. FENNELL, WHETHER THEY WERE BY LETTER, EMAIL, OR OTHERWISE, DOCUMENTING THE REQUEST 11 THAT WAS BEING MADE.	38
12	UNDERTAKING NO. 13: RE CONTACT MR. FENNELL AND ADVISE WHETHER OR 13 NOT HE HAS ANY DOCUMENTATION OR ACCESS TO DOCUMENTATION OR IS AWARE OF ANOTHER 14 RESOURCE OR SOURCE THAT MAY HAVE DOCUMENTS RELEVANT TO THE ASSETS THAT WERE HELD BY 15 INDIVIDUALS AND THEN THE TRANSFER FROM THOSE INDIVIDUALS TO THE '82 TRUST, OR RELEVANT TO 16 THE TRANSFER OF ASSETS FROM THE '82 TRUST TO THE '85 TRUST.	39
17		
	UNDERTAKING NO. 14:(REFUSED) 18 RE PROVIDE COPIES OF ANY DOCUMENTATION SENT ATTEMPTING TO SEEK INFORMATION FROM DAVID 19 JONES.	41
20	UNDERTAKING NO. 15: RE CONTACT MR. JONES AND ADVISE WHETHER OR 21 NOT HE HAS ACCESS TO DOCUMENTS THAT RELATE TO THE ASSETS HELD BY INDIVIDUALS THAT WERE 22 ULTIMATELY TRANSFERRED TO THE 1982 TRUST, OR THE ASSETS THAT WERE THEN TRANSFERRED FROM 23 THE 1982 TRUST TO THE 1985 TRUST.	41
24	UNDERTAKING NO. 16: RE PRODUCE DOCUMENTS WITH RESPECT TO THE 25 TRANSFER OF THE ASSETS FROM INDIVIDUALS INTO THE 1982 TRUST AND THEN FROM THE 1982 TRUST 26 TO THE 1985 TRUST, AND THE ADDITIONAL FINANCIAL STATEMENTS.	44
27		

APPEAL COMMITTEE HEARING, MEMBERSHIP ISSUES BEFORE COUNCIL, OR INTERVIEWS THAT ARE HELD OCCASIONALLY FOR MEMBERS' ADMISSION AS PROVIDED FOR UNDER SECTION 5 OF GOVERNANCE ACT.

UNDERTAKING NO. 46: 158
RE INQUIRE OF SAWRIDGE FIRST NATION TO PRODUCE COPIES OF ANY LETTERS, EMAILS, OR OTHER DOCUMENTS RELATING TO COMPLAINTS OF CONFLICT OF INTEREST IN RELATION TO ANY ELEMENT OF THE MEMBERSHIP PROCESS, WHETHER IT IS MEMBERSHIP APPLICATION, MEMBERSHIP APPEAL COMMITTEE HEARING, MEMBERSHIP ISSUES BEFORE COUNCIL, OR INTERVIEWS THAT ARE HELD OCCASIONALLY FOR MEMBERS' ADMISSION AS PROVIDED FOR UNDER ARTICLE 17, SUBSECTION (8)OF THE CONSTITUTION ACT.

UNDERTAKING NO. 47: 163
RE PRODUCE STANDARD NOTIFICATION OR FIRST CONTACT PACKAGE SENT OUT FOR A NEW BENEFICIARY.

UNDERTAKING NO. 48:(UNDER ADVISEMENT) 166
RE INQUIRE OF SAWRIDGE FIRST NATION AND REQUEST ANY DOCUMENTS THEY HAVE IN RELATION TO TRACY POITRAS COLLINS' MEMBERSHIP APPLICATION, AND THE VARIOUS DECISIONS MADE ALONG THE WAY RIGHT UP TO THE FINAL DECISION THAT APPROVED HER MEMBERSHIP INCLUDING LETTERS THAT MIGHT HAVE BEEN SENT OUT TO HER INITIALLY, RESULTS OF ANY APPEALS AND RESULTS OF ANY COMMUNITY INTERVIEW.

UNDERTAKING NO. 49: 180
RE INQUIRE OF CATHERINE TWINN HER RECOLLECTION OF WHAT WAS DISCUSSED AT THE APRIL 15TH, 1985 MEETING THAT THE SAWRIDGE BAND RESOLUTION PRESENTED AT EXHIBIT I OF MR. BUJOLD'S SEPTEMBER 12, 2011 AFFIDAVIT DEALT WITH. SPECIFICALLY DOES SHE RECALL IF THERE WAS ANY DISCUSSION OR DOCUMENTATION PRESENTED IN RELATION TO THE TRANSFER OF ASSETS FROM THE 1982 TRUST TO THE 1985 TRUST. ALSO INQUIRE IF MS. TWINN HAS ANY DOCUMENTATION OF THAT PARTICULAR MEETING.

UNDERTAKING NO. 50: 185
RE REVIEW ANY TRUSTEE MEETING MINUTES AVAILABLE RELATING TO THE TRANSFER OF ASSETS FROM INDIVIDUALS INTO THE '82 TRUST, OR '82 TRUST INTO '85 TRUST, OR THE ONE INDIVIDUAL TRANSFER TO THE '85 TRUST.