

Clerk's stamp:



COURT FILE NUMBER

1103 14112

COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE

EDMONTON

IN THE MATTER OF THE TRUSTEE
ACT, R.S.A. 2000, c. T-8, AS AMENDED

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

DOCUMENT

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

ADDRESS FOR SERVICE AND
CONTACT INFORMATION OF
PARTY FILING THIS DOCUMENT

Attention: Marco S. Poretti
Reynolds, Mirth, Richards & Farmer LLP
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Edmonton, AB T5J 3W8

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File No: 108511-001-MSP

NOTICE TO RESPONDENT(S)

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

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

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

Date	November 23, 2012
Time	10:00 a.m.
Where	Law Courts, Edmonton, Alberta
Before Whom	A Justice of the Alberta Court of Queen's Bench

Remedy claimed or sought:

1. An Order from this Court, pursuant to Rule 505(3), allowing an Appeal of the Costs Order to the Alberta Court of Appeal.

Grounds for making this application:

2. In 2011, the Trustees of the 1985 Sawridge Trust ("the Trustees") initiated this action to seek advice and direction from the Alberta Court of Queen's Bench regarding the administration of the 1985 Sawridge Trust ("the Trust").
3. Justice Thomas directed that the Office of the Public Trustee of Alberta be notified of the proceedings and invited to comment on whether the Public Trustee should act in respect of any existing or potential minor beneficiaries of the Sawridge Trust.
4. On February 14, 2012, the Public Trustee applied to be appointed as the litigation representative of minors interested in the proceedings, for the payment of advance costs on a solicitor and own client basis and exemption from liability for the costs of others.
5. On April 5, 2012, Justice Thomas heard submissions in relation to the Public Trustee's application, which was opposed by the Trustees on numerous grounds.
6. On June 12, 2012, Justice Thomas issued an Order arising from that application, being the Costs Order. The Costs Order awarded full, and advance, indemnification of costs to the Public Trustee of Alberta to be paid out of the 1985 Sawridge Trust. The Public Trustee was also exempted from liability to pay costs of other parties and was awarded solicitor and client costs of the application.
7. Rule 505(3) provides that leave of the court giving the judgment or making the order must be obtained for the appeal of an order "as to costs only".
8. The Applicants submit that they have a good, arguable case having enough merit to warrant scrutiny by the Court, that the issues are important, both to the parties and in general, that the appeal has practical utility, and that there is no unwarranted delay caused by the appeal.

Material or evidence to be relied on:

9. The Order of Mr. Justice Thomas, dated June 12, 2012; and
10. Such further and other material or evidence as counsel may advise and this Honourable Court permits.

Applicable rules:

11. *Alberta Rules of Court*, Rule 505(3); and
12. Such further and other applicable rules as counsel may advise and this Honourable Court permits.

Applicable Acts and regulations:

13. None.

Any irregularity complained of or objection relied on:

14. None.

How the application is proposed to be heard or considered:

15. In person before the Justice, with one, some or all of the parties present, pursuant to Rule 6.9(1)(a).

WARNING

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