

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

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

**WRITTEN QUESTIONS**

Reynolds, Mirth, Richards & Farmer LLP  
3200 Manulife Place  
10180 - 101 Street  
Edmonton, AB T5J 3W8

Attention: Marco S. Poretti  
Telephone: (780) 425-9510  
Fax: (780) 429-3044  
File No: 108511-001-MSP

**WRITTEN QUESTIONS OF SHAWN THERESA AUGER**

1. Do you acknowledge that your answers to these questions are affirmed as being true, and may be treated in the same fashion as answers given at a questioning on Affidavit?
2. Do you acknowledge that these questions relate to your Affidavit sworn on September 30, 2011 (the "Affidavit") in the within proceedings?

3. With respect to paragraph 11 of your Affidavit, you state that on January 3, 1992, Chief Walter Patrick Twinn confirmed your membership resignation with the Sawridge First Nation. Attached to these Written Questions as Appendix "A" is a Release from Shawn Teresa Mandel dated June 26, 1991 (the "Release"). Are the signatures on the third page of the Release, above the words "Applicant", your signatures?
4. Attached as Appendix "B" to these Written Questions is an Agreement between Shawn Theresa Mandel, the Government of Canada and the Sawridge Indian Band, signed by Shawn Theresa Mandel on December 1, 1991 (the "Agreement"). Is the signature on page 2 of the Agreement, above the name "Shawn Theresa Mandel", your signature?
5. The Agreement contemplates the payment of a per capita share from the Sawridge Indian Band Capital and Revenue accounts. Attached as Appendix "C" to these Written Questions is a letter dated March 6, 1992 from Jim Sisson (Indian and Northern Affairs Canada) to Chief and Council of the Sawridge Band. The letter indicates that a BCR has been approved in the amount of \$293,943.32 of Capital trust funds and \$27,972.86 of Revenue trust funds, representing one per capita share of the Sawridge Band trust accounts. In or around March, 1992, did you receive a total of \$321,916.18 as your per capita share of the Sawridge Band trust accounts?
6. If the answer to question no. 5 is no, please advise whether you ever received a payment of a per capita share from the Sawridge Indian Band trust accounts, and if so, the date and amount of the payment.

APPENDIX "A"

RELEASE

FROM: SHAWN TERESA MANOEC  
(hereinafter referred to as the Applicant)

TO: THE SAWRIDGE INDIAN BAND, ALL MEMBERS OF  
THE SAWRIDGE INDIAN BAND, AND ALL  
PERSONS ENTITLED TO HAVE THEIR NAMES  
ENTERED IN THE BAND LIST OF THE SAWRIDGE  
INDIAN BAND

(hereinafter referred to as the "BAND")

**WHEREAS** the Indian Act R.S.C. 1970 C.1-6 as amended, provides that a Band Council may authorize the Minister to make payments out of the capital or revenue moneys to persons whose names become deleted from the Band List of the Band; and

**WHEREAS** pursuant to this power the Band has passed a By-Law Respecting Payments of capital and revenue moneys to persons whose names become deleted from the Band List of the Band; and

**WHEREAS** the applicant is desirous of receiving such a payment; and

**NOW THEREFORE BE IT AGREED** that in consideration of the Band authorizing the Minister to make a payment out of the capital and revenue moneys held by the Minister for the benefit of the Band, as set out herein, it is agreed as follows:

1. Upon execution of the Release, the Band through its Band Council will pass a Band Council Resolution in a form as set out in the attached B.C.R.,
2. The Applicant shall not ever reside on the Sawridge Indian Reserve.

3. The Applicant shall not ever apply for membership in the Sawridge Indian Band.
4. The Applicant shall withdraw any and all applications which have been made for membership in the Sawridge Indian Band.
5. The Applicant hereby applies to the Band Council to have the Applicant's name deleted from the Band list.
6. The Applicant hereby surrenders the Applicant's membership in the Sawridge Indian Band.
7. The Applicant agrees that the payment out of the capital and revenue monies held by the Minister for the benefit of the Band shall constitute a complete and full payment to the Applicant for all of the rights, interests, benefits and other attributes of the Band Membership which the Applicant is hereby applying to surrender, and for any and all rights, interests, and benefits which are incidental to, connected with or which flow from that membership. Without restricting the generality of the foregoing this clause shall apply notwithstanding that the Applicant may have been or have become entitled to a greater sum in light of the determination of litigation surrounding the validity of the 1985 amendments to the Indian Act and the membership granted by those amendments.
8. The Applicant agrees to pay from the Capital and Revenue funds which the Minister pay to the Applicant, all debts which the Applicant owes to the Sawridge Indian Band, including interest thereon, if any.

THIS RELEASE made this 26 day of June, 1991, by the Applicant.

Witness [Signature]

[Signature]  
(Applicant)

THIS RELEASE accepted by the Sawridge Indian Band this 27 day of JUNE, 1991.

Witness [Signature]

[Signature]  
(Applicant)  
[Signature]

**BETWEEN:**

**SHAWN THERESA MANDEL**  
(hereinafter referred to as the "Applicant")

-and-

**THE GOVERNMENT OF CANADA**  
(hereinafter referred to as the "Government")

-and-

**THE SAWRIDGE INDIAN BAND**  
(hereinafter referred to as "Sawridge")

**AGREEMENT**

**WHEREAS** Sawridge and the Government are involved in litigation regarding the control of Band Membership (hereinafter referred to as the "Litigation"); and

**WHEREAS** the Applicant has applied to surrender her Band Membership in Sawridge and to have her name deleted from the Band List of Sawridge and has agreed with Sawridge to accept a per capita payment of the Band's Capital and Revenue account; and

**WHEREAS** the Government does not accept Sawridge's membership population number for the purposes of calculating the aforementioned per capita share but instead has its own significantly higher membership population number that it intends to use in making the said per capita payment; and

**WHEREAS** the Government has refused to make the said per capita payment prior to the resolution of the Litigation unless Shawn Theresa Mandel provides her written agreement with the Government's calculation; and

**NOW THEREFORE** in consideration of the covenants set out herein the parties agree as follows:

- 1) The Applicant agrees with the calculation of the per capita share on the basis of the total number of individuals on the band list and those pending reinstatement to the list as a result of alleged acquired rights notwithstanding that this calculation will result in a smaller payment to the applicant.
- 2) The Applicant hereby surrenders any right to any further moneys in relation to her membership other than the per capita payment as calculated pursuant to paragraph one.

3) The Government agrees that the agreement by Sawridge herein is merely for the purpose of expediting the payment of the Applicant and shall not be construed in any way to be an admission of:

- a) the validity of the 1985 amendments to the Indian Act;
  - b) the validity of the aforementioned alleged acquired rights; or
  - c) that any of the individuals whom the Government alleges are pending reinstatement have the right to band membership.
- 4) The Government shall pay to the Applicant forthwith her per capita share as calculated herein, and waives the right to suspend any portion of the said per capita payment pending the outcome of the litigation.
- 5) The Government, Sawridge and the Applicant all admit and agree that the prompt payment to the Applicant of the said per capita payment shall constitute good and valuable consideration for the purposes of this Agreement. Failing such prompt payment all parties will be inconvenienced to the extent necessary to resolve this situation.

This agreement signed by the parties hereto on the dates indicated below.

*W. J. Hunt*  
Witness

1. Dec. 91  
Date

*Shawn Theresa Mandel*  
Shawn Theresa Mandel

3 JAN 92  
Date

Sawridge Indian Band

*[Signature]*  
\_\_\_\_\_

\_\_\_\_\_  
Date

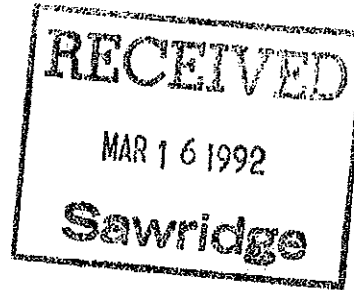
*[Signature]* (seal)  
Government of Canada



FI CO  
SHAWN  
MANDEL

March 6, 1992

Chief and Council  
Sawridge Band  
P.O. Box 326  
Slave Lake, Alberta  
TOG 2A0



Your file Votre référence

Our file Notre référence  
4208-454

Dear Chief and Council:

BCR No. 91-92-008-8 - Shawn Theresa Mandel

Please be advised that the above noted BCR has been approved in the amount of \$293,943.32 of capital trust funds and \$27,972.86 of revenue trust funds representing one per capita share of the Sawridge Band trust accounts, held in the Consolidated Revenue Fund (CRF), on June 27, 1991.

Two copies of the signed settlement agreement for the deletion of Shawn Theresa Mandel are enclosed. Please ensure that Ms. Mandel receives one of these copies. I would also ask that you provide written confirmation of the amount of interest that has accrued on the \$700.00 owed by Ms. Mandel to the Sawridge Band. Cheques for the Sawridge Band and Ms. Mandel will be requisitioned upon receipt of this information. ✓

Ms. Mandel must pick up her cheque in person and will be required to provide two pieces of identification in order to establish her identity. She will also be required to sign a release (copy enclosed) in recognition of the payment. ✓

.../2

293,943.32  
27,972.86  
321,618



- 2 -

I hope that the above is to your satisfaction. If you have any questions please feel free to contact me at 495-4081.

Sincerely,

Jim Sisson  
A/Manager, Indian Moneys  
Lands, Revenues and Trusts  
Indian and Northern Affairs Canada  
Alberta Region  
630 Canada Place  
9700 Jasper Avenue  
Edmonton, Alberta  
T5J 4G2

cc. Shawn Theresa Mandel, c/o Sawridge Band