


COURT FILE NUMBER	1103-14112
COURT OF QUEEN'S BENCH OF ALBERTA JUDICIAL CENTRE	EDMONTON
	<p>IN THE MATTER OF THE TRUSTEE ACT R.S.A. 2000, C T-8 AS AMENDED</p> <p>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")</p>
APPLICANTS	<p>Roland TWINN Catherine TWINN Walter Felix TWIN, Bertha L'HIRONDELLE, and Clara MIDBO, as Trustees for the 1985 Sawridge Trust</p>
DOCUMENT	<u>AFFIDAVIT OF John William KOLOSKY, to be acknowledged as a potential beneficiary of the 1985 Sawridge Trust.</u>
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT	<p>John William KOLOSKY 5291 Edward Road Prince George, BC V2K 5V2</p> <p>Home phone: 250-970-0187 Fax: 250-561-1149 (c/o Nicole Doucette) Email: <a href="mailto:nicoled@pgnaeta.bc.ca">nicoled@pgnaeta.bc.ca</a></p>
	File Number:

### AFFIDAVIT OF JOHN WILLIAM KOLOSKY

Sworn on December 2nd, 2011

I, John William KOLOSKY of the City of Prince George in the Province of British Columbia swear and say that:

1. I am recognized as a Status Indian with the Canadian Federal Government under Bill C-3. I am also a descendent of the Sawridge Band No. 454, now known as the Sawridge First Nation (hereinafter referred to as the "Sawridge First Nation" or "Nation"). I am not registered as a member of the Sawridge First Nation.

2. As a descendent of the Sawridge First Nation, this entitles me to the matter brought forward involving the Sawridge Band Inter Vivos Settlement created in 1985 (hereinafter called the "1985 Trust").
3. This matter involving the 1985 Trust has been brought forward to the Court by the five trustees of the 1985 Trust: Bertha L'HIRONDELLE, Clara MIDBO, Catherine TWINN, Roland C. TWINN and Walter Felix TWIN (hereinafter referred to as the "Trustees").
4. The Trustees are seeking the opinion, advice and direction of the Court respecting the administration and management of the property held under the 1985 Trust (hereinafter referred to as the "Advice and Direction Application" as they have expressed concerns;
  - a. Regarding the definition of "Beneficiaries" contained in the 1985 Trust;
  - b. Regarding the transfer of assets into the 1985 Trust.
5. I make this affidavit in support that as a descendent of the Sawridge First Nation that I am a potential beneficiary to the 1985 Trust.
6. I am thereby also entitled to provide my opinion, advice and direction for the definition of "Beneficiaries" contained the 1985 Trust and the transfer of assets into the 1985 Trust brought forward by the Trustees in the Advice and Direction Application.

#### **Background**

7. **I John William KOLOSKY** was born November 10, 1960 into the Sawridge First Nation affiliation to my mother June Martha KOLOSKY nee MCGILLIVRAY (hereinafter referred to as "June KOLOSKY"). I am recognized as a Status First Nation through the legislation of Bill C-3 in 2010.
8. June KOLOSKY (my mother) was born June 6, 1937 into the Sawridge First Nation to Caroline Mary MCGILLIVRAY nee STONEY (deceased) (hereinafter referred to as "Mary STONEY" Sawridge Band member # 29) and Simon Montrose MCGILLIVRAY (deceased) a half breed of Slave Lake Alberta. My mother was recognized as a Status First Nation through the legislation of Bill C-31 in 1985.
9. Caroline Mary STONEY (my maternal grandmother) was born September 1, 1902 into the Sawridge First Nation to Johnny STONEY (deceased) (hereinafter referred to as "Johnny STONEY" - Sawridge Band member # 18) and Henriette or Harriett STONEY nee CALDER (deceased) to our knowledge, was a member of the Sawridge First Nation from the Lesser Slave Lake area. My grandmother was recognized as a Status First Nation from birth until she enfranchised and married Simon MCGILLIVRAY a half breed. My Grandmother would have qualified for status through Bill C-31 had she survived until then.

10. Johnny Assiniboitis STONEY (STONY) (Stephens) (my maternal great grandfather) was born January 1872. He developed land before it was surveyed and we believe was given a location ticket for NE ¼ of Section 6, Township 73, Range 4, and North of the 5<sup>th</sup> Meridian. (Presently referred to as IR#150 G Sawridge First Nation). He died March 13, 1956.

### Conclusion

11. It is through the direct descent of Johnny STONEY Band member #18 (great grandfather), Mary STONEY (grandmother) Band member #29 and June KOLOSKY (mother) that I consider myself a potential beneficiary to the 1985 Trust and therefore be included in the Advice and Direction application presented before the Court regarding the definition of the beneficiaries and the transfer of assets with the 1985 Trust.

Sworn before me at Prince George  
In the Province of British Columbia  
On the 2nd day of December, 2011



A commissioner of Oaths in and for  
The Province of British Columbia

**Dick Byl**  
Barrister and Solicitor  
900 - 550 Victoria St.  
Prince George, BC V2L 2K1  
(250) 564-3400



John William KOLOSKY

**Dick Byl**  
Barrister and Solicitor  
900 - 550 Victoria St.  
Prince George, BC V2L 2K1  
(250) 564-3400

Witnessed as to  
Execution Only.  
No advice sought  
or given.