


| | |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 RAYMOND JAMES MCGILLIVRAY, 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>Raymond James McGillivray 7243 Taft Drive Prince George, BC V2K 2R4</p> <p>Home phone: (250) 962-9070</p> <p>File Number:</p> |

AFFIDAVIT OF RAYMOND JAMES MCGILLIVRAY

Sworn on December 5, 2011

I, Raymond James McGillivray of the City of Prince George in the Province of British Columbia swear and say that:

1. I am presently not recognized as a Status Indian as my application to the Canadian Federal Government legislation under Bill C-3 is pending official approval but I have received a positive response from Indian Affairs as of this date. 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 Raymond James McGillivray** was born February 15, 1947 to my father James Napoleon MCGILLIVRAY (deceased) (hereinafter referred to as Jim McGillivray) and my mother Gladys Cecilia McGillivray nee (MCLEOD) of Mirror Landing, Alberta. My First Nation status is under review through the legislation of Bill C-3 as I expect formal approval in the very near future.
8. **James Napoleon McGillivray** (my father) was born April 8, 1925 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 father would have been recognized as a Status First Nation through the legislation of Bill C-31 in 1985 if he had not passed on prior to the amendment to the Indian Act.
9. **Caroline Mary Stoney** (my paternal 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 paternal 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 paternal great grandfather) Sawridge Band Member # 18 was born January 1872. He developed land before it was surveyed in 1912 and we believe was given a location ticket for NE ¼ of Section 6, Township 73, Range 4, and North of the 5th Meridian. (Presently referred to as IR#150 G Sawridge First Nation). He died March 13, 1956.

Conclusion

11. I declare my affiliation to the Sawridge First Nation as a direct descendant of Johnny Stoney Band member #18, Mary Stoney Band member #29, and my father James Napoleon McGillivray, it is through my blood connection to their lineage that I consider myself a potential beneficiary to the 1985 Trust and therefore should 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 5th day of December, 2011



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

LISA HORSNELL

Commissioner for Taking Affidavits
for the Province of British Columbia
1044 5th Avenue, Prince George BC V2L 5G4
(250) 565-4488

Commission expires: May 31, 2012

NO ADVICE REQUESTED OR GIVEN - ATTESTED TO ONLY BUT NOT DRAWN BY COMMISSIONER



Raymond James McGillivray

No advice requested or given - attested
to only but not drawn by Commissioner.