

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 TWINN  
Bertha L'HIRONDELLE, and  
Clara MIDBO, as Trustees for the 1985  
Sawridge Trust

DOCUMENTS

**AFFIDAVIT OF Aline Elizabeth Huzar  
to be acknowledged as a potential  
beneficiary of the 1985 Sawridge Trust**

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF PARTY  
FILING THIS DOCUMENT

Aline Elizabeth Huzar  
3953 Weisbrod Road  
Prince George, BC  
V2K 2S4

Attention: Aline Elizabeth Huzar  
Telephone: (250) 962-2161  
Fax:

File Number: 108511-001-DCEB

**AFFIDAVIT OF Aline Elizabeth Huzar**

Sworn on *November 30, 2011*

I, Aline Elizabeth Huzar nee McGillivray 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-31. I am also a descendant 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.

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2. As a descendant of the Sawridge First Nation, this entitles me to the matter brought forward involving the Sawridge Band Intervivos 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 in the 1985 Trust.

5. I make this affidavit in support that as a descendant 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 in 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 received my Status through Bill C-31. My mother, Caroline Mary McGillivray nee Stony (deceased) (hereinafter referred to as "Mary McGillivray") was born into the Sawridge First Nation on September 01, 1902. Her band number was 29.

8. Mary McGillivray was born to Johnny and Henriette Stony (both deceased).

9. My Grandfather, Johnny Stony, belonged to the Sawridge First Nation. His band number was 18. Treaty 8 was signed in 1899. He settled on his land in 1896 (Sawridge was surveyed in 1912 when it became a reserve). Johnny Stony lived there for 60 years. He died on March 13, 1956.

10. Mary McGillivray married Simon McGillivray on June 21, 1921 in Slave Lake, Alberta. Simon McGillivray was non-Status.

11. My mother, Mary McGillivray, lost her Status when she married my father, Simon McGillivray; therefore, I was born without Status as an Indian. This also meant that I did not have membership into the Sawridge First Nation.

12. In 1985, amendments were introduced to the Indian Act that were intended to remove discrimination, restore status and membership rights with Bill C-31. "An Act to Amend the Indian Act." This allowed me to be reinstated as an Indian.

13. I applied for membership in the Sawridge First Nation; however, I was denied membership in 1989. I re-applied for membership on June 22, 2010 with no response as to whether or not I was accepted.

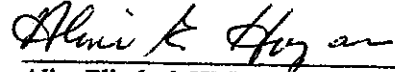
#### **Conclusion**


14. Mary McGillivray was a member of the Sawridge First Nation. She lost her Status due to discriminatory legislated provisions.

15. Mary McGillivray was my biological mother and through her lineage bestowed to me, I am a potential beneficiary to the 1985 Trust; therefore, I 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 30 day of November 2011.

  
Aline Elizabeth HUZAR

  
A Commissioner of Oaths in and for the  
Province of British Columbia

**KIMI V. AIMETZ**  
Barrister & Solicitor  
900 - 550 Victoria Street  
Prince George, B.C. V2L 2K6  
Phone: (250) 564-3400

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