



|   |  |
|---|--|
| COURT FILE NUMBER   | 1103-14112   |
| COURT OF QUEENS BENCH OF ALBERTA JUDICIAL CENTRE                          | EDMONTON   |
|   | <p>IN THE MATTER OF THE TRUSTEE ACT R.S.A. 2000, CT-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 BAN, NO. 19 now known as SAWRIDGE FIRST NATION ON APRIL 15, 1985 (the "1985 Sawridge Trust")</p> |
| APPLICANTS  | <p>Roland TWINN,<br/> Catherine TWINN,<br/> Walter Felix TWIN,<br/> Bertha L'HIRONDELLE, and<br/> Clara MIDBO, as Trustee for the 1985 Sawridge Trust</p>  |
| DOCUMENT  | <p><u>AFFIDAVIT OF DEBRA JOY MUNDLE to be acknowledge as a potential beneficiary of the 1985 Sawridge Trust</u></p>  |
| ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT | <p>DEBRA JOY MUNDLE<br/> 9701-106th AVE.<br/> CLAIRMONT ALTA.<br/> T0H 0W5<br/> 780-567-2285 Home</p>  |
|   |  |

**AFFIDAVIT OF DEBRA JOY MUNDLE Sworn on**

**DECEMBER 02 , 2011**

I, DEBRA JOY MUNDLE of the TOWN of CLAIRMONT in the Province of ALBERTA 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 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 "Trustee").
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 decedent 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. My mother, June Martha KOLOSKY nee: McGILLIVRAY (hereinafter referred to as "June McGILLIVRAY was born on June 6 1937.)
8. June Martha KOLOSKY was born to Mary McGILLIVRAY nee: STONEY (deceased) and Simon McGILLIVRAY (deceased)
9. Mary McGILLIVRAY was a member of the Sawridge First Nation band # 29.
10. Simon McGILLIVRAY to my knowledge was a half-breed.

11. June Martha KOLOSKY nee; MCGILLVRAY married John KOLOSKY hereinafter referred to as John KOLOSKY was married June 8, 1956 in the city of Grande Prairie ALBERTA.
12. The Indian Act of 1876 emphasized male lineage and if an Indian woman married a non-Indian, she lost her status. Mary MCGILLVRAY (grandmother) was enfranchised and thereby lost her status as an Indian.
13. I was born without status as an Indian. This also meant that I did not have membership into the Sawridge First nation.
14. In 1985, amendments were introduced to the Indian Act that were intended to remove discrimination, restore status and membership rights with Bill C-31, and Act to amend the Indian Act. This allowed June Martha KOLOSKY who was also enfranchised as a result of her marriage to John KOLOSKY and to be reinstated as an Indian. I myself DEBRA JOY MUNDLE to be reinstated as an Indian.

**Conclusion**

15. June Martha KOLOSKY nee: MCGILLVRAY is my biological mother and through her lineage bestowed to me, I am 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 GRANDE PRAIRIE  
In the Province of ALBERTA  
On the 02 day of DECEMBER, 2011

  
A commissioner of Oaths in and for  
The Province of ALBERTA

MARINA SPILLNER  
Commissioner for Oaths  
My Commission expires April 11, 2014

  
DEBRA JOY MUNDLE