

Clerk's stamp:



COURT FILE NUMBER 1103 14112  
COURT 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, and

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 Trust") and the SAWRIDGE TRUST ("Sawridge  
Trust")

APPLICANT ROLAND TWINN, MARGARET WARD, BERTHA  
L'HIRONDELLE, EVERETT JUSTIN TWINN AND DAVID  
MAJESKI, as Trustees for the 1985 Trust ("Sawridge  
Trusts")

DOCUMENT CONSENT ORDER (Hearing of Jurisdictional Question)

DATE ORDER PRONOUNCED  
LOCATION WHERE ORDER  
PRONOUNCED

December 18, 2018  
Edmonton, Alberta

NAME OF JUSTICE WHO MADE  
THIS ORDER

Honourable Justice J.T. Henderson

ADDRESS FOR SERVICE AND  
CONTACT INFORMATION OF  
PARTY FILING THIS DOCUMENT

Dentons Canada LLP  
2900 Manulife Place  
10180 - 101 Street  
Edmonton, AB T5J 3V5

Attention: Doris C.E. Bonora  
Telephone: (780) 423-7100  
Fax: (780) 423-7276  
File No: 551860-001-DCEB

*I hereby certify this to be a  
true copy of the original.  
for Clerk of the Court*

UPON the Application by the Sawridge Trustees for advice and direction in respect of the  
Sawridge Band Inter Vivos Settlement ("1985 Trust") ("Application");

AND WHEREAS the Sawridge Trustees seek direction respecting the source and nature of the  
jurisdiction of this Court to make changes to the definition of "Beneficiary" as set out in the 1985 Trust;

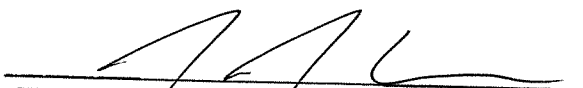
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AND WHEREAS a Case Management Justice has authority under Rule 4.14 of the *Alberta Rules of Court* to make interlocutory orders;

AND WHEREAS the Sawridge Trustees, the OPGT and Catherine Twinn consent to this Order;

IT IS HEREBY ORDERED AND DECLARED;

1. A hearing on a directed issue will be held, prior to trial, and the issues to be determined (the "Jurisdictional Question") will be as follows:
  - (a) Does the Court have jurisdiction to amend the beneficiary definition contained in the 1985 Trust (the "Definition"), on the basis of public policy, its inherent jurisdiction or any other common law plenary power?
  - (b) If the answer to question (a) is yes, what is the scope of the Court's jurisdiction to amend the Definition, including can the Court:
    - (i) Add words to the 1985 Trust deed;
    - (ii) Delete words contained in the 1985 Trust deed; or
    - (iii) Engage in a combination of addition and deletion of words to the 1985 Trust deed?
  - (c) If the answer to question (a) is no, is the Court's jurisdiction limited to what is permitted by s. 42 of the *Trustee Act*? If so, what evidence would be required by the Court to amend the Definition using s. 42 of the *Trustee Act*?
  - (d) If the Court does not have jurisdiction under any of the methods set out in paragraphs (a), (b) or (c) above, do the Sawridge Trustees have jurisdiction under the existing terms of the Trust Deed of the 1985 Trust to amend the Definition?
  - (e) If the Court proceeds pursuant to paragraph 1(c) or 1(d) above, is the Court's jurisdiction in this application affected by the *Minors Property Act*, and specifically, does the Court require evidence of consent to the application for a beneficiary definition change from minor beneficiaries who are over the age of 14?
2. This Jurisdictional Question will be heard and determined by the Case Management Justice.

  
The Honourable Justice J.T. Henderson

CONSENTED TO BY:  
MCLENNAN ROSS LLP

Crista Osualdini  
Counsel for Catherine Twinn

HUTCHISON LAW

Janet Hutchison  
Counsel for the OPGT

DENTONS CANADA LLP

Doris Bonora  
Counsel for the Sawridge Trustees

**CONSENTED TO BY:**  
**MCLENNAN ROSS LLP**

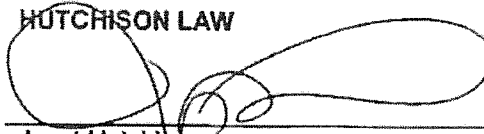


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Crista Osualdini  
Counsel for Catherine Twinn

**DENTONS CANADA LLP**

**HUTCHISON LAW**



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Janet Hutchison  
Counsel for the OPGT

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Doris Bonora  
Counsel for the Sawridge Trustees