

COURT FILE NO. 1103 14112

COURT COURT OF QUEEN'S BENCH OF
ALBERTA

JUDICIAL CENTRE EDMONTON

IN THE MATTER OF THE TRUSTEE
ACT R.S.A. 2000, CT-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

Clerk's Stamp



APPLICANTS

ROLAND TWINN, MARGARET WARD, TRACEY SCARLETT,
EVERETT JUSTIN TWIN AND DAVID MAJESKI, AS TRUSTEES FOR
THE 1985 SAWRIDGE TRUST

DEFENDANT(S)

DOCUMENT **AFFIDAVIT OF SHELBY TWINN**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

Self-Represented
Telephone: 780-264-4822
c/o 10721-214 St, Edmonton,
AB, T5S 2A3
Email: S.twinn@live.ca
File No.:

Sworn on the 25th day of February, 2019

I Shelby Twinn, of the City of Edmonton, make oath and say that:

1. I am a beneficiary of the 1985 Trust and as such have personal knowledge of the matters deposed to unless to be stated to be based upon information and belief, in which case I verily believe the same to be true.
2. I have read the affidavit of Paul Bujold sworn January 9, 2019.
3. The Trustees seek the Court's approval to vary the beneficiary definition of the 1985 Trust to band membership determined by the Chief and Council who currently recognize 44 band members. I am not a band member. I will lose my 1985 Trust beneficiary status if the Trustees succeed in changing the current definition to their proposed definition.
4. Paul Bujold swears that he mailed a "Notice to Potential Beneficiaries", attached as **Exhibit A** to my Affidavit. I did not receive this Notice from Mr. Bujold, despite being a beneficiary of the 1985 Trust.
5. Paul Bujold has for a number of years had my email address which remains unchanged. We have communicated on a number of occasions by email. Attached as **Exhibit B** to this my Affidavit are some of those communications.
6. I am advised by Isaac Twinn and do verily believe he did not receive the Notice to Potential Beneficiaries either, despite his belief that he is a 1985 Trust beneficiary.
7. I make this Affidavit as an unrepresented 1985 Trust beneficiary who is trying to participate in this costly litigation process so that I can protect my beneficial interest in the 1985 Trust against the relief sought by the Trustees in this litigation, which would have the effect of taking away my beneficiary status.

SWORN BEFORE ME at the
City of Edmonton,
in the Province of Alberta
the 25 day of FEBRUARY, 2019

A Commissioner for Oaths in and
for the Province of Alberta

ROBERT A PHILP, Q.C.

TABLE OF EXHIBITS

Exhibit Letter	Brief Description of Exhibit	Page Number
A.	Sawridge Trusts Notice to Potential Beneficiaries, Sawridge Band Intervivos Settlement Trust (1985 Trust)	3
B.	Sample of email communications between Shelby Twinn and Paul Bujold: November 18, 2015; March 18, 2016; October 5, 2016;	
C.		
D.		
E.		
F.		
G.		
H.		
I.		
J.		
K.		
L.		
M.		
N.		
O.		
P.		
Q.		
R.		
S.		



This is Exhibit "A" referred to in the Affidavit of
Shelby Twinn
Sworn before me this 25th day
of February, A.D., 2019.
A Commissioner for Oaths in and for
the Province of Alberta
R.A. Philp Q.C.

NOTICE TO POTENTIAL BENEFICIARIES

Sawridge Band Intervivos Settlement (1985 Trust)

Court Action 1103 14112 to review the definition of "Beneficiaries" in the 1985 Trust is reaching the final steps in seeking direction about a change in the definition of "Beneficiaries" in this Trust and to seek remedies for those who may be affected by the change to the current definition.

The current definition has been declared discriminatory and therefore the Trustees have determined that the definition should be changed to eliminate discrimination.

One possible action to effectively change the current definition would be to ask those persons identified as potential beneficiaries or persons who may have an interest under the current definition to approve a new definition. Under Section 42 of the Trustee Act of Alberta, the potential beneficiaries can vote on a new definition but 100% of these persons would have to agree to the new definition. Such a change would still be subject to court approval.

The current definition is provided below:

"Beneficiaries" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band No. 19 pursuant to the provisions of the Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 and, in the event that such provisions are amended after the date of the execution of this Deed all persons who at such particular time would qualify for membership of the Sawridge Indian Band No. 19 pursuant to the said provisions as such provisions existed on the 15th day of April, 1982 and, for greater certainty, no persons who would not qualify as members of the Sawridge Indian Band No. 19 pursuant to the said provisions, as such provisions existed on the 15th day of April, 1982, shall be regarded as "Beneficiaries" for the purpose of this Settlement whether or not such persons become or are at any time considered to be members of the Sawridge Indian Band No. 19 for all or any other purposes by virtue of amendments to the Indian Act R. S. C. 1970, Chapter I-6 that may come into force at any time after the date of the execution of this Deed or by virtue of any other legislation enacted by the Parliament of Canada or by any province or by virtue of any regulation, Order in Council, treaty or executive act of the Government of Canada or any province or by any other means whatsoever; provided, for greater certainty, that any person who shall become enfranchised, become a member of another Indian band or in any manner voluntarily cease to be a member of the Sawridge Indian Band No 19 under the Indian Act R.S.C. 1970, Chapter I-6, as amended from time to time, or any consolidation thereof or successor legislation thereto shall thereupon cease to be a Beneficiary for all purposes of this Settlement;

You are receiving this notice because our preliminary analysis has determined that you may be a beneficiary of the trust under the current definition of beneficiaries of the trust. In order to determine if someone may be a beneficiary, an analysis of their qualifications as a member under the Indian Act as it existed in 1982 must be done.

Any change in the definition may affect your rights as a person who has been identified as having an interest under that trust. The results of this vote will be presented to the court.



Two possible definitions have been proposed:

1. By the Trustees of the Sawridge Band Intervivos Settlement

"Beneficiaries" at any particular time shall mean all persons who are members of the Sawridge Indian Band under the laws of Canada in force from time to time, including without restricting the generality of the foregoing, pursuant to the Membership Code of the Sawridge Indian Band as the Membership Code may exist to the extent that such Membership Code are incorporated into, or recognized by, the laws of Canada;

2. By the Alberta Office of the Public Guardian and Trustee

"Beneficiary" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band No. 19, including those who qualified or qualify as members, pursuant to the provisions of the Indian Act R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 provided, for greater certainty, that any person who shall voluntarily become enfranchised, become a member of another Indian band or in any manner voluntarily cease to be a member of the Sawridge Indian Band No. 19 after the establishment of this Trust shall thereupon cease to be a Beneficiary for all purposes of this Settlement;

As a potential Beneficiary in the 1985 Trust you are being asked to vote on whether you could accept a variation of the trust that one of these two proposed definitions would be acceptable. We require your answer by **19 November 2018**. Please return your vote in the self-addressed, stamped envelope provided with this Notice.

The vote cannot be anonymous. We must have your name and identification so that we know that you as a beneficiary voted.

If 100% of those being asked to vote for a definition choose the same definition, this definition will be proposed to the court as a proposed New Definition. If 100% of those being asked to vote do not choose the same definition, the court will be asked to find another remedy to resolve the current discriminatory definition.



**VOTE ON A PROPOSED NEW DEFINITION FOR "BENEFICIARIES"
IN THE SAWRIDGE BAND INTERVIVOS SETTLEMENT**

NAME	
IDENTIFICATION (Driver's Licence Number, Social Insurance Number, Alberta Health Care Number or Treaty Number)	

I VOTE FOR THE FOLLOWING DEFINITION (place a mark in the appropriate box):

VOTE	PROPOSED DEFINITION
	<i>"Beneficiaries" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band under the laws of Canada in force from time to time, including without restricting the generality of the foregoing, the membership rules and customary laws of the Sawridge Indian Band as the same may exist from time to time to the extent that such membership rules and customary laws are incorporated into, or recognized by, the laws of Canada;</i>
	<i>"Beneficiary" at any particular time shall mean all persons who at that time qualify as members of the Sawridge Indian Band No. 19, including those who qualified or qualify as members, pursuant to the provisions of the <u>Indian Act</u> R.S.C. 1970, Chapter I-6 as such provisions existed on the 15th day of April, 1982 provided, for greater certainty, that any person who shall voluntarily become enfranchised, become a member of another Indian band or in any manner voluntarily cease to be a member of the Sawridge Indian Band No. 19 after the establishment of this Trust shall thereupon cease to be a Beneficiary for all purposes of this Settlement;</i>

SIGNATURE	
DATE	

Return your vote in the self-addressed, stamped envelope no later than 19 November 2018.

RE: Education Support Benefit Form

Paul Bujold <paul@sawridgetrusts.ca>

Wed 2015-11-18 8:56 AM

To: Shelby Twinn <s.twinn@live.ca>

Shelby,

You do not qualify as a beneficiary to the 1986 Trust unless you are a member of the Sawridge First Nation and you are not on their list. The Trustees are not distributing any benefits from the 1985 Trust until the court decides on who qualifies as a beneficiary.

You could apply through Freehorse <http://www.freehorse.org/>, or have a look at Scholarships Canada <http://www.scholarshipscanada.com/>.

Paul Bujold
Trusts Administrator

Sawridge Trusts
 Office (780) 988-7723

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From: Shelby Twinn [mailto:s.twinn@live.ca]
Sent: Wednesday, November 18, 2015 9:51 AM
To: Paul Bujold <paul@sawridgetrusts.ca>
Subject: Education Support Benefit Form

Good Morning Paul,

My name is Shelby Twinn. I am Paul Twinn's daughter and a beneficiary.
 Attached is my application for education funding.
 I will be happy to answer any questions you may have.

Sincerely,
 Shelby Twinn

This is Exhibit "B" referred to in the
 Affidavit of

Shelby Twinn

Sworn before me this 25th day

of February A.D., 2019



A Commissioner for Oaths in and for

the Province of Alberta

R.A. Philp Q.C.

RE: 1985 Trust Accounting

Paul Bujold <paul@sawridgetrusts.ca>

Fri 2016-03-18 5:58 AM

To: Shelby Twinn <S.Twinn@LIVE.CA>

Shelby,

We cannot provide you with this information at the moment.

Thanks,

Paul Bujold

Trusts Administrator

Sawridge Trusts

Office (780) 988-7723

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From: Shelby Twinn [mailto:S.Twinn@LIVE.CA]

Sent: Wednesday, March 02, 2016 9:29 AM

To: Paul Bujold <paul@sawridgetrusts.ca>

Subject: 1985 Trust Accounting

March 2, 2016

Good Morning Paul,

I am a beneficiary of the 1985 Trust. I qualify under section 11 (1) (d) of the Indian Act, as it stood April 17, 1982. I write on behalf of myself and others who qualify under these Indian Act provisions. We are entitled to an accounting of the 1985 Trust assets. To start we will need copies of all legal accounts by March 8, 2016, received by the Trust, whether paid or not, arising in relation to the 1985 Trust. We want the full accounting on or before April 4, 2016.

Sincerely,

Shelby Twinn

RE: File Brief

Paul Bujold <paul@sawridgetrusts.ca>

Wed 2016-10-05 6:30 AM

To: Shelby Twinn <S.Twinn@LIVE.CA>

Cc: Doris Bonora <doris.bonora@dentons.com>; Brian Heidecker <brian@sawridgetrusts.ca>

Shelby,

You should only be communicating with me through your counsel.

The information on the 1103 14112 action is all posted on the website in the chronological order in which it was received, as indicated by the file dates (e.g., 160101 indicating 2016 January 01) located at the end of the title.

The court required only the information from the 2011 action to be posted to the website. 2014 and 2015 documents are not posted but can be accessed through the court.

A blog will not be established on the website since it is neither legally appropriate nor technically possible at the present time.

For your information, all documents in the 2011 action are posted to the website according to the directions of Justice Thomas in the 2011 procedural order posted to the website and are not governed by the trustees or their solicitors nor the beneficiaries or interested parties and their solicitors.

Paul Bujold
Trusts Administrator
Sawridge Trusts
Office (780) 988-7723

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From: Shelby Twinn [mailto:S.Twinn@LIVE.CA]
Sent: Tuesday, October 04, 2016 6:00 PM
To: Paul Bujold <paul@sawridgetrusts.ca>
Subject: File Brief

October 4, 2016

Hi Paul,

Attached is our Brief filed on Friday, September 30, 2016. If you could please post it on the Sawridge Trust Website, that would be much appreciated.

We've noted that not all of the 2011 Action information is posted on the website nor in any kind of chronological order, and we can not find anything on the 2014 and 2015 Actions either.

We're also requesting your assistance with being able to establish a Blog on the Sawridge Trust Website which will enable us to communicate with those who visit the site.

Sincerely,
Shelby Twinn