

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, 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"),

Clerk's Stamp:



APPLICANT ROLAND TWINN, MARGARET WARD, TRACEY SCARLETT, EVERETT JUSTIN TWIN
AND DAVID MAJESKI, as Trustees for the 1985 Trust

DOCUMENT **APPLICATION BY SHELBY TWINN**

ADDRESS FOR SERVICE
AND CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

9918 – 115 St.
Edmonton, Alberta
T5K 1S7

Self Represented
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NOTICE TO RESPONDENTS:

**ROLAND TWINN, MARGARET WARD, TRACEY SCARLETT, EVERETT JUSTIN TWIN and DAVID
MAJESKI, as Trustees for the 1985 Trust, THE OFFICE OF THE PUBLIC GUARDIAN AND
TRUSTEE OF ALBERTA and CATHERINE TWINN**

This application is made against you. You are a Respondent.

You have the right to state your side of this matter before the Justice in Chambers.

To do so, you must be in Court when the application is heard as shown below:

Date:	October 30, 2019
Time:	2:00 p.m.
Where:	Law Courts, 1A Sir Winston Churchill Square, Edmonton, AB T5J 0R2
Before Whom:	Justice in Chambers (Case Management)

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order pursuant to Rule 2.10 of the Alberta Rules of Court granting Shelby Twinn status to intervene in the hearing on the Jurisdictional Question ordered by the Honourable Justice J.T. Henderson pursuant to a Consent Order on December 18, 2018 and in the hearing on the application filed by the Trustees of the 1985 Trust on September 13, 2019 (collectively the "Jurisdiction Applications"), on terms which would include the following:
 - (a) Shelby Twinn shall be permitted to make written and oral submissions on all matters raised in the Jurisdiction Applications;
 - (b) The 1985 Sawridge Trustees be required to pay the legal fees associated with the representation of Shelby Twinn out of the funds held by the 1985 Trust.
2. Costs of this application on a full indemnity basis from the funds held by the 1985 Trust and payable by the 1985 Sawridge Trustees.
3. Such further and other relief as this Honourable Court deems just and appropriate in the circumstances.

Grounds for making this application:

4. Shelby Twinn is presently a beneficiary of the 1985 Trust.
5. Shelby Twinn stands to lose her status as a beneficiary of the 1985 Trust if the assets of the 1985 Trust revert to the trust established on April 15, 1982 by Chief Walter Patrick Twinn or the current beneficiary definition of the 1985 Trust is modified to include only those persons who are listed on the membership list controlled by the Sawridge First Nation.
6. The 1985 Sawridge Trustees have historically taken positions in this litigation that are adverse to the interests of Shelby Twinn and the existing beneficiaries of the 1985 Trust, generally.
7. The Sawridge First Nation has sought status to intervene in the Jurisdictional Applications and is seeking to make submissions on the relief that should be available in the Jurisdictional Applications, including, but not limited to, relief that would only allow the beneficiary definition of the 1985 Trust be amended to only include persons who are on the membership list controlled by the Sawridge First Nation.

8. The 1985 Sawridge Trustees are not opposing the intervention application of the Sawridge First Nation, despite the fact that the Sawridge First Nation seeks relief that is harmful to my interests as a beneficiary and the other beneficiaries .
9. The 1985 Sawridge Trustees have historically sought an amendment to the beneficiary definition in the 1985 Trust that would restrict beneficiary status to only those on the membership list controlled by the Sawridge First Nation. The Trustees have advised the Court that those persons who lose status could simply apply for membership in the First Nation.
10. The 1985 Sawridge Trustees have historically provided full indemnity funding to the Sawridge First Nation for their participation in this Action.
11. Catherine Twinn is participating in this litigation as a self-funded party and whose ability to participate is not to the same extent as the other parties who are funded by the 1985 Trust.
12. The Chief of the Sawridge First Nation, Roland Twinn, is also currently a trustee of the 1985 Trust.
13. Shelby Twinn sought membership in the Sawridge First Nation in April 2018 and has yet to receive a response to her application, much less membership.
14. Shelby Twinn has a unique perspective on the matters at issue in the Jurisdictional Applications, including the ramifications on Shelby Twinn if the beneficiary definition is changed to include only those persons who are on the membership list maintained by the Sawridge First Nation.
15. As a result of the 1985 Sawridge Trustees not acting in the beneficiaries best interest, I will seek relief that is in the beneficiaries' best interest, more particularly that the terms defining beneficiaries in the 1985 Trust deed should be left unaltered and the assets of the 1985 Trust are properly constituted therein.

Material or evidence to be relied on:

16. Pleadings and proceedings in the within Action.
17. Affidavit of Shelby Twinn to be filed.
18. Such further and other materials as may be required.

Applicable rules:

19. Rule 1.4, 2.10, 6.3 and Part 10.

Applicable Acts and Regulations:

20. *None*

Any irregularity complained of or objection relied on:

21. N/A

How the application is proposed to be heard or considered:

22. To be heard by the Presiding Justice in Chambers in case management.

AFFIDAVIT EVIDENCE IS REQUIRED IF YOU WISH TO OBJECT.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the Applicant what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an Affidavit or other evidence with the Court and serving a copy of that Affidavit or other evidence on the Applicant a reasonable time before the application is to be heard or considered.