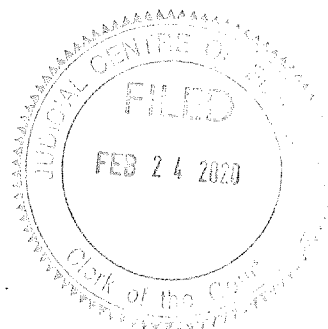


Clerk's Stamp:



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
Sawridge Trust")

APPLICANTS ROLAND TWINN, MARGARET WARD, TRACEY SCARLETT,
EVERETT JUSTIN TWIN AND DAVID MAJESKI, as Trustees for
the 1985 Sawridge Trust ("Sawridge Trustees")

DOCUMENT

AFFIDAVIT OF PAUL BUJOLD –

**Application for Further Production of Office Of The Public Trustee
And Guardian ("OPGT")**

ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION OF
PARTY FILING THIS
DOCUMENT

Dentons Canada LLP
2500 Stantec Tower
10220 - 103 Avenue
Edmonton, AB T5J 0K4

Attention: Doris C.E. Bonora and Michael S Sestito
Telephone: (780) 423-7100
Fax: (780) 423-7276
File No: 551860-1-DCEB

**AFFIDAVIT OF PAUL BUJOLD
SWORN ON THE 20th DAY OF JANUARY, 2020**

I, Paul Bujold, of the Edmonton, Alberta, make oath and say:

1. I am the Chief Executive Officer ("CEO") of the 1985 Sawridge Trust (the "1985 Trust") and as such have personal knowledge of the matters hereinafter deposed to unless stated to be based upon information and belief, in which case I verily believe the same to be true.

2. I have reviewed the application filed December 20, 2019, by the Office of the Public Guardian and Trustee (the "OPGT") in relation to further production (the "Production Application").
3. When the Sawridge Trustees commenced the application for advice and direction in 2011, I searched all the trust records that I had gathered from various sources and found very few documents in relation to the transfer of assets from the 1982 Sawridge Trust (the "1982 Trust") to the 1985 Trust (the "Transfer"). I said that in my affidavit sworn September 12, 2011 (my "2011 Affidavit"). Subsequent to filing of my 2011 Affidavit, Janet Hutchison of the OPGT questioned me on the same; I undertook to write to various individuals to determine if they had any other records in relation to the Transfer. Any such documents were either produced in undertakings or were produced in the affidavit of records that I deposed on November 2, 2015.
4. The Sawridge Trustees made the application to approve the Transfer due to the lack of documentation regarding the Transfer. From the limited documentation, it appeared that the 1982 Trust assets were transferred to the 1985 Trust even though the 1985 Trust was not a beneficiary of the 1982 Trust.
5. I understand that the Court has recently raised as an issue the effect of the Transfer (the "Asset Transfer Issue"). In the interests of facilitating the ability of the parties to address the Asset Transfer Issue, and in light of the voluminous production in this litigation, the Sawridge Trustees provided binders of potentially relevant records previously produced, as well as a reference to where these documents had already been produced (the "List"). Attached hereto as **Exhibit "A"** a copy of the List.
6. The List attached hereto as Exhibit "A", includes those documents mentioned above and references to all of the searches which the Sawridge Trustees agreed to do by way of undertaking to determining whether there were any other documents available in respect of the Transfer.
7. Furthermore, and in an attempt to be as responsive to the Production Application as possible, I made inquiries of Mr. Michael McKinney Q.C., in house counsel of the Sawridge First Nation ("SFN") to see if he had any other documents. I have been advised by Mr. McKinney as to the results of searches conducted by the SFN in response to the Production Application.
8. The below are both my responses to the searches on behalf of the Sawridge Trustees, as well as information provided by Mr. McKinney to me in respect of the searches done. Where information is provided by Mr. McKinney, I have indicated as such. In every case where I have said that I have not been able to find any documents, I have not included those that have already been produced, as referenced in Exhibit "A". I have included paragraph references to the Production Application.

1.(a) "Provides the tax filings and financial statements of the 1982 Trust from January 1, 1985 to present"
9. I have been unable to locate any financial statements or tax filings for the 1982 Trust commencing in January 1, 1985 to the present.
10. I have been advised by Mr. McKinney that the SFN does not have any such documents in its possession.

1.(b) "Provides the 1985 Trust financial statements from 2005 to present and any other financial records that establish the current value of the \$12 million debenture"

11. I have reviewed the 1985 Trust financial statements and have been unable to locate any reference to the \$12 million debenture. Attached hereto as **Exhibit "B"** is a copy of the discharge of said debenture. This is a document that we obtained on a recently performed historical search at the land titles office.

12. I have been advised by Mr. McKinney that the SFN does not have this information.

1. (c) "Provide copies of notices issued in 1985, with any attachments, to provide notice to SFN Band Members of the Band member meeting ultimately held on April 15, 1985 approving the transfer of assets from the 1982 Trust to the 1985 Trust"

13. I have reviewed the records of the 1985 Trust and can find no notices to SFN band members for the meeting held on April 15, 1985.

14. I have been advised by Mr. McKinney that the SFN has not been able to locate any such records.

1. (d) "Explain the notice and consultation process held for SFN members prior to the April 15, 1985 vote"

15. I have not located any documents which explain the notice and consultation process held for SFN members prior to the April 15, 1985 vote.

16. I have been advised by Mr. McKinney that the SFN has not been able to locate any such records.

1. (e) "Provide Minutes of the 1982 Trustees meetings, held prior to April 15, 1985, including trustee resolutions, referencing the proposal to transfer the 1982 Trust assets to the 1985 Trust and to hold band members or beneficiary meetings regarding the transfer"

17. I have not located any minutes of the 1982 trustee meetings held prior to April 15, 1985 nor have I found any additional trustee resolutions referencing the proposal to transfer the 1982 Trust assets to the 1985 Trust, nor any resolutions to hold band members or beneficiary meetings regarding the transfer.

18. I have been advised by Mr. McKinney that the SFN has not been able to locate any such records.

1. (f) "Provide Minutes of the Sawridge Chief and Council meetings held prior to April 15, 1985 including Band Council resolutions referencing the proposal to transfer the 1982 assets to the 1985 Trust and hold band member or beneficiary meetings regarding the transfer"

19. I have been unable to locate any such documents.

20. I have been advised by Mr. McKinney that the SFN has not been able to locate any minutes of meetings or band council resolutions referencing the proposal to transfer the assets.

1. (g) "Provide correspondence or financial reporting documents dated prior to April 15, 1985 that address the source of funds used to buy the assets now held in the 1985 Trust, including correspondence to or from Canada approving the original release of SFN capital and revenue funds for the purchase of those assets"

21. I have reviewed the trust records and can find no such records.

1. (h) "The complete exchange of correspondence between Sawridge First Nation, or its advisors, and Canada beginning in December 1993 and continuing into at least 1994, regarding the existence of the 1985 Trust and Canada's concerns in relation to section 64 and section 66 of the Indian Act"

22. Many of these documents have been produced in my supplemental affidavit of records. Some of the documents have been produced by Catherine Twinn in her most recent affidavit. I have also been able to locate additional documents which were given to me by SFN. I attach all of the documents relating to this request as **Exhibit "C"** to this my affidavit.

23. I am informed that the SFN currently has no other records and that any such records that they may have had in its possession were provided to the Sawridge Trust.

1. (i) "Provide documents prepared prior to May 1985 and directed to SFN, the 1982 Trustees and the 1985 Trustees from their respective financial or legal advisors, including Deloitte Touche (Ron Ewoniak), Davies Ward and Beck or David Fennell that address:

i. Advice, comments or discussion regarding the 1982 Trustees authority to implement, and recommendations for the structuring of, a transfer of assets from the 1982 Trust to a new trust;

ii. Advice, comments or discussion regarding the consequences of an asset transfer for the interests of the 1982 Beneficiaries;

iii. Advice, comments or discussion regarding the need to consult with, inform or hold a vote by the SFN Members or 1982 beneficiaries in relation to the transfer of assets."

24. I have located no other documents in relation to the requests made above.

25. I have been advised by Mr. McKinney that the SFN currently has no such records in its possession.

SWORN/AFFIRMED BEFORE ME at the City
of Edmonton, in the Province of Alberta
this 20th day of January, 2020.

(Commissioner of Oaths in and for the
Province of Alberta)

MICHAEL S. SESTITO
Barrister & Solicitor

PAUL BUJOLD


TAB A

THIS IS EXHIBIT " A " TO THE AFFIDAVIT OF

Paul Bujold

SWORN BEFORE ME THIS 20th DAY

OF January, 2020


COMMISSIONER FOR OATHS IN AND FOR

THE PROVINCE OF ALBERTA
MICHAEL S. SEBASTITO

Barrister & Solicitor

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
1	15/04/1982	SAW000063-67	Declaration of Trust, Sawridge Band Trust April 15, 1982	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
				Exhibit A to the Affidavit of Paul Bujold sworn September 12, 2011
2	01/06/1982	SAW000070	Meeting of Trustee's and Settors of Sawridge Band Trust June, 1982. approving the transfer of all property held by the Trustees and Settors to the Trust	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
				Exhibit B to the Affidavit of Paul Bujold sworn September 12, 2011
3	20/04/1983	SAW000724	Minutes of Meeting of Trustees of the Sawridge Band Trust re: Court Order (only dated 1983)	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
4	20/04/1983	SAW000174 – 175	Minutes of Meeting of Trustees of Sawridge Band Trust to stage election of Trustees and related documents (only dated 1983)	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
5	05/07/1983	SAW000023-28	Declaration of Trust Sawridge Band Trust July 5, 1983	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
6	05/10/1983	SAW001354 – 1378	Affidavit of Service of Court documents to amend 1982 Trust Sworn May 10, 1983 including: Exhibit A – Originating Notice of Motion, Exhibit B - Order pronounced by Justice D.H. Bowen April 20, 1983, Exhibit C – Notice to Members	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
7	19/12/1983	SAW000073-88	Agreement 19th December 1983 between Walter Patrick Twinn, Walter Felix Twinn, Sam Twinn, David A Fennel "Old Trustees" with Walter Patrick Twinn, Sam Twinn, and George Twinn "New Trustees"	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018 Exhibit D to the Affidavit of Paul Bujold sworn September 12, 2011

DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
8	19/12/1983	SAW000089-96	Agreement 19th of December 1983. Transfer Agreement between "New Trustees" and "Old Trustees".	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
				Exhibit E to the Affidavit of Paul Bujold sworn September 12, 2011
9	19/12/1983	SAW001317 – 1322	Agreement of December 19, 1983 to transfer assets.	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
10	19/12/1983	SAW001323 – 1331	Transfer Agreement to Trust of December 19, 1983 (similar to SAW001317 – 1322)	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
11	06/01/1984	SAW000242 – 254	Financial Statement of Sawridge Indian Band #19 as at March 31, 1984 dated June 1, 1984	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
12	06/06/1984	SAW001334 – 1340	Statutory Declaration to transfer assets to Trust dated June 6, 1984	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
13	21/01/1985	SAW000236 - 239	Statutory Declaration related to Debenture executed January 21, 1985	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
14	21/01/1985	SAW000495 – 521	Sawridge Enterprises Ltd. Demand Debenture (\$12,000,000.00) dated January 21, 1985	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
15	15/04/1985	SAW000537 - 539	Assignment of Debenture of January 21, 1985 for \$12,000,000.00 from Assignor Walter Twin to Sawridge Band Inter Vivos Settlement (Walter Twinn, Sam Twin and George Twin as Trustees)	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
16	15/04/1985	SAW000532	Deposit confirmation for \$100 to Create Sawridge Band Intervivos Settlement Trust	Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
17	15/04/1985	SAW0001895	Band Council Resolution of April 15, 1985 (BCR-454-117-85/860)	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
18	15/04/1985	SAW0000039-49	Sawridge Band Inter Vivos Settlement Declaration of Trust April 15, 1985	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018 Exhibit D to the Affidavit of Paul Bujold sworn August 30, 2011
19	15/04/1985	SAW000120-121	Sawridge Band Trust Resolution of Trustees. April 15, 1985	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018 Exhibit H to the Affidavit of Paul Bujold sworn September 12, 2011
20	15/04/1985	SAW000122	Sawridge Band Resolution April 15, 1985 authorizing the transfer of trust assets to the Trustees	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018 Exhibit I to the Affidavit of Paul Bujold sworn September 12, 2011
21	15/04/1985	SAW001445 – 1446	Ratification by the Trustees of Band Council Resolution 454-117-85/86 to transfer Debenture to Trust	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
22	16/04/1985	SAW000123-134	Declaration of Trust made April 16, 1985 between "Old Trustees" and "New Trustees" confirming that the "New Trustees" hold legal title to the assets in the Sawridge Band Inter Vivos Settlement.	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018 Exhibit J to the Affidavit of Paul Bujold sworn September 12, 2011
23	16/04/1985	SAW000522 – 531	Minutes of a Meeting of The Directors of Sawridge Holdings of April 16, 1985 authorizing the Transfer of shares pursuant to Transfer Agreement of December 19, 1983 attached as Schedule A	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
24	16/04/1985	SAW001379 – 1389	Share Certificates of Sawridge Holdings Ltd. Registered in the members' names October 8, 1981 and April 16, 1985	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
25	16/04/1985	SAW001390 – 1399	Declaration of Trust to transfer assets with Promissory Notes attached dated April 16, 1985 signed by Walter P. Twinn	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
26	16/04/1985	SAW001400 – 1408	Declaration of Trust to transfer assets with Promissory Notes attached dated April 16, 1985 signed by George Twin (?)	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
27	20/05/1985	SAW000255 – 266	Financial Statement of Sawridge Indian Band #19 dated May 20, 1985 for 1984-1985 (See comment on Trust as SAW000259 and SAW000262	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
28	22/07/1985	SAW002316 – 2320	Correspondence from INAC of July 22, 1985 attaching Band List as of June 27, 1985	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
29	04/10/1985	SAW002321-2323	Correspondence from INAC of October 4, 1985 attaching Band List as of October 4, 1985	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
30	05/05/1987	SAW000488 – 493	Financial Statement of Sawridge Band Inter Vivos Settlement Trust for 1985-1986 dated May 5, 1987 with accountant's comments	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
31	31/12/1987	SAW000201 - 204	Trust Income Tax Return for Sawridge Band Trust for 1987	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
32	23/12/1993	SAW00184	Letter from Indian and Northern Affairs to Chief Walter Twinn RE: Existence of the Trusts	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
33	16/03/1994	SAW001893	Letter from Davies, Ward & Beck (Maurice Cullity) to Indian and Northern Affairs (W. Van Iterson) RE: Sawridge Indian Band	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
34	21/03/1994	SAW001886 to 001889	Letter to Davies, Ward & Beck (Maurice Cullity) from Michael McKinney RE: Disclosure of the Trusts to the Department	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
35	30/03/1994	SAW001892	Letter from Indian and Northern Affairs to Davies, Ward & Beck (Maurice Cullity) Re: Assets in the Trust	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
36	29/08/1994	SAW001885	Letter from Department of Justice (Margaret McIntosh) to Davies, Ward & Beck (Maurice Cullity)	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
37	20/10/1994	SAW001881 to 001882	Letter from Davies, Ward & Beck (Maurice Cullity) to Department of Justice (Margaret McIntosh)	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
38	09/11/1994	SAW001879 to 001880	Letter from Department of Justice (Margaret McIntosh) to Davies, Ward & Beck (Maurice Cullity) RE: Sawridge Indian Band Expenditures Pursuant to Sections 64 & 66 of the Indian Act	Supplemental Affidavit of Records sworn by Paul Bujold April 27, 2018 filed April 30, 2018
39	31/12/2009	SAW0001429	Sawridge Band Inter Vivos Settlement and Sawridge Trust Trustees from Trust Inception to 31 December 2009	Affidavit of Records sworn by Paul Bujold November 2, 2015 filed April 30, 2018
40	11/08/2011	Written Interrogatory # 17	Letter from Aboriginal & Northern Development Canada sent to persons on the Affiliates List maintained by Indigenous and Northern Affairs Canada which letter arises from Written Interrogatory No. 18 filed October 5, 2017.	Undertakings and Written Interrogatories on Questioning of March 7-10, 2017 with respect to the affidavit of Paul Bujold dated February 15, 2017.

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
41	30/08/2011		Affidavit of Paul Bujold for Procedural Order. Court file number 1103 14112. August 30, 2011.	Filed Pleadings (without exhibits)
42	30/08/2011		Exhibit A from questioning of Catherine Twinn of September 9, 2016 . Declaration of Trust dated April 5, 1982.	Tab 72 from Written Interrogatories and undertakings arising from continued questioning of Catherine Twinn July 20 & 21, 2017 Exhibit A from the Affidavit of Paul Bujold sworn August 30, 2011
43	31/08/2011		Procedural Order of August 31, 2011 Filed September 6, 2011 originating order. Exhibit A to affidavit of Paul Bujold sworn October 31, 2016. Filed November 1, 2016.	Filed Pleadings
44	01/11/2011	UT-14	Example of Letters of January 11, 2011 sent to Beneficiaries. This is an example of all letters produced.	Undertakings and Written Interrogatories on Questioning of March 7-10, 2017 with respect to the affidavit of Paul Bujold dated February 15, 2017.
45	09/12/2011		Affidavit of Paul Bujold sworn September 12, 2011 with Exhibits B, H, I, and J	Filed Pleadings (not full Affidavit - only pertinent Exhibits attached)
46	27/05/2014	P 6-7 P 33-36 P 41-44 P 45-49 P 50-57 P 58-59 P 62-66 P 68 P 70-76 P 145-146 P 177-185	Transcript pages referencing the establishment and transfer of assets from the 1982 Trust to the 1985 Trust	TRANSCRIPT on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
47	27/05/2014	UT-16	Documents setting out the transfer of assets from individuals to the 1982 Trust and the transfer of assets from the 1982 Trust to the 1985 Trust	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011
48	27/05/2014	UT-17	Response to Undertaking. Re: Inquire of the various individuals and sources previously discussed to determine if they have any documentation or information that would assist in understanding what specific assets were intended to be settled as the certain assets referred to in Exhibit B, and what specific assets were intended to be included in the declaration of trust at exhibit a. We have made inquiries and there is no listing of any "intended" assets. The only assets listed are those that were settled into the Trust.	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
49	27/05/2014	UT-49	Response to Undertaking. Re: inquire of Catherine Twinn her recollection of what was discussed at the April 15, 1985 meeting that the Sawridge band resolution presented at exhibit 1 of Mr. Bujold's September 12, 2011 affidavit dealt with. Specifically does she recall if there was any discussion or documentation presented in relation to the transfer of assets from the 1982 trust to the 1985 trust. Also inquire if Ms. Twinn has any documentation of that particular meeting. We made this inquiry and were informed that she has no memory of this meeting or documentation in her possession, we made one further inquiry pursuant to this undertaking and no response was received.	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011
50	27/05/2014	UT-50	Minutes of Meetings relating to the transfer of assets and attachments to such Minutes. Re: review any trustee meeting minutes available relating to the transfer of assets from individuals into the '82 trust, or '82 trust into '85 trust, or the one individual transfer to the '85 trust.	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011
51	21/07/2014	UT-12	UT: Provide copies of any communications sent to Mr. Fennell, whether they were by letter, email, or otherwise, documenting the request that was being made. Our letter to David Fennel of July 21, 2014 requesting copies of documentation related to the transfer of assets	UNDERTAKINGS from Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
52	22/07/2014	UT-14 and 15	<p>Response to our request of David Jones for copies of documentation relating to the transfer of assets.</p> <p>Re: Provide copies of any documentation sent attempting to seek information from David Jones.</p> <p>We e-mailed David Jones and received the response provided at tab 15.</p> <p>Re: contact Mr. Jones and advise whether or not he has access to documents that relate to the assets held by individuals that were ultimately transferred to the 1982 trust, or the assets that were then transferred from the 1982 trust to the 1985 trust.</p> <p>Our response from David Jones is included at tab 15.</p>	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011
53	28/07/2014	UT-13	<p>Response from David Fennel to our request for documentation</p> <p>UT: contact Mr. Fennel and advise whether or not he has any documentation or access to documentation or is aware of another resource or source that may have documents relevant to the assets that were held by individuals and then the transfer from those individuals to the '82 trust, or relevant to the transfer of assets from the '82 trust to the '85 trust.</p> <p>Our response from David Fennel is included at tab 13.</p>	UNDERTAKINGS from Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
54	26/08/2014	UT-18	<p>Correspondence from the Department of Indian Affairs responding to the request for information relating to the transfer of assets NTD do we now have a response from CRA?</p> <p>Re: inquire of CRA and department of Indian Affairs to determine if they have documentation showing what assets were intended to be included within the trust settlement at exhibit a, the 1982 trust or declaration of trust, and any documentation indicating what happened with the transfer from the 1982 trust to the 1985 trust.</p> <p>See attached letter from Department of Indian Affairs at tab 18. We confirm that it does not appear that any information was shared with the Department of Indian affairs regarding the transfer from 1982 to 1985, nor with regards to which assets were intended to be included</p> <p>We wrote to the CRA but have not yet received a response.</p>	UNDERTAKINGS on Questioning of May 27 & 28, 2014 with respect to the Affidavits of Paul Bujold dated August 30, 2011, September 12, 2011 and September 30, 2011
55	15/12/2015	TWN001286	Exhibit I from the Affidavit of Catherine Twinn sworn December 15, 2015. Sawridge Band Inter Vivos Settlement April 15, 1985.	Affidavit of Records of Catherine Twinn sworn June 21, 2018
56	11/09/2016	Pages 287-290	Excerpts from Transcript on Questioning of November 9 & 10, 2016 RE: questions to Catherine Twinn relating to obtaining trust records.	Continued Questioning on Affidavits of November 9 & 10, 2016 - Court Actions 1103 14112 and 1403 04885
57	15/02/2017	Page 23, para 75	Affidavit of Paul Bujold sworn and filed February 15, 2017 in Action 1103 14112	Affidavit of Paul Bujold sworn and filed February 15, 2017 in Action 1103 14112

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DOCUMENTS RELATED TO TRANSFER OF ASSETS

TAB	DATE OF DOCUMENT	DOCUMENT ID (where applicable)	DESCRIPTION	SOURCE
58	10/10/2017	CT068.006 to CT068.032	April 15, 1985 Declaration of Trust; April 16, 1986 Declaration of Trust; April 15, 1982 Declaration of Trust	Undertakings and responses to Undertakings of Catherine Twinn Questioning on Affidavits, Volume 2 of 5.
59	21/06/2018	TWNN000899	Excerpt of Federal Court Transcript of Questioning of Walter Twinn	Catherine Twinn's Affidavit of Records sworn June 21, 2018

TAB B

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

032443307

ORDER NUMBER: 38365229

THIS IS EXHIBIT "B" TO THE AFFIDAVIT OF

Paul Bujold

SWORN BEFORE ME THIS *20th* DAY

OF *January*, 20 *20*

[Signature]
COMMISSIONER FOR OATHS IN AND FOR
THE PROVINCE OF ALBERTA

MICHAEL S. SESTITO
Barrister & Solicitor

ADVISORY

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Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

DISCHARGE BY MORTGAGEE

CANADA
PROVINCE OF ALBERTA

To the Registrar of the

NORTH

Alberta Land Registration District:

1. (We) WALTER P. THINN, as Trustee of the Sawridge Indian Band,

the mortgage(s), ~~(or mortgages, or mortgages)~~ do hereby acknowledge to have received all the money to become due under the mortgage ~~(or mortgages)~~ made by SAWRIDGE ENTERPRISES LTD.

TO WALTER P. TWINN, as Trustee of the Sawridge Indian Band,

which mortgage (or mortgages) was registered in the LAND TITLES OFFICE for the North

Alberta Land Registration District on the 14th day of March, A.D. 19 85.

as instrument No. 85205095!

that the Mortgage has not been transferred ; and that the same is wholly discharged.

IN WITNESS WHEREOF I (We) have hereunto subscribed my (our) name(s) ~~at the County Clerk's Office in California~~

Send by the fastest means possible this

22

day of

October

A.D. 156

SIGNED by the above named

in the presence of

WALTER P. TWINN

in the presence of James E. Thompson, D.C.



032443307 REGISTERED 2003 11 16
DISC - DISCHARGE
DOC 1 OF 1 DR#: 1321183 ADR/SFERNAND
LINC/S: 0017646373 +

AFFIDAVIT OF EXECUTION

CANADA)
PROVINCE OF ALBERTA)
TO WIT:)

1. Bruce E. Thon

of EDMONTON

in the Province of Alberta

MAKE OATH AND SAY:

1. I was personally present and did see

WALTER P. TWINN

named in the within instrument, who is (are) personally known to me to be the person(s) named therein, duly sign and execute the same for the purpose(s) named therein.

2. That the same was executed at EDMONTON in the Province of Alberta and that I am the subscribing witness thereto.

3. That I know the said person(s) and he (she, each) is in my belief of the full age of eighteen years.

SWORN before me
Darren Becker

at EDMONTON
in the Province of Alberta
this 22nd day of July
A.D. 1986.

DARREN BECKER
BARRISTER & SOLICITOR
Commissioner for Oaths for Alberta

Discharge by Mortgagee

SAWRIDGE ENTERPRISES LTD.

TAB C



Indian and Northern
Affairs Canada

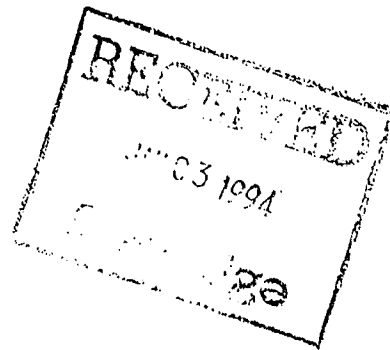
Affaires indiennes
et du Nord Canada

Assistant Deputy Minister Sous-ministre adjoint

Ottawa, Canada
K1A 0H4

*Copy to
file*

DEC 23 1993



Chief Walter Twinn
Sawridge Band
P.O. Box 326
SLAVE LAKE AB T0G 2A0

Dear Chief Twinn,

As a result of the proceedings of the Bill C-31 legal action which is now before the courts, I have recently been informed of the existence of trusts which have been established on behalf of the members of the Sawridge Band.

I understand that these trusts hold substantial sums which, to a large extent, have been derived from band capital and revenue moneys previously released by the Minister of the Department of Indian Affairs and Northern Development. The capital and revenue moneys were expended pursuant to sections 64 and 66 of the Indian Act, for the benefit of the members of your band.

Along with Ken Kirby and Gregor MacIntosh from this department, I would be pleased to meet with you and your band council or other representatives in Alberta, preferably sometime in January 1994, to discuss these trusts.

I trust you will find this satisfactory. My office will contact you in January 1994, to make the necessary arrangements.

Yours sincerely,

Wendy Porteous

Wendy F. Porteous
Assistant Deputy Minister
Lands and Trust Services

THIS IS EXHIBIT "C" TO THE AFFIDAVIT OF

Paul Rujold

SWORN BEFORE ME THIS *20th* DAY

OF *January*, 20 *20*

COMMISSIONER FOR OATHS IN AND FOR
THE PROVINCE OF ALBERTA

MICHAEL S. SESTITO
Barrister & Solicitor

Canada



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Assistant Deputy Minister Sous-ministre adjoint

Ottawa, Canada
K1A0H4

MAR - 7 1994



original
in

Chief Walter Twinn
Sawridge Band
P.O. Box 326
SLAVE LAKE AB

Dear Chief Twinn:

NOT
ATTACHED

I am writing further to Wendy Porteous' letter of December 23, 1994 (copy attached) concerning the existence of trusts which have been established on behalf of the members of the Sawridge Band.

As no response has been received to date, I am requesting that we all meet to discuss the points raised in the above letter.

I would appreciate receiving your concurrence within the next two weeks. To make the necessary arrangements, please contact my office at (819) 953-5577.

W. (Bill) Van Iterson
A/Assistant Deputy Minister
Lands and Trust Services

✓ CC: M. CULLITY

Canada

ORIGINAL in
CAPITAL/Red file
93-94

DAVIES, WARD & BECK
BARRISTERS & SOLICITORS

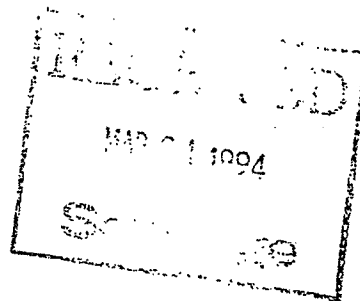
FILE TRUSTS
ORIGINAL IN TRUST
COPY

MAURICE C. CULLITY, O.C.
DIRECT LINE (416) 863-5522

File No. 21902

March 16, 1994

W. Van Iterson, Esq.
A/Assistant Deputy Minister
Lands and Trust Services
Indian and Northern Affairs Canada
Ottawa, Ontario
K1A 0H4



Dear Sir:

Sawridge Indian Band

I refer to the letters of May 7, 1994 and December 23, 1993 addressed to
Chief Walter Twinn. *Ad. Hend*

For some years we have been retained to advise the Band with respect to, among other matters, any trusts established for its members. Accordingly, I have been instructed to respond to any questions you may have in connection with such trusts to the extent that you are entitled to receive answers.

You will understand that the Band, like any other community, organization or entity engaged in business and other activities for the benefit of its members is reluctant to release financial information relating to such activities to anyone other than such members unless it determines that this is in its best interests or is required by law. For this reason, although I have no objection to meeting with individuals from your department, it would be helpful if you would indicate in advance why you believe such a meeting to be desirable and the grounds, if any, on which you believe you are entitled to receive information about the trusts referred to in the letter from Ms. Porteous.

It would be appreciated if you would address your reply and any further correspondence or questions on this matter to this office.

Yours very truly,

Maurice C. Cullity

MCC/dp

cc: Chief Walter Twinn ✓

bcc: M. Henderson

04/05/94

16:48

416 863 0871

D W B (B)

003



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Assistant Deputy Minister

Sous-ministre adjoint

Ottawa, Canada
K1A 0H4

COPY

MAR 30 1994

Mr. Maurice C. Cullity
Davies, Ward & Beck
Barristers & Solicitors
P.O. Box 63, Suite 4400
1 First Canadian Place
TORONTO ON M5X 1B1

Dear Mr. Cullity:

Thank you for your letter of March 16, 1994 concerning the existence of trusts that were apparently established on behalf of members of the Sawridge Band. I appreciate your willingness to meet to discuss this matter.

A meeting is desirable because of the Minister's statutory responsibilities for ensuring that moneys released to the band, pursuant to sections 51 to 69 of the *Indian Act*, are used for the benefit of the band and its members.

It may be that a relatively small amount of information on the above trusts, the existence of which was unknown to the Minister, will provide sufficient assurances that the above concerns have been met. We may also be assured that the assets are being held in those trusts for the benefit of all band members, including those who may be entitled to membership, as will be determined by the current related litigation.

To make the necessary arrangements for the meeting, would you please contact my office at (819) 953-5577.

Yours sincerely,

W. (Bill) Van Iterson
A/Assistant Deputy Minister
Lands and Trust Services

c.c.: Chief Walter Twinn
Gregor MacIntosh
Ken Kirby
Chris McNaught

Canada



Department of Justice Ministère de la Justice
Canada Canada

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Québec
K1A 0H4

July 7, 1994

Mr. Maurice C. Cullity, Q.C.
DAVIES, WARD, BECK
P.O. Box 63, Suite 4400
1 First Canadian Place
Toronto, Ontario
M5X 1B1

Subject: Sawridge Trusts

Dear Mr. Cullity:

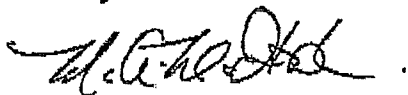
Please be advised that since my colleague Mr. McNaught has assumed other duties in the Department of Justice, I have taken over carriage of the above-noted matter.

Your letter of April 19, 1994 addressed to W. (Bill) Van Iterson of our client, the Department of Indian Affairs and Northern Development, proposed that the Department be provided with a written statement from the auditors of the Sawridge Band to the effect that the funds distributed to the Band pursuant to sections 64 and 69 of the *Indian Act* are held in trust for the Band. Mr. McNaught's letter of May 20, 1994 set out our understanding that the statement would also confirm that these funds were used for the purposes for which they were authorized by the Minister. I understand that this was subsequently confirmed in a telephone conversation between yourself and Mr. McNaught.

Canada

My client would be pleased to receive the proposed statement at your early convenience. I would appreciate if you would contact me upon your return to advise me of when we may anticipate its receipt. I may be reached at (819) 953-2288.

We thank you for your assistance in this matter and we look forward to hearing from you.



Margaret McIntosh
Counsel

DAVIES, WARD & BECK
BARRISTERS & SOLICITORS

COPY

MAURICE C. CULLITY, Q.C.
DIRECT LINE (416) 863-5522

File No. 21902

VIA TELECOPIER

July 8, 1994

Legal Services
Indian Affairs and Northern Development
Room 1018
Les Terrasses de la Chaudière
10 Wellington Street
Hull, Quebec
K1A 0H4

Attention: Margaret McIntosh

Dear Ms. McIntosh:

Sawridge Trusts

Further to our conversation by telephone earlier today, I confirm that I have been advised on behalf of my client that the auditors of the Sawridge Indian Band are engaged in the review that will be required before they could give the certificate discussed in my previous correspondence with your department.

You will appreciate that the review required will involve a significant expenditure of time by the auditors as the period involved is almost 20 years. I will, however, be in touch with you as soon as I have received a response from them.

Yours very truly,



Maurice C. Cullity

MCC/dp



Department of Justice Ministère de la Justice
Canada Canada

Ottawa, Canada
K1A 0H6

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Quebec
K1A 0H4

August 29, 1994

Mr. Maurice C. Cullity, Q.C.
Davies, Ward Beck
P.O. Box 63, Suite 4400
1 First Canadian Place
Toronto, Ontario
M5X 1B1

Subject: Sawridge Trusts

Dear Mr. Cullity:

Further to our telephone conversation of August 9, 1994, we continue to anticipate a statement from the auditors of the Sawridge Indian Band to the effect that funds released to the Band pursuant to sections 64 and 69 of the *Indian Act* are being held in trust for the members of the Band, and that any funds were used for the purposes for which they were authorized by the Minister of Indian Affairs and Northern Development.

My client is anxious to have this matter settled as expeditiously as possible. Accordingly, I respectfully request some written indication of when this information will be available.

Thank you for your consideration of this matter.

Margaret McIntosh
Counsel

Canada

Department of Justice
CanadaMinistère de la Justice
Canada

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Québec
K1A 0H4

October 5, 1994

Mr. Maurice C. Cullity, Q.C.
Davies, Ward, Beck
P.O. Box 63, Suite 4400
1 First Canadian Place
Toronto, Ontario
M5X1B1

Sawridge Indian Band List of Expenditures

Dear Mr. Cullity:

Further to our previous discussions, please find attached a document provided by my client which lists the expenditures made pursuant to sections 64 and 66 of the Indian Act for the Sawridge Indian Band for the years 1970-71 to 1992-93.

I trust this will facilitate the preparation of the statement from Sawridge's accountants regarding the use of funds released to the Sawridge Indian Band.

Please do not hesitate to contact me if I may provide you with any assistance or if you would like to discuss this matter in further detail.

Margaret McIntosh
Counsel

Attach.

Canada

ASSETS

1970-71	OPERATING EXPENSES SAWRIDGE DEVEL	66(1)	\$ 3,500.00	BCR 4-70-71
	REPAYABLE LOANS	66(1)	\$ 500.00	BCR UNNUMBERED
1972-73	SLAVE LAKE DEVELOPMENTS	66(1)	\$ 500.00	BCR
	HOTEL EXPANSION	64(1)(k)	\$ 100,000.00	BCR Unnumbered
	OPERATING CAPITAL-SAWRIDGE HOTEL	64(1)	\$ 5,000.00	BCR 8-72-73
1973-74	GUARANTEES - ROYAL BANK	64(1)	\$ 30,000.00	BCR
	ROYAL BANK - SHAREHOLDERS LOANS	64(1)(k)	\$ 20,000.00	BCR 9-73-74
	OVERDRAFT - ROYAL BANK	64(1)(k)	\$ 50,000.00	BCR 11-73-74
1974-75	LEGAL FEES FIELD OWEN	64(1)(k)	\$ 10,127.50	BCR 9-74-75
	LEGAL FEES-LEPSRUD, CUNNINGHAM ETC	64(1)(k)	\$ 3,134.30	BCR 9-74-75
	LOAN TO SAWRIDGE HOTEL	64(1)(k)	\$ 50,000.00	BCR 11-74-75
	LOAN GUARANTEE	64(1)(k)	\$ 35,000.00	BCR UNNUMBERED
	PURCHASE OF LAND	64(1)(d)	\$ 98,000.00	BCR UNNUMBERED
1975-76	GUARANTEE	64(1)(k)	\$ 100,000.00	BCR 13-75-76
1976-77	SHAREHOLDERS LOAN	66(1)	\$ 25,000.00	BCR 8-76-77
	SHAREHOLDERS LOAN	66(1)	\$ 60,000.00	BCR 13-76-77
	BUILDING } check BCR 10-76-77	64(1)(g)	\$ 290,000.00	BCR 7-77-10-76/77
	VAULT } check BCR 10-76-77	64(1)(g)	\$ 28,000.00	BCR 7-77-10-76/77
	SHAREHOLDERS LOAN	64(1)(k)	\$ 50,000.00	BCR 14-76-77
	LOAN GUARANTEE	66(1)	\$ 50,000.00	BCR 76-77
1977-78	NEW HOME	64(1)(j)	\$ 35,000.00	BCR 02/77-78
	PAVING, LANDSCAPING & FENCING } check BCR 2-77-78	64(1)(g)	\$ 70,000.00	BCR 02/77-78
	DRIVEWAYS - HOMES	64(1)(j)	\$ 30,000.00	BCR 02/77-78
1979-80	IEDF LOAN-SAWRIDGE ENTERPRISES	66(1)	\$ 1,440.00	BCR 7-79-80
	ARCOM SYSTEM BUILDING	66(1)	\$ 50,000.00	BCR 10-79-80
	PURCHASE OF ARCOM TIMBER	64(1)(k)	\$ 60,000.00	BCR 6-79-80
1980-81	HOUSING	64(1)(g)	\$ 100,000.00	BCR 01-80/81
	HOUSING DEVELOPMENT } check BCR 1-80-81	64(1)(g)	\$ 400,000.00	BCR 01-80/81
	JOINT VENTRE - BIGSTONE BAND	64(1)(k)	\$ 100,000.00	BCR 3-80-81
	JOINT VENTRE	64(1)(k)	\$ 100,000.00	BCR 3-80-81
	LENNIE DEBOW & MARTEN	64(1)(k)	\$ 1,500,000.00	BCR UNNUMBERED
1981-82	VEHICLE EXPENSE(MAIN, LEASE, GAS)	66(1)	\$ 40,000.00	BCR 26-81-82
	BAND HOLDINGS-TAX MAIN, ETC.	66(1)	\$ 225,000.00	BCR 26-81-82
	AIRCRAFT PURCHASE & MAINTENANCE	66(1)	\$ 210,000.00	BCR 26-81-82
	EQUITY FUNDING-SAWRIDGE JASPER	64(1)(k)	\$ 2,500,000.00	BCR 27-81-82
	PURCHASE PROPERTY	64(1)(k)	\$ 1,600,000.00	BCR UNNUMBERED
1982-83	PROFESSIONAL & LEGAL	66(1)	\$ 180,000.00	
	INSURANCE BAND BLDGS & HOLDINGS	66(1)	\$ 75,000.00	
	PURCHASE MUTTART BUILDERS SUPPLIES	64(1)(k)	\$ 3,770,445.00	BCR 51-81-82
	LOAN GUARANTEE	64(1)(k)	\$ 2,400,000.00	BCR 82/83 - 68
	NORTHWOOD BUILDING DEVELOPMENT	64(1)(k)	\$ 500,000.00	
1983-84	LOAN GUARANTEE	64(1)	\$ 3,000,000.00	BCR 83/84 - 80
			\$17,955,645.00	

ASSETS

Sawridge #454

m'l

983-84	PROFESSIONAL & LEGAL	66(1)	\$ 250,000.00	BCR 454-73-83/84
	BAND HOLDINGS - TAX MAIN	66(1)	\$ 300,000.00	BCR 454-73-83/84
	AIRCRAFT - MAIN	66(1)	\$ 100,000.00	BCR 454-73-83/84
	BAND MEMBER GRANTS & LOANS	66(1)	\$ 100,000.00	BCR 454-73-83/84
	PAVING & LANDSCAPING	64(1)(b)	\$ 140,000.00	BCR 454-72-83/84
	DRIVEWAY CONSTRUCTION	64(1)(b)	\$ 110,000.00	BCR 454-72-83/84
	TRUCK STOP COMPLEX (BUILDING & EQUIP)	64(1)(k)	\$ 1,835,000.00	BCR 454-72-83/84
984-85	PROFESSIONAL & LEGAL	66(1)	\$ 250,000.00	BCR 87-83/84
	BAND HOLDINGS - TAX MAIN	66(1)	\$ 300,000.00	BCR 87-83/84
	AIRCRAFT MAINTENANCE	66(1)	\$ 100,000.00	BCR 87-83/84
	BAND MEMBER GRANTS & LOANS	66(1)	\$ 100,000.00	BCR 87-83/84
	TRUCK STOP	64(1)(g)	\$ 2,000,000.00	BCR 84/85 - 97.
	ON RESERVE DRILLING	64(1)(g)	\$ 1,000,000.00	BCR 80-83-84
	2 NEW HOMES	64(1)(g)	\$ 300,000.00	BCR 90-83/84
	OFFICE RENO's, IMPROVEMENTS	64(1)(i)(g)	\$ 100,000.00	BCR 90-83/84
	PAVING & LANDSCAPING	64(1)(b)	\$ 122,500.00	BCR 90-83/84
	DRIVEWAY CONSTRUCTION	64(1)(b)	\$ 127,500.00	BCR 90-83/84
	ON RESERVE LAND FILL	64(1)(g)	\$ 250,000.00	BCR 90-83/84
985-86	PROFESSIONAL & LEGAL	66(1)	\$ 500,000.00	BCR 117-85-86
	VEH. & EQUIP. MAIN. & LEASE	66(1)	\$ 175,000.00	BCR 117-85-86
	TAX	66(1)	\$ 300,000.00	BCR 117-85-86
	AIRCRAFT	66(1)	\$ 200,000.00	BCR 117-85-86
	BAND MEMBER GRANTS & LOANS	66(1)	\$ 100,000.00	BCR 117-85-86
	HOTEL SHAREHOLDERS EQUITY (LOAN)	66(1)	\$ 1,000,000.00	BCR 117-85-86
	APARTMENT CONSTRUCTION	66(1)	\$ 1,440,000.00	BCR 82/86 UNNUMBERED
	WAREHOUSE	64(1)(g)	\$ 300,000.00	BCR 116-85-86
	TRUCKSTOP SITE PAVING	64(1)(b)	\$ 200,000.00	BCR 116-85-86
	LANDFILL - NEW CONSTRUCTION	64(1)(g)	\$ 200,000.00	BCR 116-85-86
	CONTRACT RENO, LEASEHOLDING	64(1)(g)	\$ 500,000.00	BCR 116-85-86
986-87	BAND BUILDINGS	64(1)(g&i)	\$ 350,000.00	Not Numbered 86-8
	TRAVEL EXP & AIRCRAFT	64(1)(i)	\$ 200,000.00	Not Numbered 86-8
	LEGAL & PROFESSIONAL	64(1)(i)	\$ 450,000.00	Not Numbered 86-87
	TRUCK WASH	64(1)(g)	\$ 350,000.00	Not Numbered 86-87
987-88	BUILDINGS UTIL. MAIN. & LANDSCAPING	64(1)(g&i)	\$ 400,000.00	BCR 87-C.B. #1
	TRAVEL EXP & AIRCRAFT	64(1)(i)	\$ 200,000.00	BCR 87-C.B. #1
	COMPUTER PURCHASE	64(1)(i)	\$ 135,000.00	BCR 87-C.B. #1
	LEGAL & PROFESSIONAL	64(1)(i)	\$ 350,000.00	BCR 87-C.B. #1
	GREEN HOUSE	64(1)(g)	\$ 134,000.00	BCR 87-C.B. #1
	TRAILER COURT	64(1)(g)	\$ 150,000.00	BCR 87-C.B. #1
	VEH & EQUIP MAIN & LEASE	64(1)(i)	\$ 150,000.00	BCR 87-C.B. #1
	HOTEL PURCHASE	64(1)(k)	\$ 3,000,000.00	BCR 87/88 - 04
	SAWRIDGE HOTEL	66(1)	\$ 1,450,000.00	BCR 87/88 - 01
			\$19,719,000.00	

ASSETS

Sawridge #454

cont

1988-89	HOTEL RENOVATIONS	66(1)	\$ 425,000.00	BCR 88/89-015-S
	SUBDIVISION DEVELOPMENT	66(1)	\$ 350,000.00	BCR 88/89-015-S
	SLAVE LAKE TOWN CENTER DEVEL	66(1)	\$ 1,200,000.00	BCR 88/89-015-S
	BAND BUILDINGS	64(1)(g&i)	\$ 200,000.00	BCR 88/89-001
	LEGAL & PROFESSIONAL	64(1)(l)	\$ 300,000.00	BCR 88/89-001
1989-90	SHOPPING CENTRE	66(1)	\$ 1,380,000.00	BCR 89/90-04
	SHOPPING CENTRE	66(1)	\$ 690,000.00	BCR 89/90-08
	GROCERY STORE	64(1)	\$ 2,756,919.80	BCR 89/90-07
	BAND BUILDINGS	64(1)(l)	\$ 225,000.00	BCR 89/90-001 S
	TRAVEL & AIRCRAFT	64(1)(l)	\$ 375,000.00	BCR 89/90-001 S
1990-91	SHOPPING CENTRE	66(1)	\$ 650,000.00	BCR 90/91-06
	TRAVEL EXP & AIRCRAFT COSTS	64(1)(i)	\$ 180,000.00	89/90-013-S
	LOANS	64(1)(h)	\$ 200,000.00	89/90-013-S
1991-92	BAND BUILDINGS O&M	64(1)(g&i)	\$ 300,000.00	90/91-017-S
	TRAVEL EXP & AIRCRAFT COSTS	64(1)(k)	\$ 261,500.00	90/91-017-S
	VARIOUS EXPENDITURES	66(1)	\$ 1,300,000.00	BCR 91/92-010
1992-93	VARIOUS EXPENDITURES	66(1)	\$ 1,200,000.00	BCR 92/93-020-S
	VARIOUS EXPENDITURES	66(1)	\$ 800,000.00	BCR 92/93-020-S
	LEGAL & PROFESSIONAL	64(1)(k)	\$ 617,067.00	BCR 92/93-002 S
	LEGAL & PROFESSIONAL	64(1)(k)	\$ 836,650.00	BCR 92/93-028 S
			<u>\$51,931,782.80</u>	

DAVIES, WARD & BECK

BARRISTERS & SOLICITORS

MAURICE C. CULLITY, Q.C.
DIRECT LINE (416) 863-5522

File No. 21902

VIA TELECOPIER

October 20, 1994

Ms. Margaret McIntosh
Counsel, Legal Services
Indian Affairs and Northern Development
Room 1018
Les Terrasses de la Chaudière
10 Wellington Street
Hull, Quebec
K1A 0H4

Dear Ms. McIntosh:

Sawridge

Further to our recent discussions, I am writing to confirm that I do not believe that the list of expenditures provided with your letter of October 5, 1994 is helpful for the purposes we have discussed. Many of the amounts referred to on the list relate to recurring expenditures, such as legal and other professional fees, and some are as small as \$500. They extend back over a period of 20 years and to ask for a statement from the auditors that all were properly expended on the particular purposes referred to in the BCRs would be prohibitively expensive even if, after such a period, it were possible to deal with them.

In my discussion with Mr. Gregor MacIntosh on April 7, 1994, I was told that the Department's concern was to ensure that all funds distributed to the Band pursuant to section 64 or section 69 were either held in trust, or could be traced into assets held in trust, for members of the Band. I suggested that the auditors might be asked to certify that all funds distributed to the band by the Minister pursuant to section 64 or section 69 of the *Indian Act* for the acquisition of specific assets, or property or investments into which those funds have been converted, are now held in trusts for members of the band. In my letter of April 19 to Mr. Van Iterson, I referred too generally to funds distributed to the band for specific purposes pursuant to those sections of the *Indian Act*. A large number of the amounts on the list you have provided refer to section 66 of the Act but, more importantly, many of them were amounts for recurring and other expenditures that would not involve the acquisition of assets and could not be expected to end up in trusts or otherwise in property of the Band.

10/20/94 18:17

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SAWRIDGE S LAKE

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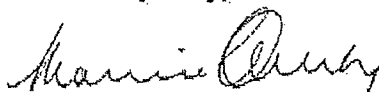
DAVIES, WARD & BECK

- 2 -

In order to try to resolve this matter without further delay and expense, I wonder whether it would be an acceptable solution to ask the auditors to confine their attention to amounts on your list of \$500,000 or more that were advanced for the purpose of acquiring specific assets. If this is not satisfactory from the viewpoint of the Department, perhaps you would suggest another alternative.

As I have indicated to you on a number of occasions, we do not agree that the Department is entitled to demand details of expenditures made by the band in the past or with respect to the assets that it now holds. At the same time, in the interests of avoiding the litigation that will be inevitable if your client intends to make unreasonable demands, I have attempted to find a solution that will satisfy the Department without involving the Band in unnecessary expense. I still wish to do this if it is possible.

Yours very truly,



Maurice C. Cullity

MCC/dp

cc: M. McKinney, Esq.



Department of Justice Ministère de la Justice
Canada Canada

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Québec
K1A 0H4

Nov 9 3 29 PM '94

November 9, 1994

VIA FAX NUMBER (416) 863-0871

Mr. Maurice C. Cullity, Q.C.
Davies, Ward & Beck
P.O. Box 63, Suite 1400
1 First Canadian Place
Toronto, Ontario
M5X 1B1

**Sawridge Indian Band Expenditures pursuant to
Sections 64 and 66 of the *Indian Act***

Dear Mr. Cullity:

We are in receipt of your letter of October 24th, 1994.

Although we note the concern expressed in your letter regarding the inclusion on the list of amounts for recurring and other expenditures which would not involve the acquisition of specific assets, we should remember that the suggestion for the production of such a statement originated from your letter of April 19, 1994.

We and our client, the Department of Indian Affairs and Northern Development, are concerned regarding the delay in resolving this matter.

In an attempt to accelerate the resolution of the current situation, we are prepared to limit the scope of the statement to be provided by your client's auditors. Accordingly, we hereby request confirmation by way of statement from Sawridge's accountants that all funds that were released for the acquisition of capital assets were in fact used for that specific purpose, and further confirmation that those assets are held in trust, or have been converted into other assets which are held in trust, for the members of the Band. In other words, at this time we do not seek confirmation regarding amounts released for purposes other than the acquisition of capital assets.

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We would appreciate receiving confirmation of this proposal at your earliest convenience.

Yours very truly,



Margaret McIntosh
Counsel

2190

Department of Justice
CanadaMinistère de la Justice
Canada

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Québec
K1A 0H4

IA2545-59

June 5, 1995

VIA FAX NUMBER (416) 863-0871

Mr. Maurice C. Cullity, Q.C.
Davies, Ward & Beck
P.O. Box 63, Suite 1400
1 First Canadian Place
Toronto, Ontario
M5X 1B1

Sawridge Trusts

Dear Mr. Cullity

We are in receipt of your correspondence of May 8, 1995 and appended statement from the firm of Deloitte & Touche. We note that the statement from Deloitte & Touche is limited to "Band Council Resolutions Funds Received - 1985 - 1993."

In your letter of April 19, 1994 to the then Acting Assistant Deputy Minister of DIAND you stated that a solution to resolve the Department's concerns regarding the release of funds to the Sawridge band would be to

"obtain a written statement from the Band's auditors, Messrs. Deloitte & Touche, that the funds distributed to the Band for specific purposes pursuant to the above sections of the *Indian Act*, or investments or property into which those funds had been converted, are now held in trust for the members of the Band".

My colleague, Christopher McNaught, responded to your correspondence in a letter dated May 20, 1994 stating that "DIAND would be pleased to receive such a statement at your early convenience, and would ask that it reflect the relevant distributed funds from the Department for the period of 1975 to the present."

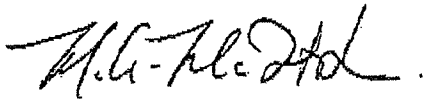
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Subsequently, on July 8, 1994 you wrote stating that the auditors of the Sawridge Indian band were engaged in the review but "[y]ou will appreciate that the review required will involve a significant expenditure of time by the auditors as the period involved is almost 20 years." Furthermore, in response to your request, DIAND provided your client with a list of B.C.R. requests for expenditures for the years 1970-1971 to 1992-1993.

In summary, we have relied on your undertaking to provide a written statement from the Band's auditors regarding the distribution of funds to the Sawridge Indian Band. The correspondence referred to above clearly confirms that it had been agreed that the statement would relate to the period of 1975 to the present. Would you therefore confirm as soon as possible when a statement from the band auditors covering the period of 1975 to 1984 will be forthcoming?

Since this matter has been outstanding for over a year we would appreciate your immediate response.

Yours very truly,



Margaret McIntosh
Counsel

DAVIES, WARD & BECK
BARRISTERS & SOLICITORS

MAURICE C. CULLITY, Q.C.
DIRECT LINE (416) 863-5522

File No. 21902

VIA TELECOPIER

June 26, 1995

Ms. Margaret McIntosh
Counsel, Legal Services
Indian Affairs and Northern Development
Room 1018
Les Terrasses de la Chaudière
10 Wellington Street
Hull, Quebec
K1A 0H4

Dear Madam:

Sawridge Trusts

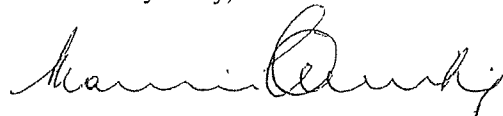
I refer to your letter of June 5, 1995.

Please be advised that I gave no undertaking of the kind mentioned in the second last paragraph of your letter and I have no intention of providing you with the confirmation referred to at the end of that paragraph.

The decision to limit the auditor's review to the period of the last ten years was made at your suggestion in our discussion following my receipt of your letter of November 9, 1994. I passed on that suggestion to our clients in a letter dated November 20, 1994.

I will be prepared to discuss this matter further if and when you feel able to do so in a constructive manner.

Yours very truly,



Maurice C. Cullity

MCC/dp



Department of Justice
Canada

Ministère de la Justice
Canada

21902

Legal Services
Indian Affairs and Northern Development
Room 1018, Les Terrasses de la Chaudière
10 Wellington Street
Hull, Québec
K1A 0H4

July 28, 1995

Mr. Maurice C. Cullity, Q.C.
Davies, Ward & Beck
P.O. Box 63, Suite 1400
1 First Canadian Place
Toronto, Ontario
M5X 1B1

Dear Mr. Cullity,

This is further to your letter to my colleague Margaret McIntosh dated June 26, 1995.

As indicated in Ms. McIntosh's letter of June 5, 1995 we had understood that the statement from the Band's auditors would cover the period from 1975 to present as requested in the letter from my colleague Christopher McNaught to you dated May 20, 1994.

I take from your letter that you had a different understanding and that we should not expect a further statement from you, your client or its auditors.

We will consult with our client and advise you if we are instructed to pursue the matter further at this time.

Yours truly,

William J.S. Elliott, Q.C.
Senior General Counsel

Canada

DAVIES, WARD & BECK
BARRISTERS & SOLICITORS

MAURICE C. CULLITY, Q.C.
DIRECT LINE (416) 863-5522

File No. 21902

VIA TELECOPIER

August 3, 1995

William J.S. Elliott, Esq., Q.C.
Senior General Counsel
Legal Services
Indian Affairs and Northern Development
Room 1018
Les Terrasses de la Chaudière
10 Wellington Street
Hull, Quebec
K1A 0H4

Dear Mr. Elliott:

Sawridge Trusts

Thank you for your letter of July 28, 1995.

The third paragraph in your letter is correct and I regret that this misunderstanding arose. What I believe happened was that after we received the correspondence referred to in Ms. McIntosh's letter of June 5, 1995 I discussed with Ms. McIntosh the difficulty and the expense of doing a review back to 1975. As a result of that discussion, my understanding was that it was agreed that the Band's auditors should be asked to conduct a review for the period of the last 10 years and forward that to you to see if it would be satisfactory for the purposes of your client. I advised my client of this and, in consequence, was very surprised indeed by the contents and the tone of the letter dated June 5, 1995 that was signed by Ms. McIntosh.

I should add that in the numerous discussions I had with Ms. McIntosh on this matter, she was always courteous, cooperative and completely professional and, as I was quite sure we had a common understanding of the review the auditors would make, I did not attribute to her the authorship of the letter of June 5.

Yours very truly,



Maurice C. Cullity

MCC/dp

DAVIES, WARD & BECK
BARRISTERS & SOLICITORS

TIMOTHY G. YODAN
Direct Line (416) 367-6904
tyoudan@dwb.com

File No. 21902

April 1, 1999

BY FAX

Mr. Michael R. McKinney
Executive Director
Sawridge Administration
P.O. Box 326
Slave Lake, Alberta T0G 2A0

Dear Mr. McKinney:

Sawridge Indian Band

Further to your question about correspondence in 1995 relating to an audit, there is no record in our files of any correspondence subsequent to Maurice Cullity's letter dated August 3, 1995 to William J.S. Elliott. For your information, I enclose the only letters in our file subsequent to Ms Margaret McIntosh's dated June 5, 1995. These are, apart from the letter of August 3, 1995 referred to above, a letter dated June 26, 1995 from Maurice Cullity to Margaret McIntosh and a letter dated July 28, 1995 from William Elliott to Maurice Cullity.

Please call me if you have any questions.

Yours very truly,



Timothy G. Youdan

TGY/man
Encls.

P.O. BOX 63, SUITE 4400 1 FIRST CANADIAN PLACE, TORONTO, ONTARIO, CANADA M5X 1B1
TELEPHONE (416) 863-0900 FAX (416) 863-0871

Doc #: 567549.1

Fax, Tim Youdan to Mike McKinney re Maurice Cullity correspondence with DIAND, 990401