

COURT FILE NO. 1103 14112

COURT COURT OF KING'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 TWINN
AND DAVID MAJESKI, as Trustees for the 1985 Trust ("**Sawridge Trustees**")

DOCUMENT **APPLICATION BY THE SAWRIDGE FIRST NATION FOR INTERVENOR
STATUS**

ADDRESS FOR SERVICE AND CONTACT
INFORMATION OF PARTY FILING THIS
DOCUMENT McLENNAN ROSS LLP
#600 McLennan Ross Building
12220 Stony Plain Road
Edmonton, AB T5N 3Y4

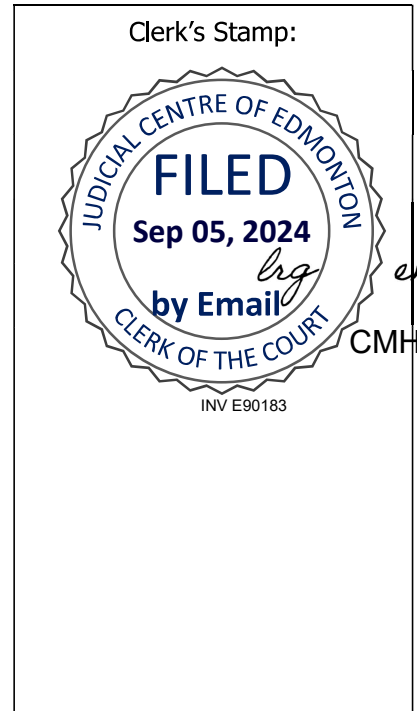
Lawyer: Crista C. Osualdini
Telephone: 780-482-9200
Fax: 780-481-9100
Email: cosualdini@mross.com
File No.: 000333

NOTICE TO RESPONDENTS:

**ROLAND TWINN, MARGARET WARD, TRACEY SCARLETT, EVERETT JUSTIN TWINN AND
DAVID MAJESKI, as Trustees for the 1985 Trust AND Office of the Public Guardian and
Trustee 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:	November 27, 2024, to be heard in Case Management
Time:	9am
Where:	Calgary
Before Whom:	Justice J. S. Little

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 the Sawridge First Nation ("**Sawridge**") status to intervene in the hearing on the matters raised in the application filed by the Trustees on June 28, 2024 (the "**Application**"), on terms which would include the following:
 - (a) Sawridge shall be permitted to make written and oral submissions on the issues raised in the Application, including, but not limited to:
 - (i) The validity of the 1985 Sawridge Trust;
 - (ii) The scope of the discrimination affecting the 1985 Sawridge Trust;
 - (iii) The distribution plan proposed by the Sawridge Trustees.
 - (b) Sawridge shall be permitted to adduce evidence and which right shall include the ability to cross examine affiants adduced by the other parties to the Application and introduce expert opinion evidence;
 - (c) Cost of this application for intervenor status;
 - (d) Such further and other relief as tis Honourable Court deems just.

Grounds for making this application:

2. On April 15, 1985, Chief Walter Patrick Twinn settled a trust named the Sawridge Band Inter Vivos Settlement (herein defined as the 1985 Sawridge Trust).
3. The assets presently held by the 1985 Sawridge Trust find their origin in the wealth and assets of Sawridge.
4. The beneficiaries of the 1985 Sawridge Trust are defined as:

"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 this 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 purpose of this Settlement"

5. Not all members of Sawridge qualify as beneficiaries of the 1985 Sawridge Trust.
6. To date, the Trustees have not fulsomely identified the specific persons who would qualify as a beneficiary of the 1985 Sawridge Trust. As such, the full scope of the discrimination found within the definition of "beneficiary" contained in the 1985 Sawridge Trust, through its application in 2024, has not been identified or canvassed in these proceedings.
7. Sawridge would be specifically affected by the decisions made in the Application, more specifically:
 - (a) If the 1985 Sawridge Trust is found to be invalid, its assets will revert to the custody of the Sawridge First Nation.
 - (b) Sawridge was the settlor of the 1985 Sawridge Trust through its Chief and thus has a specific interest in the decisions affecting its administration and validity.
 - (c) The 1985 Sawridge Trust was established for the benefit of its members and thus is interested in any discrimination that affects its members.
8. Sawridge has a unique perspective and insight concerning the issues raised by the Application, as the interests of the settlor of the 1985 Sawridge Trust and the members of the Sawridge First Nation are not currently represented by the parties to the within Action.
9. If granted intervenor status on the Application, Sawridge intends to put forth positions which have not yet been canvassed by the parties to the within Action and which will include:
 - (a) The 1985 Sawridge Trust is invalid for failing to have objects which are ascertainable; and
 - (b) Alternatively, the 1985 Sawridge Trust is invalid for being discriminatory against members of Sawridge thus making it void against public policy.
10. Such further and other grounds as counsel may advise.

Material or evidence to be relied on:

11. The Affidavit of Chief Isaac Twinn, filed August 14, 2024.
12. Affidavit of Darcy Twin, sworn September 24, 2019.
13. Affidavit of Paul Bujold sworn September 12, 2011.
14. Such further and other materials as counsel may advise.

Applicable rules:

15. Such Rules as counsel may advise and this Honourable Court deems just.

Applicable Acts and Regulations:

16. *Trustee Act*, RSA 2000 c. T-8.

Any irregularity complained of or objection relied on:

17. None

How the application is proposed to be heard or considered:

18. To be heard by the Presiding Case Management Justice in Chambers

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.