

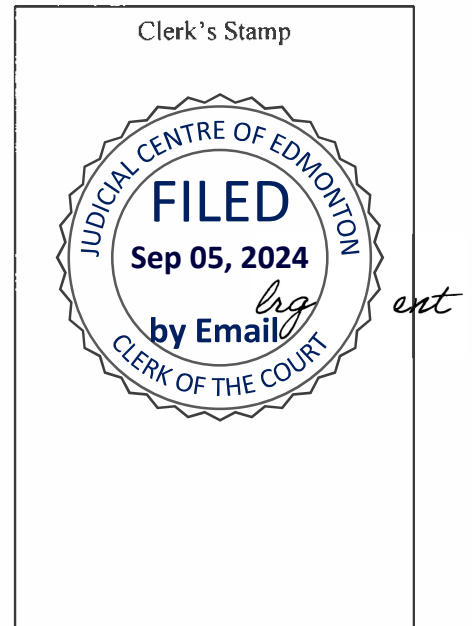
COURT FILE NO. 1103 14112

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 Sawridge Trust"),



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

RESPONDENTS **THE OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE and CATHERINE TWINN**

DOCUMENT **AFFIDAVIT OF ISAAC TWINN**

ADDRESS FOR  
SERVICE AND  
CONTACT  
INFORMATION OF  
PARTY FILING THIS  
DOCUMENT

**McLennan Ross LLP**  
**Suite 600**  
**McLennan Ross Building**  
**12220 Stony Plain Road**  
**Edmonton, AB T5N 3Y4**

Lawyers: D. Risling and C. Osualdini  
Telephone: (780) 482-9200  
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E-mail: cosualdini@mross.com  
File No. 000333

I Isaac Twinn, of the Sawridge Indian Reserve 150 G, in the Province of Alberta, SWEAR AND SAY THAT:

1. I am the Chief of the Sawridge First Nation and the son of former Chief Walter Patrick Twinn. I am a member of the Sawridge First Nation ("Sawridge") and have been so since I was a young child. As such, I have a personal knowledge of the matters hereinafter deposed to, save where stated to be based upon information and belief.
2. I am a trained lawyer and hold a Masters Degree in Law from Columbia University.
3. I have been following the decisions and positions taken by the parties in the within proceedings and have a general familiarity with this litigation's history.

4. I was elected Chief of Sawridge in 2023 in an election between myself and the incumbent Roland Twinn. Roland Twinn was the Chief of Sawridge for a number of years and is one of the trustees of the 1985 Sawridge Trust.
5. The Sawridge First Nation presently has 61 members. I am highly concerned that a significant proportion of Sawridge's current members, upwards of 75% of the membership, would not qualify as beneficiaries of the 1985 Sawridge Trust. The discrimination contained in the beneficiary definition found in the 1985 Sawridge Trust is likely far more extensive than what has been represented to the Court, to date, in these proceedings. This concern stems from the recent positions taken by the 1985 Sawridge Trustees which will be outlined in this affidavit.
6. There are currently three members of Sawridge First Nation Chief and Council: myself, who is Chief, Councilor Sam Twinn and Councilor Jeanine Potskin. As duly elected Chief and Council, we represent the members of Sawridge.
7. Councilor Sam Twinn and I are brothers and share the same parents, namely former Chief (Senator) Walter Patrick Twinn and Catherine Twinn. We have another brother, Patrick Twinn, with whom we also share the same parents.
8. I am aware that the assets contained in the 1985 Sawridge Trust find their origin in the wealth of Sawridge.

#### **Beneficiaries of the 1985 Sawridge Trust**

9. It is my understanding that, to date, the 1985 Sawridge Trustees have not fulsomely identified the beneficiaries of the 1985 Sawridge Trust, nor have they clearly identified the criteria or application of legal principles they will use to apply the definition of "beneficiary" found in the 1985 Sawridge Trust deed. Given the legislative nature of the definition and the changes since 1985 to the manner in which Indian status is determined, it is my concern that the manner in which the definition could be applied to a specific set of lineage facts could vary, be subject to legal debate or be impossible.
10. I am aware that in these proceedings my brother, Patrick Twinn, filed an application seeking party status. In opposition to that application, the 1985 Sawridge Trustees argued that Patrick was a beneficiary of the 1985 Sawridge Trust and thus his interests were already represented by the 1985 Sawridge Trustees. In the determination of that application, Justice Thomas issued a written decision (*1985 Sawridge Trust v Alberta (Public Trustee)*, 2017 ABQB 377) which stated:

*[31] The Trustees take the position that the interests of Patrick and Shelby Twinn are already represented in the Advice and Direction Application and that their addition would be redundant.*

*[32] In respect to Patrick Twinn, I agree that it is unnecessary to add him as a party. Patrick Twinn takes the position that he is currently, and will remain a Beneficiary of the 1985 Sawridge Trust. The Trustees confirm this and I accept that is correct and declare him to be a current Beneficiary of the Trust.*

(emphasis mine)

11. The decision of Justice Thomas, in this regard, was affirmed by the Alberta Court of Appeal in *Twinn v Twinn*, 2017 ABCA 419.

[18] *In this case, it is unclear what interest the individual appellants have that is not represented by the parties already before the court, or what position they would bring to the litigation, necessary to permit the issues to be completely and effectually resolved, that will not be presented by those existing parties. As a matter of law, the Trustees represent the interests of the Beneficiaries, who include Patrick and Shelby Twinn. Catherine Twinn, as dissenting trustee, is separately represented, has taken an opposing view as to the need for amendment of the Trust, and will place that position before the court. The Public Trustee is tasked with representing the interests of all Beneficiaries who were minors when the litigation began, although it is acknowledged that the Public Trustee does not represent the interests of Patrick and Shelby Twinn (notwithstanding a comment made by the case management judge to the contrary).*

(emphasis mine)

12. My lineage facts are identical to those of my brother, Patrick. As such, and from my perspective, the ruling of Justice Thomas would inferentially mean that I am also a beneficiary of the 1985 Sawridge Trust.

#### **Trustee Replacement Process**

13. I am aware that the 1985 Sawridge Trust has a succession policy that provides for a maximum of two consecutive three year terms for a trustee. Trustee, Justin Everett Twin, was subject to replacement by spring of 2024 in accordance with the policy.
14. Attached as **Exhibit “A”** is a copy of the current trustee succession policy, as has been made aware to me.
15. In anticipation of Justin Everett Twin’s retirement, I engaged in correspondence with the 1985 Sawridge Trustees regarding my interest in being appointed as his successor. Since the inception of the 1985 Sawridge Trust (and save for since my election as Chief), there has never been a time (to my knowledge) when the Chief was not a trustee. I understand this to be a well known historical practice that the trustees have acknowledged and acted upon. Attached as **Exhibit “B”** are copies of correspondence from my office to the 1985 Sawridge Trustees in this regard.
16. In response to my letters, I received a letter dated February 9, 2024 from Tracey Scarlett on behalf of the 1985 Sawridge Trustees which provided information regarding the Trustees’ positions on trustee succession. Notably, the letter advised:
  - (a) “...the Trustees Application before the court for advice and direction regarding the identification of the beneficiaries of the 1985 Trust is currently and involuntarily on hold...”
  - (b) “...the Trustees have had to find alternate approach to determine who would be eligible to serve as a beneficiary-trustee of the Sawridge Trusts. That determination is currently in process.”

Attached as **Exhibit “C”** to my affidavit is a copy of the February 9, 2024 letter.

17. In or around February 28, 2024, I received correspondence from the administrator of the Sawridge Trusts that the 1985 Sawridge Trustees were seeking candidates to fill trustee positions. The notice enclosed an application form. Attached as **Exhibit "D"** to my Affidavit is a copy of the February 28, 2024 email with attachments.
18. In response to the application for trusteeship and the February 9<sup>th</sup> letter from Ms. Scarlett, I wrote again to the trustees seeking information about the trustee replacement process. Attached as **Exhibit "E"** to my Affidavit is my March 5, 2024 letter in this regard.
19. By March 20, 2024 I still had not received a response to my March 5, 2024 letter, despite the 1985 Sawridge Trustees imposed deadline for applications of March 29 2024. Attached as **Exhibit "F"** to my Affidavit is my March 20, 2024 follow up letter to the trustees in this regard.
20. Later in the day on March 20, 2024 I received a reply from the Sawridge Trustees. In their written reply, the 1985 Sawridge Trustees refused to answer my pointed questions regarding the trustee selection process and acknowledged that they would not be identifying the beneficiaries of the 1985 Sawridge Trust in accordance with the terms of the deed until after the subject proceedings are concluded. Attached as **Exhibit "G"** to my Affidavit is the March 20, 2024 letter from the 1985 Sawridge Trustees.
21. Despite having serious concerns regarding the legitimacy of the selection process, I submitted my application for trusteeship by the imposed March 29<sup>th</sup> deadline.
22. In response to my application, I received a request from the 1985 Sawridge Trustees for further information regarding my lineage, more specifically they were seeking information regarding my mother's, maternal grandmother's and paternal grandmother's:
  - (a) Status at birth
  - (b) Band Number; and
  - (c) First Nation at birthAttached as **Exhibit "H"** to my Affidavit is the April 5, 2024 letter from the trustees' administrator in this regard.
23. By way of letter dated April 10, 2024, I wrote to the Sawridge Trustees and stated my objection to the information they were seeking in regards to my application to sit as a trustee. It was not apparent to me how the requested information was relevant to my application for trusteeship or required in order to assess my status as a beneficiary of the 1985 Sawridge Trust as the Court of Queen's Bench had already confirmed my brother Patrick's status as a beneficiary and our lineage is identical. Attached as **Exhibit "I"** to my Affidavit is my April 10, 2024 letter in this regard.
24. In response to my objection, I received a letter from Tracey Scarlett dated April 11, 2024, which reiterated that this information was required and was being requested of all applicants, but failed to address why this information was needed in order to assess beneficiary status. Attached as **Exhibit "J"** to my Affidavit is the April 11, 2024 letter from Ms. Scarlett in this regard.

25. I immediately sent a response letter to Ms. Scarlett (dated April 12, 2024) that set out in clear terms my concerns with the information being sought by the Sawridge Trustees. Excerpting from my letter:

It concerns me that the Trustees are reaping sensitive information from the members of the Sawridge First Nation without any regard to the necessity or the propriety of such requests and without providing full disclosure as to how the Trustees intend to utilize and safeguard this sensitive personal information. I am becoming quite concerned that the Trustee selection process that has been employed is arbitrary, abusive, and inconsistent with the Trustees' fiduciary duty to their beneficiaries.

I reiterated to Ms. Scarlett that I required full disclosure as to the purpose for which this personal information had been requested from me and how it related to the trustee selection process.

Attached as **Exhibit "K"** to my Affidavit is my April 12, 2024 letter in this regard.

26. By way of letter dated April 18, 2024 I received a response from Ms. Scarlett to my request for disclosure as to how the requested information would be applied. Ms. Scarlett wholly failed to address how this information specifically related to an application of the beneficiary definition in the 1985 Sawridge Trust deed. More alarmingly, Ms. Scarlett advised that despite the existence of Court of Appeal authority confirming my brother Patrick's status as a beneficiary of the 1985 Trust, such authority did **NOT** necessarily mean that all others with identical fact patterns would also be considered beneficiaries by the Sawridge Trustees. My perception formed from this correspondence is the 1985 Sawridge Trustees may have changed their views on what fact patterns qualify an individual as a beneficiary since the time they made representations to the Court of Queen's Bench (as it then was) and the Court of Appeal of this province that my brother, Patrick, qualified as a beneficiary of the 1985 Sawridge Trust.

Attached as **Exhibit "L"** to my Affidavit is the April 18, 2024 letter from Ms. Scarlett in this regard.

27. The day after Ms. Scarlett's letter, an email was sent to me by the administrator of the Sawridge Trusts that the trustee selection process had been suspended due to beneficiary identification issues. Attached as **Exhibit "M"** to my Affidavit is the April 19, 2024 email from Mr. Bujold in this regard.

28. By way of email dated May 22, 2024, I received further information from the administrator of the 1985 Sawridge Trust regarding the trustee selection process. Amongst other matters, the communication confirmed that the trustee selection process was adjourned indefinitely and that:

"The Court has also determined that the 1985 Trust is a "discriminatory trust" in that it discriminates primarily against women who married out or will marry out in the future and discriminates against illegitimate children, among other discriminatory elements."

(**"emphasis mine"**)

Attached as **Exhibit "N"** to my Affidavit is the May 22, 2024 email from Mr. Bujold in this regard.

29. Prior to filing this application for intervenor status, I wrote to the 1985 Sawridge Trustees seeking a list of currently identified beneficiaries. Attached as **Exhibit "O"** to my Affidavit is my July 18, 2024 letter in this regard.
30. By way of letter dated July 24, 2024, I received a response from the 1985 Sawridge Trustees (through counsel) which confirmed that a fulsome list of identified beneficiaries did not exist and no lists, fulsome or not, were provided to me. In addition, I was advised that the 1985 Sawridge Trustees did not see the application of the beneficiary definition as relevant to the application for which intervenor status is sought in relation to. Attached as **Exhibit "P"** to my Affidavit is the July 24, 2024 letter in this regard.
31. I swear this Affidavit in support of an application for an Order granting Sawridge status to intervene in the application filed by the Sawridge Trustees on June 28, 2024.

SWORN BEFORE ME at the )

Town - City of Slave Lake )  
in the Province of Alberta )  
the 14 day of August, 2024 )

*[Signature]* #20387 )  
A Commissioner for Oaths in and )  
for the Province of Alberta )

*[Signature]*  
CHIEF ISAAC TWINN

*Derek R. Renzini*  
Barrister & Solicitor

on the 14 day of August, 2024

**C-06 REPLACEMENT OF TRUSTEES POLICY**

**PROPOSED**  
2018-03-16

**ADOPTED**  
2018-03-16

**REVISED**  
2024-02-20

*Derek R. Renzini* #2-367  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Renzini*  
Barrister & Solicitor

**Introduction**

The Trustees of the Sawridge Band Intervivos Settlement (the "1985 Trust") and of the Sawridge Trust (the "1986 Trust") (collectively known as the "Sawridge Trusts"), desire that each Trust maintains the Trusts knowledge, history, experience, continuity, consistency and wisdom of any Trustees whose Term of appointment expires ("Trusts' Memory"), such that it is necessary to stagger the replacement of the Trustees to ensure that the Sawridge Trusts maintain such Trusts' Memory in a realistic and logical fashion and in the best interests of the beneficiaries of the Sawridge Trusts (the "Beneficiaries").

**Number of Trustees**

The 1985 Trust requires a minimum of five (5) Trustees, with no set maximum number of Trustees; three of whom, at any one time, must be beneficiaries of the 1985 Trust. The 1986 Trust requires that there be a minimum of three (3) Trustees, and up to a maximum of seven (7) Trustees; at least two of whom, at any one time, must be beneficiaries of the 1986 Trust.

It is in the best interests of the Trusts and of the Beneficiaries that each Trust have up to seven (7) Trustees, and that there will be only one set of Trustees appointed for both the 1985 Trust and the 1986 Trust. At the time of latest revision of this Policy, there are currently five (5) Trustees. The addition of the two (2) new Trustee positions will allow for the appointment of beneficiaries of the 1986 Trust without requiring those individuals to also be beneficiaries of the 1985 Trust. Increasing the number of Trustees allows the Trustee to fulfill the skills matrix for the Trusts by allowing for the appointment of Trustees who may or may not be Beneficiaries.

The Trustees shall be permitted to consider the staggering of the two (2) new Trustee positions such that the terms reflect the Trustees desire to maintain the Trusts' Memory. Subject to the desire to maintain Trusts' Memory, the term of any Trustee shall be for three (3) years with the possibility of reappointment for a further three (3) year term. The Trustee must agree to such appointment and must agree to sign the contract proposed by the Trustees in respect of the term of appointment and in respect of other duties and responsibilities.

**Eligibility Criteria for Board of Trustees**

The Trustees will consist of:

- a. Three (3) Trustees who must qualify as beneficiaries of the 1985 Trust, whether or not they also qualify as beneficiaries of the 1986 Trust (ie: no requirement to qualify as beneficiaries of the 1986 Trust); and
- b. Two (2) Trustees who must qualify as beneficiaries of the 1986 Trust, whether or not they also qualify as beneficiaries of the 1985 Trust (ie: no requirement to qualify as beneficiaries of the 1985 Trust);
- c. The remaining Trustee positions may be filled by non-beneficiaries or may be beneficiaries of either or both of the Trusts to bring the total number of Trustees selected to seven (7) provided that at any one time there cannot be any more than two (2) who are not Beneficiaries of the 1986 Trust.

## **C-06 REPLACEMENT OF TRUSTEES POLICY**

At all times this policy and any amendment to this policy must comply with the restrictions of the Trust Deed.

The Trustees recognize that diversity of age, gender, qualifications, interests, experience, business acumen, trust knowledge, Indigenous knowledge and knowledge of Sawridge First Nation and other characteristics are important qualities and such qualities and other qualities identified by the Trustees as beneficial to the Trusts or which provide value to the Trusts, may best be found in Beneficiaries and non-beneficiaries.

In addition to the composition noted above, in order to be eligible for consideration as a Trustee, candidates must meet the following:

- a. Be qualified in accordance with some aspects of the Trustee Desired Capacities Matrix which is adopted and approved by the Trustees from time to time, to reflect the comprehensive complement of skills required for effective governance of the Trusts. When selecting new candidates, the Trustees will ensure that the successful candidates match the skills identified as being necessary, important and relevant from the Trustee Desired Capacities Matrix for the replacement of Trustees. In addition, the Trustees will consider the current Strategic Plan and ensure that skills necessary to achieve the strategic objectives are accounted for in the roster of Trustee candidates.
- b. Be prepared to sign the contract for Trustees including agreement to the Trustee Code of Conduct in place at such time, and abide by all policies in place applicable to Trustees, as such Code of Conduct and/or policies may be amended from time to time.
- c. Where a Trustee has requested to be removed from the office of trustee or been removed on account of violations of the Code of Conduct or any other reason, such individual shall not be eligible for consideration as a Trustee unless and until a time period equal to the remainder of that former Trustee's term expired, plus the Gap Term (defined below). For example, if a Trustee was appointed for a three-year term on January 1, 2020, and was removed from the office of Trustee after 6 months (June 30, 2020), that individual would be ineligible to apply to be a Trustee until after the end of the appointed term (December 31, 2023) plus the 3 year Gap Term, so December 31, 2026. This ineligibility will not apply where a former Trustee was removed for any reason other than violations of the Code of Conduct, such as medical reasons etc. If the Trustee reapplies for appointment, the reasons for their removal shall be taken into account in considering their reappointment.

The Trustees shall consider the replacement of Trustees systematically and methodically, to ensure that there are no gaps within the skillsets of the composition of the Trustees, and no vulnerabilities to the group as a whole as a result of the complete turnover of all or a majority of Trustees at one time. The staggering of term limits and appointments will be carefully considered to ensure appropriate retention of Trusts' Memory and of historical and institutional knowledge and continuity within the group.

### **Term of Appointment**

The terms of the Trustees shall be structured to allow for the orderly appointment and removal of Trustees, taking into consideration the preservation of the Trusts' Memory and also taking into consideration any other issues that would warrant a change in the set terms set out below ("Term Limit Considerations")

Subject to the Term Limit Considerations, each Trustee shall have a three-year term with the possibility of a renewal of appointment for a second consecutive Three (3) year term. The first term is renewable at the option of and upon the agreement of the remaining Trustees. Once a Trustee has served two consecutive three-year terms or has been removed, that Trustee will be only be eligible for reappointment



## **C-06 REPLACEMENT OF TRUSTEES POLICY**

after a gap of at least one three-year term (the "Gap Term"). Following the Gap Term, a person is eligible to be appointed as a Trustee for a further three-year term with the possibility of renewal of appointment for a second term. The number of terms of office for a Trustee is unlimited, provided they are appointed for only two consecutive terms followed by a Gap Term. A Trustee shall only be permitted to serve as a Trustee after being appointed by the then-currently appointed Trustees and upon signing a contract detailing the term and conditions of such appointment. Such contract is attached hereto as Schedule "A".

This policy shall apply to all Trustees. The Trustees shall ensure that the terms of the Trustees are structured so that at any one time there is replacement of Trustees such that the Trusts' Memory will be preserved. The Trustees shall have the authority to extend the term of any Trustee but only to the extent necessary to allow for the proper transition of Trustees.

In no event shall a Trustee resign from office. In the event that the Trustee believes they are unable or unwilling to carry out their duties or unable to cooperate or communicate with the other Trustees, then in that event the Trustee shall advise the remaining Trustees, who shall remove the Trustee who is unable or unwilling to act as a Trustee, and appoint a replacement Trustee in accordance with this policy.

### **Selection Process**

The current Trustees shall select new or replacement Trustees as soon as possible when a Trustee position becomes vacant or when notice of a vacancy is received and shall undertake a process which is best suited to secure the best qualified Trustees. The Trustees shall consider the replacement of Trustees systematically and methodically, to ensure that there are no gaps within the skillsets of the composition of the Trustees, and no vulnerabilities to the group as a whole as a result of the complete turnover of all or a majority of Trustees at one time. The staggering of term limits and appointments will be carefully considered to ensure appropriate retention of the Trusts' Memory and the historical and institutional knowledge and continuity within the group.

Such a process may include advertising for suitable Trustee candidates, mail-outs to Beneficiaries requesting their assistance or asking them to apply as candidates, or the use of search networks or professionals, and the creation of an application form for potential Trustees to complete. The advertising process utilized for Trustees should be such that it could be reasonably expected to bring the application process to the attention of the Beneficiaries

All Trustees must comply with all provincial laws, including those in the Trustee Act, as they pertain to requisite qualifications to hold the office of trustee.

All potential candidate's connection to First Nations and the extent of their willingness to understand the community, history and needs of First Nations individuals and communities and the history and customs of First Nations, especially of the Sawridge First Nation, should be considered. All Trustees should have an understanding, empathy and compassion for Indigenous people and have an understanding, or a willingness to learn, the history of colonialism and racism for Indigenous peoples and the challenges that are unique to Indigenous communities.

The Trustees shall utilize a formal screening process to ensure that any potential Trustees meet all legal requirements for acting as a Trustee, including satisfying their status as a Beneficiary of the 1985 Trust or 1986 Trust, as the case may be, meet the desired skill matrix established by the Trustees at any given time and whether the circumstances of the proposed Trustee may result in an actual conflict of interest or the perception of a conflict of interest.

## **C-06 REPLACEMENT OF TRUSTEES POLICY**

### **Ongoing Responsibilities**

Trustees shall complete the National Aboriginal Trust Officers Trustee Basic Training Program, or a similar equivalent, within one year of their appointment.

### **Chair**

The Trustees shall select their own chair on a majority vote, whose responsibilities shall be set by the Trustees but shall include all tasks identified in other policies as being required to be performed by the Chair. The Chair shall run all the meetings, set the agenda for the meetings in consultation with administrator of the Trusts and the other trustees, be the signing authority for the Trusts when authorized by the other Trustees and generally be the spokesperson for the Trusts.

This is **Exhibit "B"** referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

**Sawridge**

*Derek R. Renzini* #0367  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Renzini*  
Barrister & Solicitor

December 20, 2023

Dear Sawridge Trustees:

**Re: Upcoming Sawridge Trustee Vacancy**

Greetings from the Sawridge First Nation (the "**First Nation**")!

We are writing in furtherance to our consultations with the Board of Trustees of the Sawridge Trusts (the "**Trusts**"). As you know, the First Nation is a small community and, as such, the Chief is intimately aware of the needs of its members. The Trusts have a long tradition of the Chief sitting as a Trustee, which extends back to my father, Chief Walter Twinn, who sat as a Trustee until his death. This tradition exists because the Chief knows the needs of its members and the Trusts largely exist to service the needs of the First Nation membership.

I understand that a vacancy in the Trustee Board will be arising in early 2024 and write to request that this seat be succeeded by myself. As you will appreciate, and as you have recognized in Court materials filed in the longstanding litigation plaguing the 1985 Sawridge Trust, it is important for the Chief to be involved in the Trusts as a Trustee. I refer you to the Affidavit of Paul Bujold filed February 15, 2017 in this regard.

I would also add two further points in regards to the Chief being a Trustee. First, as you will know from the recent AGM of the Trusts, the First Nation membership has expressed a desire that their Chief be a Trustee. Second, per the Trustee and the First Nation Council meeting on September 29, 2023, you remarked how convenient it was for the Trusts to have had the Chief as a Trustee.

In addition to being the Chief of the First Nation, my qualifications to act as a Trustee are without reproach. I am a beneficiary of both of the Trusts and thus will satisfy any requirement as to a minimum number of sitting Trustees who are also beneficiaries of the Trusts. Further, I am a trained lawyer with two law degrees. I am confident that my credentials will be an asset to the work of the Trustees.

I look forward to hearing from you and to an orderly transition of the upcoming Trustee vacancy to the Chief of the First Nation.

Thank you for your time with this matter.

Yours truly,  
The First Nation Council per:

A handwritten signature in black ink, appearing to read 'Isaac Twinn', written in a cursive style.

Chief Isaac Twinn

cc. Paul Bujold



February 8, 2024

Dear Sawridge Trustees:

**Re: Follow-up from 20 December 2023 Letter**

Greetings from the Sawridge First Nation (the “First Nation”).

Despite the passage of over a month, we have not received the courtesy of a substantive response to our letter of December 20, 2023. For your reference, please find same enclosed, along with the follow up correspondence from the First Nation office.

Given the history of the Sawridge Trusts (the “Trusts”), and the representations of the Sawridge Trustees to the Court, it is my expectation, and the First Nation’s expectation, that I will be named as a Trustee and succeed Justin Twin. Can I please receive the Trustees’ position on this issue immediately.

If the Trustees intend to resile from their prior representations, can you please confirm the process the Trustees intend to implement for the replacement of Justin Twin. I would ask that you be detailed in this response and confirm how the Trustees intend to advertise the vacancy and the selection criteria for the replacement Trustee.

On a different note, it has come to my attention that the First Nation has not received an accounting of the Trusts since my election as Chief. In fact, I have been unable to locate any accounting of the Trusts in the First Nation’s records.

I would kindly ask that an accounting be provided to me, of both of the Trusts, by no later than February 29, 2024.

The First Nation looks forward to receiving your timely response.

Yours truly,

The First Nation Council per:

A handwritten signature in black ink, appearing to read 'Isaac Twinn', written in a cursive style.

Chief Isaac Twinn

cc. Doris Bonora, Dentons Canada

cc. Paul Bujold, Sawridge Trusts



This is **Exhibit "C"** referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

Derek R. Renzini 420367  
A Commissioner for Oaths in and  
for the Province of Alberta

9 February 2024

Chief Isaac Twinn  
Sawridge First Nation  
P.O. Box 326, Slave Lake, AB T0G 2A0

*Derek R. Renzini*  
Barrister & Solicitor

Dear Chief Twinn,

Thank you for your letters of 20 December 2023 and 8 February 2024 requesting that you be appointed as a Trustee of the Sawridge Trusts to replace outgoing Trustee Justin Twin.

At the outset, we would like to bring to your attention that there is no legal relationship between the two Sawridge Trusts and the Sawridge First Nation. The only connection between the organisations is that they all serve similar groups of persons: for the Sawridge First Nation, the membership of the First Nation and for the Sawridge Trusts, the beneficiaries of the Sawridge Band Intervivos Settlement (1985) and the Sawridge Trust (1986). Some of this group of persons does indeed overlap, but it is not the same group of people. The Trustees and the Directors of the holding company, Sawridge Group Holdings Ltd, have been trying to establish cordial relations between our organisations which is in the best interests of the Trusts and of their beneficiaries.

Secondly, the Trustees wish to point out that the Trust Deeds for each of the aforementioned Trusts clearly gives the Trustees "unfettered/uncontrolled discretion" in the administration of the two Trusts. At no point have the Trustees surrendered their discretion or responsibility for the administration of Trusts affairs. While the Trustees have made arguments around conflicts in respect of one of their Trustees because he was also Chief of the Sawridge First Nation at the time, there is no legal obligation on the Trustees to appoint the Chief of the Sawridge First Nation as a Trustee.

The current Trustees have an obligation to carry out their duties in good faith and with due diligence. Because the Trustees Application before the court for advice and direction regarding the identification of the beneficiaries of the 1985 Trust is currently and involuntarily on hold, the Trustees have had to find alternate approach to determine who would be eligible to serve as a beneficiary-trustee of the Sawridge Trusts. That determination is currently in process. The Trustees are instituting a process for the selection of replacement Trustees, which will be activated as soon as possible. Beneficiaries will be informed of the process at the earliest opportunity. We invite you to apply to be a Trustee as part of a fair and transparent process that is available to all beneficiaries.

P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1  
Office: 780-988-7723  
Toll Free: 1-888-988-7723  
Email: administrator@sawridgetrusts.ca  
Web: www.sawridgetrusts.ca

With regard to your request that an accounting of the Trusts be provided to you, as noted above, neither the Trust Deeds nor the Trustee Act, RSA 2022 require that the Trustees provide any external organization with a copy of any accounting for the activities of the Trusts. An accounting is provided annually to the beneficiaries of the Sawridge Trust and a complete 2022 Annual Report and Financial Statement was made available to the beneficiaries attending the Beneficiary AGM held in Slave Lake on 30 September 2023. Since the Sawridge First Nation is not a beneficiary of either Trust, The Trustees can not provide you, as Chief of that organization, with any copies of that accounting.

Cordially,

A handwritten signature in black ink, appearing to read 'Tracey Scarlett', written in a cursive style.

For the Trustees of the Sawridge Trusts  
Tracey Scarlett, Chair



This is **Exhibit "D"** referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

## Trustee Positions Information

Paul Bujold <paul@sawridgetrusts.ca>

Wed/2024 02:28:12:24 PM

To: Paul Bujold <paul@sawridgetrusts.ca>

3 Attachments 18/7 KB

Notice to Beneficiaries, 240227.pdf; Beneficiary Trustee Candidate Application Form (fillable).pdf; C-06 Replacement of Trustees Policy.pdf;

Documents necessary for you to apply for the upcoming Trustee position with Sawridge Trust are attached.

### Paul Bujold, BSc, MA

Trusts' Administrator/CEO

#### Sawridge Trusts

Phone 780-988-7723 Mobile 780-270-4209

Web [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)

Email [paul@sawridgetrusts.ca](mailto:paul@sawridgetrusts.ca)

P.O. Box 175, Edmonton Main, Edmonton, AB, T5J 2J1





## **IMPORTANT Notice to All Beneficiaries**

The Sawridge Trusts are currently seeking candidates for the position of Trustee. If you are interested in applying, please fill out the attached application form and return it by email or by mail to the following addresses:

By Email: [administrator@sawridgetrusts.ca](mailto:administrator@sawridgetrusts.ca)

By Postal Mail: P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1

***Applications must be received by the Sawridge Trusts Office no later than  
29 March 2024 at 4:00 PM.***

The Trustee Replacement Policy is also attached for your information, as is the Beneficiary Trustee Application Form which also comprises the Trustee Desired Capabilities Matrix.

27 February 2024

P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1  
Office: 780-988-7723  
Toll Free: 1-888-988-7723  
Email: [administrator@sawridgetrusts.ca](mailto:administrator@sawridgetrusts.ca)  
Web: [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)



## BENEFICIARY TRUSTEE CANDIDATE APPLICATION FORM

Name: (Last Name, First Name, Middle Initials)	
Mailing Address: (Address, Town, Province, Postal Code)	
Telephone:	Email:
<p><i><b>Beneficiary Trustee candidates currently need to qualify as beneficiaries of the Sawridge Band Intervivos Settlement (1985) and/or the Sawridge Trust (1986) in order to be part of the candidate selection pool. In order to do a preliminary assessment of your qualification as a beneficiary of the above Trusts, please answer ALL of the following questions which are drawn from either the Indian Act, 1970 or the Trust Deeds of the above Trusts. Please note that all of this information will be kept in strict confidence for the protection of privacy of all applicants. This information will be shredded once the application process is complete.</b></i></p>	
<p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you recognized by Sawridge First Nation to be a current member of Sawridge First Nation?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you over the age of 21?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Have you ever been involuntarily “enfranchised” under the pre-1985 Indian Act? (for example you married a non-Indigenous person and lost your status and membership as a result)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you a descendant (child or grandchild or greatgrandchild) of a person who was involuntarily “enfranchised” under the pre-1985 Indian Act?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Did you or your parents or grandparents or great-grandparents ever voluntarily “enfranchise” under the pre-1985 Indian Act?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you a descendant (child or grandchild or greatgrandchild) of a person who voluntarily “enfranchised” under the pre-1985 Indian Act?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Did you ever voluntarily surrender your Sawridge First Nation membership (post-1985)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you currently recognized formally as a member of a First Nation that is NOT Sawridge First Nation?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Are you a descendant (child or grandchild or greatgrandchild) of a person who took scrip (lands or cash/money)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Did your mother “gain status” (she was not already a member of a First Nation and her name was added to the Indian Register Sawridge Band List) before 1985 through marriage to your father?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No Did your paternal grandmother (your father’s mother) “gain status” (she was not already a member of a First Nation and her name was added to the Indian Register Sawridge Band List) before 1985 through marriage to your grandfather?</p>	
<p><i><b>The Trustee Act, R.S.A 2022 lists certain restrictions for persons being appointed as a trustee. Please check off ALL of the following items that may apply to you.</b></i></p>	
<p><input type="checkbox"/> Yes <input type="checkbox"/> No You are an incapacitated person, that is,</p> <p style="margin-left: 40px;"><input type="checkbox"/> a represented adult under the Adult Guardianship and Trusteeship Act,</p> <p style="margin-left: 40px;"><input type="checkbox"/> an incapacitated person under the Public Trustee Act, or</p> <p style="margin-left: 40px;"><input type="checkbox"/> a person who has an attorney acting under the Powers of Attorney Act;</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No You have been convicted of an offence involving dishonest conduct under an Act of Canada or any province or territory of Canada,</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No You are an undischarged bankrupt.</p>	



☐ Please attach a current copy of your curriculum vitae or résumé detailing your work experience, volunteer experience and education beginning with your high school education and including the highest post-secondary educational qualification that you have achieved and any awards or recognition that you may have received.

***If you were appointed a Beneficiary Trustee of the Sawridge Trusts, would you be willing to sign documents confirming an undertaking guaranteeing the following (select all that apply).***

- ☐ Yes ☐ No A confidentiality agreement agreeing not to disclose to any third-party any of the information, documents, proceedings, plans or activities of the Sawridge Trust except as permitted by policy or law.
- ☐ Yes ☐ No An undertaking agreeing to abide by the Sawridge Trusts Code of Conduct and policies currently in force.
- ☐ Yes ☐ No An undertaking agreeing to the term limits of your term as a Trustee, including an agreement to accept a decision of the Trustees to remove you before your term is complete should that become necessary.
- ☐ Yes ☐ No An undertaking agreeing to complete Phase I of the NATOA Trustee Training program during the first year of your appointment.

Review the Trustee Desired Capabilities Matrix on the next page and describe in your own words how you meet these capability requirements to be a Beneficiary Trustee of the Sawridge Trusts.

All of the information given in this application is accurate and I agree to the undertakings outlined in this application. I agree to provide any other information necessary to consider my application. Copies will be provided upon request.

**Signature:**

**Date:**

## TRUSTEE DESIRED CAPABILITIES MATRIX

2024

### Core Capabilities

<b><i>Cultural Competency:</i></b>	Must have experience having some involvement with First Nations or Indigenous communities.
<b><i>Trust Law/Indigenous Trusts:</i></b>	Must complete at least Level 1 of the NATOA Trustee Training program within first year after appointment.
<b><i>Governance:</i></b>	Preferred if have prior trustee, board director or elected council experience.
<b><i>Financial/Business Acumen:</i></b>	Must have the ability to understand financial statements, investments, and reporting.
<b><i>Communication Skills:</i></b>	Must be able to communicate effectively with multiple audiences and cultures.

### Desired Capabilities

<b><i>Benefits Administration:</i></b>	Desire understanding of benefits programs and benefits administration.
<b><i>Investment Portfolio Management:</i></b>	Desire understanding of investment portfolio management, including risk and value.
<b><i>Leadership:</i></b>	Desire prior experience in leadership roles.
<b><i>Governance of Indigenous-Owned Companies:</i></b>	Desire specific governance experience in Indigenous companies with First Nations or Indigenous Trusts as shareholders.
<b><i>Social and Cultural Context:</i></b>	(Desire)Must be able to understand complex social and cultural contexts.

### Diversity of Thought

<b><i>Indigenous:</i></b>	Desire a majority of Trustees to be Indigenous (First Nation, Métis, Inuit), ideally members of the Sawridge First Nation.
<b><i>Beneficiary:</i></b>	Require that minimum of three beneficiaries, at least three of whom must be beneficiaries of the 1985 Trust and at least two of whom are beneficiaries of the 1986 Trust.
<b><i>Geographic Location:</i></b>	Desire a minimum of two Trustees to be located in at Sawridge First Nation or at Slave Lake.

### Required Mindset

<b><i>Open-Minded</i></b>	Willing to consider the viewpoints of others, willing to consider new ideas and approaches.
<b><i>Collaborative</i></b>	Willing to work with others to achieve a joint goal.
<b><i>Big Picture/Strategic Viewpoint</i></b>	Looks at long-term implications of actions and willing to work to achieve a long-term goal through gradual steps.
<b><i>Continuous Improvement/Learning</i></b>	Willing to work on learning new skills or developing current skills to a higher level.
<b><i>Team-builders/workers</i></b>	Willing to abide with majority decisions, willing to follow through on commitments, willing to actively contribute to group solutions, respectful of others.

## **C-06 REPLACEMENT OF TRUSTEES POLICY**

### **PROPOSED**

2018-03-16

### **ADOPTED**

2018-03-16

### **REVISED**

2024-02-20

#### **Introduction**

The Trustees of the Sawridge Band Intervivos Settlement (the "1985 Trust") and of the Sawridge Trust (the "1986 Trust") (collectively known as the "Sawridge Trusts"), desire that each Trust maintains the Trusts knowledge, history, experience, continuity, consistency and wisdom of any Trustees whose Term of appointment expires ("Trusts' Memory"), such that it is necessary to stagger the replacement of the Trustees to ensure that the Sawridge Trusts maintain such Trusts' Memory in a realistic and logical fashion and in the best interests of the beneficiaries of the Sawridge Trusts (the "Beneficiaries").

#### **Number of Trustees**

The 1985 Trust requires a minimum of five (5) Trustees, with no set maximum number of Trustees; three of whom, at any one time, must be beneficiaries of the 1985 Trust. The 1986 Trust requires that there be a minimum of three (3) Trustees, and up to a maximum of seven (7) Trustees; at least two of whom, at any one time, must be beneficiaries of the 1986 Trust.

It is in the best interests of the Trusts and of the Beneficiaries that each Trust have up to seven (7) Trustees, and that there will be only one set of Trustees appointed for both the 1985 Trust and the 1986 Trust. At the time of latest revision of this Policy, there are currently five (5) Trustees. The addition of the two (2) new Trustee positions will allow for the appointment of beneficiaries of the 1986 Trust without requiring those individuals to also be beneficiaries of the 1985 Trust. Increasing the number of Trustees allows the Trustee to fulfill the skills matrix for the Trusts by allowing for the appointment of Trustees who may or may not be Beneficiaries.

The Trustees shall be permitted to consider the staggering of the two (2) new Trustee positions such that the terms reflect the Trustees desire to maintain the Trusts' Memory. Subject to the desire to maintain Trusts' Memory, the term of any Trustee shall be for three (3) years with the possibility of reappointment for a further three (3) year term. The Trustee must agree to such appointment and must agree to sign the contract proposed by the Trustees in respect of the term of appointment and in respect of other duties and responsibilities.

#### **Eligibility Criteria for Board of Trustees**

The Trustees will consist of:

- a. Three (3) Trustees who must qualify as beneficiaries of the 1985 Trust, whether or not they also qualify as beneficiaries of the 1986 Trust (ie: no requirement to qualify as beneficiaries of the 1986 Trust); and
- b. Two (2) Trustees who must qualify as beneficiaries of the 1986 Trust, whether or not they also qualify as beneficiaries of the 1985 Trust (ie: no requirement to qualify as beneficiaries of the 1985 Trust);
- c. The remaining Trustee positions may be filled by non-beneficiaries or may be beneficiaries of either or both of the Trusts to bring the total number of Trustees selected to seven (7) provided that at any one time there cannot be any more that two (2) who are not Beneficiaries of the 1986 Trust.

## **C-06 REPLACEMENT OF TRUSTEES POLICY**

At all times this policy and any amendment to this policy must comply with the restrictions of the Trust Deed.

The Trustees recognize that diversity of age, gender, qualifications, interests, experience, business acumen, trust knowledge, Indigenous knowledge and knowledge of Sawridge First Nation and other characteristics are important qualities and such qualities and other qualities identified by the Trustees as beneficial to the Trusts or which provide value to the Trusts, may best be found in Beneficiaries and non-beneficiaries.

In addition to the composition noted above, in order to be eligible for consideration as a Trustee, candidates must meet the following:

- a. Be qualified in accordance with some aspects of the Trustee Desired Capacities Matrix which is adopted and approved by the Trustees from time to time, to reflect the comprehensive complement of skills required for effective governance of the Trusts. When selecting new candidates, the Trustees will ensure that the successful candidates match the skills identified as being necessary, important and relevant from the Trustee Desired Capacities Matrix for the replacement of Trustees. In addition, the Trustees will consider the current Strategic Plan and ensure that skills necessary to achieve the strategic objectives are accounted for in the roster of Trustee candidates.
- b. Be prepared to sign the contract for Trustees including agreement to the Trustee Code of Conduct in place at such time, and abide by all policies in place applicable to Trustees, as such Code of Conduct and/or policies may be amended from time to time.
- c. Where a Trustee has requested to be removed from the office of trustee or been removed on account of violations of the Code of Conduct or any other reason, such individual shall not be eligible for consideration as a Trustee unless and until a time period equal to the remainder of that former Trustee's term expired, plus the Gap Term (defined below). For example, if a Trustee was appointed for a three-year term on January 1, 2020, and was removed from the office of Trustee after 6 months (June 30, 2020), that individual would be ineligible to apply to be a Trustee until after the end of the appointed term (December 31, 2023) plus the 3 year Gap Term, so December 31, 2026. This ineligibility will not apply where a former Trustee was removed for any reason other than violations of the Code of Conduct, such as medical reasons etc. If the Trustee reapplies for appointment, the reasons for their removal shall be taken into account in considering their reappointment.

The Trustees shall consider the replacement of Trustees systematically and methodically, to ensure that there are no gaps within the skillsets of the composition of the Trustees, and no vulnerabilities to the group as a whole as a result of the complete turnover of all or a majority of Trustees at one time. The staggering of term limits and appointments will be carefully considered to ensure appropriate retention of Trusts' Memory and of historical and institutional knowledge and continuity within the group.

### **Term of Appointment**

The terms of the Trustees shall be structured to allow for the orderly appointment and removal of Trustees, taking into consideration the preservation of the Trusts' Memory and also taking into consideration any other issues that would warrant a change in the set terms set out below ("Term Limit Considerations")

Subject to the Term Limit Considerations, each Trustee shall have a three-year term with the possibility of a renewal of appointment for a second consecutive Three (3) year term. The first term is renewable at the option of and upon the agreement of the remaining Trustees. Once a Trustee has served two consecutive three-year terms or has been removed, that Trustee will be only be eligible for reappointment

## **C-06 REPLACEMENT OF TRUSTEES POLICY**

after a gap of at least one three-year term (the “Gap Term”). Following the Gap Term, a person is eligible to be appointed as a Trustee for a further three-year term with the possibility of renewal of appointment for a second term. The number of terms of office for a Trustee is unlimited, provided they are appointed for only two consecutive terms followed by a Gap Term. A Trustee shall only be permitted to serve as a Trustee after being appointed by the then-currently appointed Trustees and upon signing a contract detailing the term and conditions of such appointment. Such contract is attached hereto as Schedule “A”.

This policy shall apply to all Trustees. The Trustees shall ensure that the terms of the Trustees are structured so that at any one time there is replacement of Trustees such that the Trusts’ Memory will be preserved. The Trustees shall have the authority to extend the term of any Trustee but only to the extent necessary to allow for the proper transition of Trustees.

In no event shall a Trustee resign from office. In the event that the Trustee believes they are unable or unwilling to carry out their duties or unable to cooperate or communicate with the other Trustees, then in that event the Trustee shall advise the remaining Trustees, who shall remove the Trustee who is unable or unwilling to act as a Trustee, and appoint a replacement Trustee in accordance with this policy.

### **Selection Process**

The current Trustees shall select new or replacement Trustees as soon as possible when a Trustee position becomes vacant or when notice of a vacancy is received and shall undertake a process which is best suited to secure the best qualified Trustees. The Trustees shall consider the replacement of Trustees systematically and methodically, to ensure that there are no gaps within the skillsets of the composition of the Trustees, and no vulnerabilities to the group as a whole as a result of the complete turnover of all or a majority of Trustees at one time. The staggering of term limits and appointments will be carefully considered to ensure appropriate retention of the Trusts’ Memory and the historical and institutional knowledge and continuity within the group.

Such a process may include advertising for suitable Trustee candidates, mail-outs to Beneficiaries requesting their assistance or asking them to apply as candidates, or the use of search networks or professionals, and the creation of an application form for potential Trustees to complete. The advertising process utilized for Trustees should be such that it could be reasonably expected to bring the application process to the attention of the Beneficiaries

All Trustees must comply with all provincial laws, including those in the Trustee Act, as they pertain to requisite qualifications to hold the office of trustee.

All potential candidate's connection to First Nations and the extent of their willingness to understand the community, history and needs of First Nations individuals and communities and the history and customs of First Nations, especially of the Sawridge First Nation, should be considered. All Trustees should have an understanding, empathy and compassion for Indigenous people and have an understanding, or a willingness to learn, the history of colonialism and racism for Indigenous peoples and the challenges that are unique to Indigenous communities.

The Trustees shall utilize a formal screening process to ensure that any potential Trustees meet all legal requirements for acting as a Trustee, including satisfying their status as a Beneficiary of the 1985 Trust or 1986 Trust, as the case may be, meet the desired skill matrix established by the Trustees at any given time and whether the circumstances of the proposed Trustee may result in an actual conflict of interest or the perception of a conflict of interest.



## **C-06 REPLACEMENT OF TRUSTEES POLICY**

### **Ongoing Responsibilities**

Trustees shall complete the National Aboriginal Trust Officers Trustee Basic Training Program, or a similar equivalent, within one year of their appointment.

### **Chair**

The Trustees shall select their own chair on a majority vote, whose responsibilities shall be set by the Trustees but shall include all tasks identified in other policies as being required to be performed by the Chair. The Chair shall run all the meetings, set the agenda for the meetings in consultation with administrator of the Trusts and the other trustees, be the signing authority for the Trusts when authorized by the other Trustees and generally be the spokesperson for the Trusts.

This is Exhibit "E" referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

*Derek R. Renzini*  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Renzini*  
Barrister & Solicitor

March 5, 2024

Dear Sawridge Trustees:

**Re: Follow-up from 9 February 2024 Letter**

Greetings from the Sawridge First Nation (the "First Nation"). We acknowledge receipt of your letter dated February 9, 2024.

As a trained lawyer, I am aware of the terms and legal implications of the Trust Deeds, along with the fiduciary obligation the Trustees owe to their beneficiaries. I am also aware that the First Nation has a special interest in the Sawridge Trusts (the "Trusts"), which interest has been acknowledged by both the Courts and the Sawridge Trustees in the proceedings in the extant litigation. This acknowledgment, while not limited to, is evidenced by the historical payment of the First Nation's legal fees by the Trusts in the extant litigation and collaboration with the Trustees on strategy. I have personally reviewed Parlee McLaws legal file and am aware of the exchanges between Mr. Ed Moldstad and Ms. Doris Bonora in this regard.

I understand that the Trustees have initiated their process for trustee replacement and I am in receipt of that application. Thank you. I will be applying in due course and in advance of the stated deadline. Prior to submitting my application, I would like further information on the process the Trustees intend to follow, more specifically:

1. The Trustee Replacement Policy states, to paraphrase, that the skillsets of the outgoing trustee are to be replaced such that there are not gaps within the skillset of the composition of the trustee group. What skillsets are the Trustees specifically seeking in relation to this appointment?

2. What efforts are being made by the Trustees to advertise to the Trusts' beneficiaries regarding this position?
3. What process, specifically, will be used to evaluate candidates? Will there be in-person interviews?
4. The Trustee Replacement Policy states, that actual and perceived conflicts of interest are to be avoided. What methodology will the Trustees use to make this determination? Please provide examples of matters that would be deemed an actual or perceived conflict of interest.
5. The information from the Trustees, while unclear, is suggestive that the number of Trustees will be increasing from five to seven. Can you please confirm if this is accurate. If so, can you please provide further information as the basis for increasing the number of Trustees.

Finally, the Trustees have refused to provide the First Nation with an accounting of the Trusts on the basis that it is not a beneficiary. This position is intriguing in light of the historical information the Trustees have shared with the First Nation and the recognized special interest the First Nation has in these Trusts. In any event, I am personally a beneficiary of both of the Trusts and I am seeking an accounting for both. As you will be aware, accounting is a core obligation of the fiduciary duty and I am entitled to same.

Please provide the accounting to me by no later than month end.

I look forward to receiving your response.

Yours truly,

The First Nation Council per:



Chief Isaac Twinn

cc. Doris Bonora, Dentons Canada

cc. Paul Bujold, Sawridge Trusts

# Sawridge

*Derek R. Renzini*  
Barrister & Solicitor

March 20, 2024

Dear Sawridge Trustees:

**Re: Follow-up from 5 March 2024 Letter**

Greetings from the Sawridge First Nation.

I am following up from my March 5, 2024 letter wherein I had:

1. posed several questions to the Sawridge Trusts (the "Trusts") about the upcoming Trustee recruitment; and
2. requested an accounting from the Trusts by month's end.

I note that the Trusts have not provided me a response. With the Trusts' stipulated March 29, 2024 application deadline to become a Trustee, please provide me a response by this Friday March 22, 2024.

Thank you for your time with this matter.

Yours truly,  
The First Nation Council per:



Chief Isaac Twinn

cc. Doris Bonora, Dentons Canada  
cc. Paul Bujold, Sawridge Trusts



This is **Exhibit "G"** referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

Derek R. Romaini <sup>AL 20367</sup>  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Romaini*  
*Notary Public*

20 March 2024

Chief Isaac Twinn  
P.O. Box 326  
Slave Lake, AB T0G 2A0

SENT BY EMAIL

Dear Chief,

We write in response to your letter of 5 March 2024.

Firstly, you have posed several specific questions regarding the process for trustee replacement. We refer you back to our response of 9 February 2024 and have little to add. We look forward to receipt of your application and will consider it in accordance with our discretion as Trustees and in line with the Trustee Replacement Policy, which has been developed and amended to deal with Trustee replacement. The most recent copy of the Trustee Replacement Policy was provided with the application package. We have nothing to add to that policy and to our previous response at this time. We welcome your application. The Trustees are following policies they have developed and amended to deal with the replacement of Trustees.

Secondly, you have asked for financial information regarding the Trusts and we are accordingly providing the latest Annual Report for your records.

Thirdly, you have asked for an accounting of the Trusts. The Trustees plan on taking the appropriate steps with respect to accounting following the conclusion of the Advice and Direction application. As you know, we are working to conclude that action as expeditiously as possible, but the Court has been delayed in responding to the request of the Office of the Public Trustee and Guardian for the appointment of a new case management justice. As soon as that court action is concluded, we plan on identifying the beneficiaries of the 1985 Trust according to the rules of the Trust Deed and any court direction and will then proceed with a form of passing of accounts for both the 1985 and 1986 Trusts.

Cordially,  
The Trustees of the Sawridge Trusts per:

Tracey Scarlett, Chair  
Attachments



This is **Exhibit "H"** referred to in the Affidavit of  
**Isaac Twinn**

sworn before me  
on the 17 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

5 April 2024

To all Beneficiary Trustee Applicants

SENT BY EMAIL

In order to determine if you qualify as a beneficiary eligible to be considered for the Trustee position requiring beneficial status in both the Sawridge Band Intervivos Settlement and the Sawridge Trust,

1. Please provide us with the following information:

***Maternal***

- a. Your mother's name:
- b. Was your mother was born a status Indian:
- c. Of which band was(is) she a member at birth:
- d. What was(is) her band number at birth:

2. Please provide us with the following additional information:

***Maternal Grandmother***

- a. Your grandmother's name:
- b. Was your grandmother was born a status Indian:
- c. Of which band was(is) she a member at birth:
- d. What was(is) her band number at birth:

***Paternal Grandmother***

- e. Your grandmother's name:
- f. Was your grandmother was born a status Indian:
- g. Of which band was(is) she a member at birth:
- h. What was(is) her band number at birth:

This information needs to be provided to the Trusts' Administrator as soon as possible and, in any event, no later than 10 April 2024 at 12:00 Noon.

Thank you for your cooperation.

Cordially,  
For the Trustees of the Sawridge Trusts

Paul Bujold, Trusts' Administrator

P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1  
Office: 780-988-7723  
Toll Free: 1-888-988-7723  
Email: administrator@sawridgetrusts.ca  
Web: www.sawridgetrusts.ca

April 10, 2024

Derek R. Renzini H2-367  
A Commissioner for Oaths in and  
for the Province of Alberta

To the Sawridge Trustees:

**Re: Trustee Application**

I am writing in response to your recent request for further information regarding my application to be appointed as a Trustee of the 1985 and 1986 Sawridge Trusts. Your correspondence requested further information regarding my lineage. As per the Trustee Replacement Policy, I understand this request to be seeking to satisfy my status "as a Beneficiary of the 1985 Trust" (see page 3 of the Trustee Replacement Policy).

In this regard, I refer the Trustees to the 2017 decision of Justice Thomas in *1985 Sawridge Trust v Alberta (Public Trustee)*, 2017 ABQB 377. In the application giving rise to this decision, the Sawridge Trustees acknowledged and represented to the Court that my brother, Patrick Twinn, was a beneficiary of the 1985 Trust. On this basis, the Court declared Patrick Twinn to be a current beneficiary of the 1985 Trust.

[31] The Trustees take the position that the interests of Patrick and Shelby Twinn are already represented in the Advice and Direction Application and that their addition would be redundant.

[32] In respect to Patrick Twinn, I agree that it is unnecessary to add him as a party. Patrick Twinn takes the position that he is currently, and will remain a Beneficiary of the 1985 Sawridge Trust. **The Trustees confirm this and I accept that is correct and declare him to be a current Beneficiary of the Trust.**  
[Emphasis added.]

The decision of Justice Thomas, in this regard, was affirmed by the Alberta Court of Appeal in *Twinn v Twinn*, 2017 ABCA 419.

[18] In this case, it is unclear what interest the individual appellants have that is not represented by the parties already before the court, or what position they would bring to the litigation, necessary to permit the issues to be completely and effectually resolved, that will not be presented by those existing parties. **As a matter of law, the Trustees represent the interests of the Beneficiaries, who include Patrick and Shelby Twinn.** Catherine Twinn, as dissenting trustee, is separately represented, has taken an opposing view as to the need for amendment of the Trust, and will place that position before the court. The Public Trustee is tasked with representing the interests of all Beneficiaries who were minors when the litigation began, although it is acknowledged that the Public Trustee does not represent the interests of Patrick and Shelby Twinn (notwithstanding a comment made by the case management judge to the contrary). [Emphasis added.]

My lineage and facts in relation thereto are identical to my brother Patrick's. As such, my status as a beneficiary of the 1985 Trust has already been acknowledged by the Trustees and affirmed by the Court of Appeal of this Province. I trust that this authority provides you with the necessary information to confirm my qualification as a beneficiary of the 1985 Trust.

Thank you for your time with this.

Yours truly,

A handwritten signature in black ink, appearing to read 'Isaac Twinn', with a stylized, cursive script.

Isaac Twinn





This is **Exhibit "J"** referred to in the Affidavit of  
Isaac Twinn sworn before me

on the 14 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Renzini*  
Barrister & Solicitor

11 April 2024

Isaac Twinn  
P.O. Box 1460  
Slave Lake, AB T0G 2A0  
SENT BY EMAIL

Dear Isaac,

Thank you for your letter of 10 April 2024 regarding your status as a beneficiary of the Sawridge Band Intervivos Settlement (1985).

You will recall, however, that when you applied for the position of Trustee with the Sawridge Trusts that one of the provisions on the application was that you could be asked for additional information before your application was considered. The information we requested regarding your mother, maternal grandmother and paternal grandmother is information that we require from all applicants.

We are agreeing to give you an extension to provide the information requested by noon, Friday, 12 April 2024.

Cordially,  
For the Sawridge Trusts' Trustees

Tracey Scarlett, Chair

P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1  
Office: 780-988-7723  
Toll Free: 1-888-988-7723  
Email: [administrator@sawridgetrusts.ca](mailto:administrator@sawridgetrusts.ca)  
Web: [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)

This is **Exhibit "K"** referred to in the Affidavit of  
Isaac Twinn sworn before me  
on the 14 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

*Derek R. Renzini*  
Barrister & Solicitor

April 12, 2024

Dear Sawridge Trustees:

**Re: Trustee Application Follow-Up**

I write in response to your letter of today's date. Your letter wholly fails to address my concerns that the personal information you have requested from me is necessary and causally connected to the Trustee's exercise of discretion in appointing a replacement trustee. To reply that the Trustees are making this request of everyone, does not address my concerns, nor validate the appropriateness of the request. To be clear, my application is not withdrawn and I expect it to be considered.

It concerns me that the Trustees are reaping sensitive information from the members of the Sawridge First Nation without any regard to the necessity or the propriety of such requests and without providing full disclosure as to how the Trustees intend to utilize and safeguard this sensitive personal information. I am becoming quite concerned that the Trustee selection process that has been employed is arbitrary, abusive, and inconsistent with the Trustees' fiduciary duty to their beneficiaries.

I will ask one final time, please advise as to the purpose for which this personal information has been requested from me and how it relates to the trustee selection process. I will consider your response and then determine whether I will provide this information.

Yours truly,



Isaac Twinn



This is **Exhibit "L"** referred to in the Affidavit of  
**Isaac Twinn** sworn before me  
on the 17 day of August, 2024

Derek R. Renzi #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

Derek R. Renzi  
Barrister & Solicitor

18 April 2024

Isaac Twinn  
P.O. Box 1460  
Slave Lake, AB T0G 2A0  
SENT BY EMAIL

Dear Isaac,

We respond to your letter of April 12, 2024.

The deed of the 1985 Sawridge Trust (the "1985 Deed") states, with respect to the appointment of new Trustees:

The power of appointing Trustees to fill any vacancy caused by death, resignation or removal of a Trustee shall be vested in the continuing Trustees or Trustee of this Settlement and such power shall be exercised so that at all times...there shall be at least five (5) Trustees of this Settlement and so that no person who is not then a Beneficiary shall be appointed as a Trustee if immediately before such appointment there is more than one (1) Trustee who is not then a Beneficiary.

Given this wording in the 1985 Deed, and given the current constitution of the Sawridge Trustees, the impending vacancy requires that the candidate Trustee satisfy the definition of Beneficiary contained in the 1985 Deed.

As you likely know, the definition of Beneficiary in the 1985 Deed requires that a potential beneficiary be a person who qualifies as a member of the Sawridge Indian Band No. 19 pursuant to the provisions of the *Indian Act*, which existed on April 15, 1982 (the "1982 Indian Act").

Given these requirements, the Sawridge Trustees must carefully scrutinize whether a candidate meets the definition contained in the 1982 Indian Act. If the Sawridge Trustees are wrong and fill the anticipated vacancy with someone who is not actually a beneficiary, then the decisions of those trustees may be subject to invalidity.

You have pointed us to a court order with respect to the beneficial status of Mr. Patrick Twinn. We presume that you take the position that this court order satisfies the question of whether or not you are a beneficiary of the 1985 Trust. With respect, we are not sure we can agree with your position. The order was made in litigation where the definition of beneficiary was being challenged and without the benefit of all the supporting information pertaining to eligibility to be a member. Regardless, the order was specific to Mr. Patrick Twinn. It is possible that this order could be interpreted as providing similar status to anyone who has a similar lineage to Patrick Twinn but that is not what the court order says and in this litigation, the parties have been very adamant that court orders be interpreted stringently.

Accordingly, the Sawridge Trustees cannot rely on the application of that order to satisfy themselves that you are indeed a beneficiary of the 1985 Sawridge Trust. If you are still uncertain as to why the requested information is relevant to this determination, we invite you to read the definitions set out in the relevant version of the 1982 Indian Act. The 1982 Indian Act definitions are quite archaic and require careful review and scrutiny of a person's lineage. This is the unfortunate position we are in with the current trust deed. Indeed, as you are no doubt aware, the Sawridge Trustees sought advice and direction in respect of the definition and suggested that the definition ought to simply refer to current members of the Sawridge First Nation, in which case we would not need to engage in this analysis.

P.O. Box 175, Edmonton Main  
Edmonton, AB T5J 2J1  
Office: 780-988-7723  
Toll Free: 1-888-988-7723  
Email: [administrator@sawridgetrusts.ca](mailto:administrator@sawridgetrusts.ca)  
Web: [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)

The Trustees agreed as part of negotiated settlement to make the selection of trustee thoughtful, process oriented and transparent. We have embarked on this process and have treated each applicant equally. We cannot make an exception for you.

We are prepared to discuss this further if there are ways that we can help safeguard your personal information to make you more comfortable.

Cordially,

For the Sawridge Trusts' Trustees

A handwritten signature in black ink, appearing to read 'Tracey Scarlett', written over a horizontal line.

Tracey Scarlett, Chair

This is **Exhibit "M"** referred to in the Affidavit of  
**Isaac Twinn**

sworn before me  
on the 14 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

## Suspension of the Trustee Selection Process

Paul Bujold <paul@sawridgetrusts.ca>

Fri 2024-04-19 12:39 PM

To: Paul Bujold <paul@sawridgetrusts.ca>

Dear Applicants,

We are writing to tell you that we are suspending the process of the selection of Trustees for a short time as some complications have arisen in the identification of beneficiaries which the Trustees feel the need to be resolved before a selection is made. We will still consider you an applicant for the position of Trustee when we are ready to proceed with the Trustee selection process, unless you advise that you would not like to be considered. We hope that our suspension will be short and that we will be able to schedule interviews shortly. We will advise you when we are able to resume the process. We thank you for your interest in being a Trustee and apologise for this delay.

**Paul Bujold, BSc, MA**

Trusts' Administrator/CEO

**Sawridge Trusts**

**Phone** 780-988-7723 **Mobile** 780-270-4209

**Web** [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)

**Email** [paul@sawridgetrusts.ca](mailto:paul@sawridgetrusts.ca)

**Address** : P.O. Box 175, Edmonton Main, Edmonton, AB, T5J

2J1

*Derek R. Renzini*  
*Barrister & Solicitor*

on the 17 day of August, 2024

## Report to the Beneficiaries on the Trustee Selection Process

Paul Bujold <paul@sawridgetrusts.ca>

Wed 2024 05 22 10:57 AM

*David Rejin* #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

To: Burd, Svea <sveamidbo@yahoo.ca>; Cardinal, Kieran <ki.cardinal@icloud.com>; Deana Morton <deana.morton@mdp.ca>; Donald, Gina <gina00120@hotmail.com>; Draney, Frieda <fdraney@outlook.com>; Jaise Potskin (jaiseariel@icloud.com) <jaiseariel@icloud.com>; Justin Twin (Work) <Justin.Twin@FountainTire.com>; Margaret S. Ward (Personal) <peggyward2@yahoo.com>; Midbo, David <davemidbo@live.com>; Midbo, Denise <dmidbo@icloud.com>; Midbo, Kristina <kmidbo@hotmail.com>; Poitras, Elizabeth <liz\_poitras@hotmail.com>; Poitras, Heather <heatherpoitras14@gmail.com>; Poitras, Nicole <poitras\_nicole@yahoo.com>; Poitras-Collins, Tracey <poitras-collins@hotmail.com>; Poitras-John, Crystal <crystal\_m\_john@hotmail.com>; Potskin, Aaron <potskin2@gmail.com>; Potskin, Jeanine <j\_po\_12@live.ca>; Potskin, Jonathon <jpotskin@outlook.com>; Potskin, Lillian <allancbroome@icloud.com>

## Report to the Beneficiaries on the Trustee Selection Process

17 May 2024

The Trustees of the Sawridge Trusts encountered some difficulties during the process of recruiting a replacement Trustee to fill a position left vacant by the end of term for Justin Twin, requiring that the Trustees suspend the selection process for the immediate future.

Justin is a Trustee currently holding a position as a beneficiary representative for both the Sawridge Band Intervivos Settlement (1985) and the Sawridge Trust (1986). As such, his replacement must also be, according to the Trust Deeds for the two Trusts, and the Replacement of Trustees Policy of the Sawridge Trusts, a beneficiary of both the 1985 Trust and the 1986 Trust.

While the Trustees amended their Replacement of Trustees Policy to add the possibility of two additional beneficiary Trustees representing only the 1986 Trust, this would not solve the problem of requiring that a certain number of beneficiary Trustees be appointed who represent the 1985 Trust. The Trust Deeds require that at least three of these Trustees be beneficiaries of the 1985 Trust.

The process of identifying qualified beneficiaries of the 1985 Trust is a difficult one. The rules for determining who is a beneficiary of this Trust were set out in the 1985 Trust Deed created by Chief Walter Twinn and thus far the Courts have not permitted an amendment. Basically, the Trust Deed sets out that qualified beneficiaries of this Trust must meet the rules set out in the *Indian Act, 1970* as it existed on 15 April 1982—the "*Indian Act, 1982*". In addition, the Trust Deed adds the following rule:

"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;"

The rules of the *Indian Act, 1982* are quite rigid and complicated. As you probably know, the Trustees have been trying to get the Court to provide advice and direction in respect of the definition but the result has been that the Court has thus far not approved any amendment and thus, at this time, the existing rules must be followed. The Court has also determined that the 1985 Trust is a "discriminatory trust" in that it discriminates primarily against women who married out or will marry out in the future and discriminates against illegitimate children, among other discriminatory elements. The Trustees were advised that they would not be able to distribute under a discriminatory Trust, however, the Trustees are now asking the Court for permission to distribute and operate the Trust under these conditions as amendment does not seem possible. However, it is still possible that an amendment to the Trust will occur, depending on the outcome of the next court application.

To identify who qualifies as a beneficiary under the 1985 Trust, and the problem that the Trustees encountered in the Trustee Selection Process, is that very detailed and personal information must be asked of all beneficiaries who think that they qualify as beneficiaries of the 1985 Trust. While the Trustees do have some basic genealogical information from previous information provided by beneficiaries, genealogical research and Indian Affairs Pay Lists up to 1955, in order to be certain, the Trustees need the applicants to provide additional information that only they can obtain because of privacy laws. Without this information, a beneficiary of the 1985 Trust cannot be identified and, if an error is made, the Trustees could be appointing a Trustee who is not qualified and thus could impact the efficacy of the decisions of the Trustees. During the Trustee Selection Process, the Trustees encountered resistance to providing the necessary information from some of the applicants.

In order to reach a solution to this problem, the Trustees have decided to suspend the Trustee Selection Process and the Replacement of Trustees Policy to determine the best method to move forward. The Trustees are hopeful that the next court application will end the litigation and provide more certainty to the Trustees. Justin Twin's term as Trustee has been extended until this Court process can be completed.

**Paul Bujold, BSc, MA**

Trusts' Administrator/CEO

**Sawridge Trusts**

**Phone** 780-988-7723 **Mobile** 780-270-4209

**Web** [www.sawridgetrusts.ca](http://www.sawridgetrusts.ca)

**Email** [paul@sawridgetrusts.ca](mailto:paul@sawridgetrusts.ca)

**Address** : P.O. Box 175, Edmonton Main, Edmonton, AB, T5J

2J1



This is **Exhibit "O"** referred to in the Affidavit of  
**Isaac Twinn** sworn before me  
on the 14 day of August, 2024

**Sawridge**

*Derek Renzini* #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

**Derek R. Renzini**  
**Barrister & Solicitor**

July 18, 2024

Dear Ms. Bonora:

**Re: Application for Intervenor Status**

We are in receipt of the Sawridge Trustees' proposed application (sent for filing June 28, 2024).

We understand the Sawridge Trustees are seeking, *inter alia*, the Court's approval to allow what has previously been determined to be a discriminatory trust to be deemed valid.

In order to properly consider the First Nation's position on this request, we first need to understand how the Sawridge Trustees intend to apply the definition of "beneficiary" contained in the 1985 Trust Deed. To date, the First Nation has not been provided with a list of persons the Sawridge Trustees have identified as qualifying as current beneficiaries of the 1985 Trust. Our concern is heightened by the Sawridge Trustees recent correspondence wherein we were advised that replacement trustees could not be selected due to difficulties (or an apparent inability) to apply the existing 1985 beneficiary definition. This is highly troubling to the First Nation.

We would kindly request that the Sawridge Trustees provide the First Nation with a list of all persons presently identified as qualifying as a beneficiary of the 1985 Trust pursuant to the existing definition. In addition, please advise as to what specific difficulties the Sawridge Trustees encountered in attempting to apply the definition in relation to the recent trustee replacement process.



I would ask that this information be provided no later than July 26, 2024 in order to provide the First Nation with sufficient time to consider its position on the proposed intervener application.

Yours truly,

A handwritten signature in black ink, appearing to read 'Isaac Twinn', written in a cursive style.

Isaac Twinn

Chief

Sawridge First Nation

cc: Janet Hutchison/Jon Faults, OPGT counsel

cc: Crista Osualdini, Catherine Twinn counsel

**DENTONS**

**Michael S Sestito**  
Partner

michael.sestito@dentons.com  
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2500 Stantec Tower  
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dentons.com

July 24, 2024

File No.: 551860-1

**Sent Via E-mail**

**Isaac.twinn@sawridgefirstnation.com**

Chief Isaac Twinn  
Sawridge First Nation  
806 Caribou Trail NE  
Slave Lake, AB T0G 2A0

This is **Exhibit "P"** referred to in the Affidavit of  
**Isaac Twinn** sworn before me  
on the 17 day of August, 2024

Derek R. Renzini #20367  
A Commissioner for Oaths in and  
for the Province of Alberta

Dear Chief Twinn:

**Re: Application for Intervenor Status**

**Derek R. Renzini**  
**Barrister & Solicitor**

Thank you for your letter dated July 18, 2024 that you sent on behalf of the Sawridge First Nation (the "SFN"). We understand that you continue to self represent the SFN and that, as of present, the SFN has not yet appointed independent legal counsel.

Firstly, your letter states that the Sawridge Trustees are seeking "the Court's approval to allow what has previously been determined to be a discriminatory trust to be deemed valid." With respect, this is not entirely accurate. The application itself does not concern the validity of the 1985 Sawridge Trust. The application seeks various relief, including a declaration from the court that a distribution can be made pursuant to a definition of beneficiaries that the court has determined was discriminatory.

Regardless, you have asked for information to "understand how the Sawridge Trustees intend to apply the definition of 'beneficiary' contained in the 1985 Trust Deed." With respect, that information is not relevant for the purpose of determining the application that is before the court. Presumably, the SFN wishes to intervene with specific reference to the following requested Order:

Affirming that notwithstanding that the definition of "Beneficiary" set out under the 1985 Sawridge Trust is discriminatory, and includes certain non-members of the Sawridge Nation, the Sawridge Trustees **may proceed to make distributions to the Beneficiaries** of the 1985 Sawridge Trust, including to non-members of the Sawridge First Nation who qualify as beneficiaries of the 1985 Sawridge Trust. (Emphasis added).

The question of identifying the Beneficiaries is not something that is before the court for the purposes of this application. Rather, the question to the Court is whether or not the Trustees are able to distribute pursuant to a definition that has been determined to be discriminatory.

However, in answer to your question, we advise that the Trustees will take a similar approach to the Trustee selection process in which a potential beneficiary will be asked to provide or confirm personal and genealogical information so that the Trustees may determine their eligibility as a beneficiary.

In your letter you have asked that "the Sawridge Trustees provide the SFN with a list of all persons presently identified as qualifying as a beneficiary of the 1985 Trust pursuant to the existing definition." While our clients have worked on various lists including in as part of settlement negotiations with the respondents in the litigation, the Sawridge Trustees have not unilaterally prepared a list of beneficiaries. Consistent with their fiduciary duties, the Sawridge Trustees have an obligation to confirm the information necessary to identify beneficiaries. In addition, the litigation has been ongoing for many years and the definition of beneficiary has been uncertain.

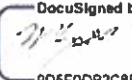
In your letter you note that the SFN was "advised that replacement trustees could not be selected due to difficulties (or an apparent inability) to apply the existing 1985 beneficiary definition." With respect, this is not accurate. As reported by the Trust's administrator in his correspondence of May 22, 2024, the reason for suspending the selection process for a replacement trustee was because certain applicants were unwilling to provide certain information required for the determination of their beneficial status. It was decided that the selection process would resume once there was more certainty over the definition following the end of the court litigation. If you did not receive a copy of this May 22, 2024 correspondence please let us know and we will provide a copy for your records.

We draw your attention to paragraph 2 of the Case Management Order pronounced by Justice Little on June 5, 2024, which reads: "If the [SFN] decides to apply as intervenors, it will do so on or before August 15, 2024." If the SFN does decide to apply as intervenors, we look forward to the receipt of your application and supporting affidavit by August 15, 2024 so that the Parties (including the Sawridge Trustees) can determine what position if any to take on your application.

Yours truly,

Yours truly,

Dentons Canada LLP

DocuSigned by:  
  
9D5F00B2C8FB482

Michael S. Sestito / Doris C. Bonora, K.C.  
Partner

MSS/mb