

COURT FILE NUMBER 1103 14112

COURT: COURT OF QUEEN'S BENCH OF ALBERTA

JUDICIAL CENTRE: EDMONTON



IN THE MATTER OF THE TRUSTEE
ACT, RSA 2000, c T-8, AS AMENDED

IN THE MATTER OF THE SAWRIDGE
BAND INTER VIVOS SETTLEMENT
CREATED BY CHIEF WALTER
PATRICK TWINN, OF THE
SAWRIDGE INDIAN BAND, NO 19
now known as SAWRIDGE FIRST
NATION ON APRIL 15, 1985 (the
"1985 Sawridge Trust")

APPLICANTS: ROLAND TWINN, CATHERINE
TWINN, WALTER FELIX TWIN,
BERTHA L'HIRONDELLE and CLARA
MIDBO, as Trustees for the 1985
Sawridge Trust (the "Sawridge
Trustees")

DOCUMENT ORDER

ADDRESS FOR SERVICE
AND
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I hereby certify this to be a
true copy of the original.


for Clerk of the Court

DATE ON WHICH ORDER WAS PRONOUNCED:

July 5, 2017

LOCATION WHERE ORDER WAS PRONOUNCED:

Edmonton, Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Honourable Justice D.R.G. Thomas

UPON THE APPLICATION of Patrick Twinn, Aspen Saya Twinn, Melissa Megley, Shelby Twinn and Deborah A. Serafinchon in respect of being added as parties to the within action and seeking advance full indemnity costs; and Upon hearing from the counsel for The Office of the Public Trustee and Guardian, Sawridge Trustees, Catherine Twinn and Counsel for Patrick Twinn, Shelby Twinn and Deborah A. Serafinchon by written brief and subsequent correspondence; and Upon the decision of The Honourable Mr. Justice D.R.G. Thomas dated July 5, 2017 ABQB 377;

IT IS HEREBY ORDERED THAT:

1. As no submissions were made on the accounting, the claims by Patrick Twinn and Shelby Twinn for an accounting from the Trustees are dismissed on a without prejudice basis.[1, 20]
2. The claims by Patrick Twinn on behalf of his infant daughter, Aspen Saya Twinn and his wife Melissa Megley, have been abandoned and are dismissed. [21]
3. The claims by Patrick Twinn, Shelby Twinn and Deborah Serafinchon to be added as parties are dismissed [22]
4. Patrick Twinn and Shelby Twinn are recognized as Beneficiaries of the 1985 Trust by the Trustees and are hereby declared Beneficiaries of the 1985 Trust by the Court [32, 34 and 39]
5. Patrick Twinn and Shelby Twinn may have ongoing involvement in the litigation by transparent and civil communications with the Trustees and their legal counsel and through a positive dialogue to ensure that their status as beneficiaries is respected. [39]
6. Deborah Serafinchon may monitor the progress of this litigation and review the proposals which the Trustees may make in respect of the definition of 'beneficiary' under the 1985 Trust and provide comments to the Trustees and the Court [43];
7. Costs are awarded against Deborah Serafinchon in favor of the Sawridge Trustees on a party/ party basis [54]
8. Patrick Twinn and Shelby Twinn shall pay solicitor and own client indemnity costs of the Sawridge Trustees in responding to this application. [53]
9. The Public Trustee shall continue to act as litigation representative for the categories of minors the Court has identified as requiring representation, as specifically set out in

Sawridge #3, who have become adults during the course of the litigation. Said representation by the Public Trustee shall be subject to the existing indemnity and costs exemption orders [55]



Honourable Justice D.R.G. Thomas

Thomas J