

COURT OF APPEAL OF ALBERTA

Form AP-1

[Rules 14.8 and 14.12]

COURT OF APPEAL FILE NUMBER: 2503-0193AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: Edmonton



FIAT

Let the within
[Amended Notice of Appeal](#)
be filed.

Bobbi Jo McDevitt
Case Management Officer
Dated: October 31, 2025

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")

APPLICANT(S): ROLAND TWINN, ~~EVERETT JUSTIN TWIN,~~
~~MARGARET WARD,~~ TRACEY SCARLETT ~~and~~
~~DAVID MAJESKI,~~ ROY TWINN, JONATHON
POTSKIN AND BONNIE BLAKLEY, as Trustees for
the 1985 Sawridge Trust

STATUS ON
APPEAL:

Respondent

RESPONDENT:

STATUS ON
APPEAL:

CATHERINE TWINN

Appellant

RESPONDENT

STATUS ON
APPEAL:

OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

Respondent

~~INTERVENOR~~

~~STATUS ON
APPEAL:~~

~~SAWRIDGE FIRST NATION~~

~~Intervenor Respondent~~

DOCUMENT: **AMENDED CIVIL NOTICE OF APPEAL**

APPELLANT'S
ADDRESS FOR
SERVICE AND
CONTACT
INFORMATION

Catherine Twinn
Self-Represented
PO Box 1460
Slave Lake, AB T0G 2A0

Telephone: (780) 886 2921
Fax: (780) 488 1893
ctwinn@twinnlaw.com

WARNING

To the Respondent: If you do not respond to this appeal as provided for in the Alberta Rules of Court, the appeal will be decided in your absence and without your input.

1. Particulars of Judgment, Order or Decision Appealed From:

Date pronounced: September 3, 2025

Date entered: Presently unfiled

Date served: Presently unfiled

Official neutral citation of reasons for decision, if any:

Twinn v Alberta (Public Trustee), 2025 ABKB 507

(Attach a copy of order or judgment: Rule 14.12(3). If a copy is not attached, indicate under item 14 and file a copy as soon as possible: Rule 14.18(2).)

2. Indicate where the matter originated:

☒ **Court of King's Bench**

Judicial Centre: Edmonton

Justice: J.S. Little

On appeal from a King's Bench Applications Judge or Alberta Court of Justice Judge?: ☐ Yes ☒ No

Official neutral citation of reasons for decision, if any, of the Applications Judge or Alberta Court of Justice Judge: (do not attach copy) _____

(If originating from an order of a King's Bench Applications Judge or a Justice of the Court of Justice, a copy of that order is also required: Rule 14.18(1)(c).)

☐ **Board, Tribunal or Professional Discipline Body**

Specify Body: _____

3. Details of Permission to Appeal, if required (Rules 14.5 and 14.12(3)(a)).

☒ Permission not required, or ☐ Granted:

Date: _____

Justice: _____

(Attach a copy of order, but not reasons for decision.)

4. Portion being appealed (Rule 14.12(2)(c)):

☒ Whole, or

☐ Only specific parts (if specific part, indicate which part):

(Where parts only of a family law order are appealed, describe the issues being appealed, e.g. property, child support, parenting, etc.).

5. Provide a brief description of the issues:

This appeal arises from an application for advice and direction by the trustees of the 1985 Sawridge Trust, as they then were, asking the Court to affirm that notwithstanding that the definition of "Beneficiary" set out under the 1985 Sawridge Trust is discriminatory, the trustees may proceed to make distributions to the beneficiaries. The Learned Case Management Justice granted the order and, in so doing, made errors of law, mixed fact and law, and fact, in regard to the following matters:

1. Failing to consider pertinent facts, context and law and correctly characterize the *sui generis* nature of the 1985 Sawridge Trust;
2. Incorrectly applying the law pertaining to private trusts to the 1985 Sawridge Trust;
3. Incorrectly construing the discrimination caused by the terms of the 1985 Sawridge Trust, which has continuing and renewed effects for the entire duration of the trust;

4. Ratifying the gender and related discrimination incorporated in the 1985 Sawridge Trust's beneficiary definition comprised of unconstitutional and repealed provisions of the Indian Act, 1970, contrary to public policy and human rights freedoms and protections;
5. Misapprehending the "*judgement call and discretion*" actually exercised by Trustees in their selective application of the discriminatory rules, further compromised by the repeal of Indian Act provisions that operated in conjunction with the repealed discriminatory rules;
6. Incorrectly finding that the Trust "*names people such that they have a beneficial interest*" when the Trustees, for 40+ years, failed to cause a fair, competent, objective identification of beneficiaries consistent with due process;
7. Failing to consider pertinent facts, context and law leading to an incorrect finding that the Sawridge Trust does not perform a government function or a function related to government, which would effectively allow a public body to use a private trust to engage in illegal discrimination;
8. Enabling the wrongful appropriation of First Nation wealth to benefit persons who are not Indians and Sawridge members while excluding some 75% of current Sawridge Band members as beneficiaries;
9. Such further and other matters as shall be raised at the hearing of this appeal.

6. Provide a brief description of the relief claimed:

That the declaration of the Honourable Justice J.S. Little that the Trustees may make distributions from the 1985 Trust notwithstanding that the trust deed is discriminatory be set aside and an award entered:

1. Declaring that the 1985 Sawridge Trust is a *sui generis* or a special form of non-charitable purpose trust or both;
2. Declaring that the 1985 Sawridge Trust offends public policy such that beneficial distributions may not be made under same;
3. The parties are to return to Case Management for an application to determine the effect of the 1985 Sawridge Trust violating public policy.

Full solicitor/client costs to be awarded to the Appellant from the 1985 Sawridge Trust assets.

7. **Is this appeal required to be dealt with as a fast track appeal?** (Rule 14.14)

☐ Yes ☒ No

8. **Does this appeal involve the custody, access, guardianship, parenting time, decision-making responsibility, contact or support of a child?** (Rule 14.14(2)(b))

☐ Yes ☒ No

9. **Will an application be made to expedite this appeal?**

☐ Yes ☒ No

10. **Is Judicial Dispute Resolution with a view to settlement or crystallization of issues appropriate?** (Rule 14.60)

☐ Yes ☒ No

11. **Could this matter be decided without oral argument?** (Rule 14.32(2))

☐ Yes ☒ No

12. **Are there any restricted access orders or statutory provisions that affect the privacy of this file?** (Rules 6.29, 14.12(2)(e), 14.83)

☐ Yes ☒ No

If yes, provide details: _____
(Attach a copy of any order.)

13. List Respondent(s) or counsel for the Respondent(s), with contact information:

~~Roland Ronald Twinn, Margaret Ward, Tracey Scarlett, Everett Justin Twin and David Majeski~~ **Roy Twinn, Jonathon Potskin and Bonnie Blakley**, as Trustees for the 1985 Sawridge Trust

Doris C.E. Bonora, KC
KPMG LAW LLP
10175 101 St NW, Suite 2200
Edmonton, Alberta T5J 0H3
dorisbonora@kpmg.ca
Telephone: (780) 801 5927

Michael S. Sestito
DENTONS CANADA LLP
2500 Stantec Tower
10220 103 Ave NW
Edmonton, Alberta T5J 0K4
michael.sestito@dentons.com
Telephone: (780) 423 7300

The Office of The Public Guardian and Trustee

Janet L. Hutchison
HUTCHISON LAW
190 Broadway Business Square
Sherwood Park, AB T8H 2A3
jhutchison@jlhlaw.ca
Telephone: (780) 417 7871

P. Jonathan Faulds KC
Greg Harding, KC
FIELD LAW
2500 10175 101 St NW
Edmonton, Alberta T5J 0H3
jfaulds@fieldlaw.com
gharding@fieldlaw.com
Telephone: (780) 423 7625

~~Sawridge First Nation~~

~~Crista Osualdini &
David Risling, K.C.
MCLENNAN ROSS LLP
600 12220 Stony Plain Road
Edmonton, AB T5N 3Y4
crista.osualdini@mross.com
david.risling@mross.com
Telephone : (780) 482 9239~~

~~David Schulze & Nicholas Dodd
DIONNE SCHULZE SENC
507 Place d'Armes, bureau 502
Montreal, QC H2Y 2W8
dschulze@dionneschulze.ca
ndodd@dionneschulze.ca
Telephone : (514) 842 0748 x. 228~~

14. Attachments (check as applicable)

- ☐ Order or judgment under appeal if available (not reasons for decision) (Rule 14.12(3))
- ☐ Earlier order of Applications Judge, etc. (Rule 14.18(1)(c))
- ☐ Order granting permission to appeal (Rule 14.12(3)(a))
- ☐ Copy of any restricted access order (Rule 14.12(2)(e))

If any document is not available, it should be appended to the factum, or included elsewhere in the appeal record.