

## COURT OF APPEAL OF ALBERTA

Form AP-3  
[Rule 14.53]

COURT OF APPEAL FILE NUMBER: 2503 0193AC

TRIAL COURT FILE NUMBER: 1103 14112

REGISTRY OFFICE: 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, TRACEY SCARLETT, ROY TWINN,  
JONATHON POTSKIN AND BONNIE BLAKLEY, as Trustees  
for the 1985 Sawridge Trust

STATUS ON APPEAL: Respondent

RESPONDENT: CATHERINE TWINN

STATUS ON APPEAL: Appellant

RESPONDENT OFFICE OF THE PUBLIC GUARDIAN AND TRUSTEE

STATUS ON APPEAL: Respondent

DOCUMENT:

**APPLICATION FOR LEAVE TO INTERVENE OF SAWRIDGE  
FIRST NATION**

ADDRESS FOR SERVICE  
AND CONTACT

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**NOTICE TO RESPONDENT(S):**



Catherine Twinn; Roland Twinn, Tracey Scarlett, Roy Twinn, Jonathon Potskin and Bonnie Blakley, as Trustees for the 1985 Sawridge Trust; and The Office of the Public Guardian and Trustee.

You have the right to state your side of this matter before the Court.

To do so, you must be in Court when the application is heard as shown below:

Date:	November 26, 2025
Time:	10:00
Where:	Law Courts Building 1A Sir Winston Churchill Square Edmonton AB T5J 0R2
Before:	Single judge of the court (Rule 14.37)

**Nature of Application and Relief Sought:**

**WARNING**

If you do not come to Court on the date and time shown below either in person or by your lawyer, the Court may give the applicant what it wants in your absence. You will be bound by any order that the Court makes. If you intend to rely on other evidence or a memorandum in support of your position when the application is heard or considered, you must file and serve those documents in compliance with the Rules. (Rule 14.41 and 14.43)

1. Sawridge First Nation (“**SFN**”) applies for leave to intervene to file a factum not exceeding thirty (30) pages in length, and be permitted to make oral submissions at the hearing of the appeal, without costs awarded to or against Sawridge.

**Grounds for making this application:**

**Background**

2. This appeal arises from an application by the Trustees of the 1985 Sawridge Trust (“**1985 Trust**”) seeking to distribute trust assets in the face of gender, race and related discrimination contained in the trust deed.
3. The 1985 Trust was established using assets primarily derived from oil and gas royalties received by the SFN from the federal government for the benefit of SFN members. As such, decisions regarding the distribution of these assets are of significant importance to the SFN.



## Appeal

4. Catherine Twinn appeals the decision of the Honourable Justice J.S. Little affirming that the Trustees of the 1985 Trust may proceed to make distributions to beneficiaries of the 1985 trust, including certain non-members of the Sawridge Nation, notwithstanding the definition of “Beneficiary” in the 1985 Sawridge Trust is discriminatory. This appeal raises questions of direct and significant importance to SFN.
5. SFN participated as intervenor in the proceedings before the Honourable Justice Little and its submissions were considered in the Honourable Justice Little’s decision.
6. SFN proposes to intervene to provide its perspective on the nature and extent of the discrimination imposed on its membership by the beneficiary definition in the 1985 Trust, the proper characterization of the Trust in light of its origins in public monies, the role public law plays in defining its character, the Indigenous context, and its *sui generis* nature, and SFN’s concerns about allowing a legislative regime that has been repealed by Parliament specifically because of its discriminatory nature to be propagated into the future through an alternate means.
7. SFN is uniquely situated to provide a perspective on this appeal which can help frame the issues under appeal.
8. SFN may have a direct, legal interest in the outcome and assets of the 1985 Trust, and determinations regarding the ability to distribute under a discriminatory trust directly affects the SFN and its members.
9. SFN’s presence is necessary for this Honourable Court to properly decide the matter.
10. SFN’s interest in the proceedings may not be fully protected by the parties to the appeal.
11. SFN provides a fresh perspective otherwise not available to the Court. Without SFN’s participation, the totality of consequences and legality of the trustees’ ability to make beneficial distributions pursuant to the terms of a trust that mandates racial and gender discrimination will not be fully captured in the submissions made to the Court.
12. SFN’s submissions will be useful and different than those brought by other parties to the appeal.
13. SFN’s intervention will not unduly delay proceedings.
14. SFN does not seek to widen the scope of appeal and will confine submissions to the issues before the Court on appeal.
15. It is in the interests of justice to allow the SFN to intervene in the appeal.



**Material or evidence to be relied on:**

16. The Affidavit of Isaac Twinn, sworn August 14, 2024.
17. Memorandum of Argument of the Applicant.
18. Such further and other materials as counsel may advise and this Honourable Court may allow.

**Applicable Acts, Regulations, and Rules:**

19. Rule 14.37(2)(e), 14.40, 14.58, *Alberta Rules of Court*.
20. Such other Rules, Acts and Regulations as counsel may advise and this Honourable Court may allow.