



Sawridge Trusts News

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SPECIAL POINTS OF INTEREST:

ParticipACTION
[http://
participaction.com](http://participaction.com)

Canadian Diabetes Association
[http://
www.diabetes.ca/](http://www.diabetes.ca/)

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Applicants Directed to First Nation

After consulting extensively with the Trusts' lawyers, the Trustees have come to the conclusion that the trust documents for the 1985 and 1986 Trusts set out that all beneficiaries "...must be members of the Sawridge First Nation, as determined by the Sawridge Band" (to quote the description used by the Trust Deeds.)

In December 2009, the Trustees placed a notice in the daily and weekly newspapers in Alberta, British Columbia and Saskatchewan inviting anyone who felt that they had a claim to submit an application. This type of notice is required by law when trusts or estates are being settled.

The Trusts received over 100 applications from people who felt that they had some connection to the Sawridge First Nation and the Sawridge Trusts.

After the Trustee meeting in December 2010, a letter was sent out to all these applicants informing them that they now needed to apply to the First Nation to be considered for membership. Before they make application to the First Nation, they will have to apply through Indian and Northern Affairs Canada for registration as status Indians under the Indian Act.

It is expected that the First Na-

tion will receive a number of applications over the next few months. This will put some pressure on the First Nation but the Trusts have offered the services of the Trust Administrator and the Trusts' lawyer to help resolve any problems that arise because of the increased number of applications.

The Trusts may have to publish a second notice during the court application to get the Court's advice on the 1985 Trust. This may result in more applications and these applicants, too, will be directed to apply directly to Sawridge First Nation.

Court Application for 1985 Trust

The 1986 Trust is clear that whoever is designated as a member of the Sawridge First Nation, under the Indian Act prior to 1985 or under the First Nation's Membership Code now, is automatically a beneficiary.

The definition of beneficiary in the 1985 Trust has caused some difficulty.

This definition is based on sections of the Indian Act, RSC 1970 as they stood on 15 April 1982. Some of these sections of the Act have since been repealed

or amended. The Trustees and the Trusts' lawyers have been unsure whether the Court would accept the use of the 1985 definition to decide who qualifies as a beneficiary, as the language of the Trust Deed now stands.

In order to answer this question, the Trustees have decided to make an application to the Court of Queen's Bench in Alberta to ask the Court's advice on the definition. If the Court accepts the definition as it stands, the

rules for beneficiary selection set out in the 1985 Trust Deed will be applied. If the Court does not accept the definition, a new definition will have to be applied and the permission of those affected will have to be obtained before amending the 1985 Trust documents.

This process is expected to take some months but will result in some clarity for the Trustees who have been struggling to address this question for some years.

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Established in 1985 and 1986 by the Chief and Council of the Sawridge First Nation under Chief Walter P. Twinn, Sawridge Trusts were set up to provide economic development, potential for employment, create an avenue for self sufficiency, self assurance, confidence and financial independence for the members of the Sawridge First Nation.

Monies from oil and gas development were invested in a number of businesses owned by the Trusts to provide long-term benefits to the beneficiaries and their descendents.

Benefits for Beneficiaries

Policies are now in place for a number of benefits including: the Compassionate Care and Death Benefit, the Personal Development Benefit, the Seniors' Support Benefit, the Health Support Benefit, the Cash Disbursement Benefit and the Special Rates at Sawridge Inns.

A pamphlet has also been sent out on how to access information on benefits through the

Sawridge Trusts web site which is now in operation.

Two new benefits are scheduled to go into effect soon. These are the Education Support Benefit and the Addictions Treatment Support Fund.

Over the next few years, the Trusts are hoping to develop benefits for Children with Spe-

cial Needs, a Housing Purchase Support Benefit, a Housing Repair Support Benefit, an Entrepreneurship Support Fund and a reserve Housing Fund as funds come available.

If you have any feedback on your experience with the existing benefits or have any thoughts on the proposed benefits, we would appreciate hearing from you.



Passing of Accounts

Work has been going on for over one year to present a Passing of Accounts before the Court and the beneficiaries. A Passing of Accounts is a legal process

whereby a complete statement of all the financial activities of a trust is presented to the Court and the beneficiaries as a means of maintaining the accountability of the trust.

The Sawridge Trusts' Passing of Accounts has

been somewhat complicated. The Trusts have been in existence since 1985 and this process has never been implemented before.

As complete a record as possible has been prepared of all the documents and accounts of the Trusts and the Sawridge companies owned by the Trusts. From this record, a history of the Trusts is being developed that will explain how the Trusts were set up and what they have been doing since 1985. An accounting is being prepared that will show the money and

assets that were placed in the Trusts and what has happened to that money and those assets since 1985.

Work is now nearing completion on these preparations. It is expected that the Passing of Accounts will take place sometime during the coming year.

Beneficiaries will be invited to special meetings to hear the presentation and view the documents when the application has been made to the Court.

This should happen soon after the matter of the beneficiary definition in the 1985 Trust has been settled. All of the affected parties will be informed when the process is underway.

