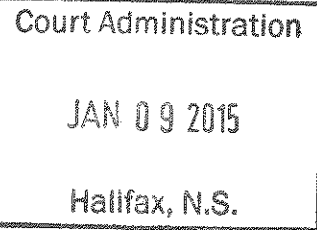


SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH



APPLICANT

and

**THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY**

RESPONDENTS

**Affidavit of Angela Kennedy
Volume 2 of 2**

I Angela Kennedy of Halifax, Province of Nova Scotia make oath and give evidence as follows:

1. I am a Legal Assistant with the office of Stewart McKelvey, counsel for the Applicant in this matter, the Municipality of the District of Guysborough ("MODG").
2. I have personal knowledge of the evidence in his Affidavit except where otherwise stated to be based on information and belief.
3. I state, in this Affidavit, the source of any information that is not based on my own personal knowledge, and I state my belief in that source.

Persons Listed in Exhibit "A" of the Affidavit of Frank Fogarty filed November 5, 2014

4. A true copy of Exhibit "A" to the Affidavit of Frank Fogarty is attached hereto as Exhibit "A".
5. On December 11, 2014, I mailed by registered mail, correspondence to Carolyn Ann Mundle. Attached hereto as Exhibit "B" are the following:
 - (a) A true copy of the letter to Carolyn Ann Mundle;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.
6. On December 11, 2014, I mailed by registered mail, correspondence to Brian Patrick Fogarty. Attached hereto as Exhibit "C" are the following:
 - (a) A true copy of the letter to Brian Patrick Fogarty;

- (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
7. On December 11, 2014, I mailed by registered mail, correspondence to Janet Marie Walsh. Attached hereto as Exhibit "D" are the following:
- (a) A true copy of the letter to Janet Marie Walsh;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
8. I am advised by Tipper McEwan and do verily believe that on January 4, 2015, he received an email message from Janet Walsh. Attached hereto as Exhibit "E" is a copy of an email dated January 4, 2015 from Janet Walsh to Tipper McEwan.
9. I am advised by Tipper McEwan and do verily believe that on January 5, 2015, he sent an email message to Janet Walsh. Attached hereto as Exhibit "F" is a copy of an email dated January 5, 2015 from Tipper McEwan to Janet Walsh.
10. On December 11, 2014, I mailed by registered mail, correspondence to Francis Howard Fogarty. Attached hereto as Exhibit "G" are the following:
- (a) A true copy of the letter to Francis Howard Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.
11. On December 11, 2014, I mailed by registered mail, correspondence to John Wayne Fogarty. Attached hereto as Exhibit "H" are the following:
- (a) A true copy of the letter to John Wayne Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
12. I am advised by Tipper McEwan and do verily believe that on December 18, 2014, he received a voicemail message from John Wayne Fogarty. Attached hereto as Exhibit "I" is a copy of the transcribed voicemail message received December 18, 2014 from John Wayne Fogarty to Tipper McEwan.
13. I am advised by Tipper McEwan and do verily believe that on December 22, 2014, he spoke with John Wayne Fogarty. Attached hereto as Exhibit "J" is a copy of a memo dated December 22, 2014 from Tipper McEwan noting his telephone call to John Wayne Fogarty.

14. On December 11, 2014, I mailed by registered mail, correspondence to Diana Jean Wallis. The address provided for Diana Jean Wallis in the Affidavit of Frank Fogarty sworn November 5, 2014 was Beeches Road, Braeshore, Pictou, Nova Scotia. This is an incomplete address. On December 8, 2014 I searched property online website for the name Diana Jean Wallis. I found a match for a Diana Jean Wallis at PO Box 93, 43 Seaview Cemetary Road, Bayview, Lot 2, Pictou, Nova Scotia B0K 1H0. Attached hereto as Exhibit "K" are the following:
 - (a) A true copy of the letters to Diana Jean Wallis;
 - (b) A true copy of the Registered mail tracking numbers; and
 - (c) A true copy of the track histories from Canada Post showing that the items were delivered on December 15, 2014.
15. I am advised by Tipper McEwan and do verily believe that on December 16, 2014, he received an email message from Diana Wallis. Attached hereto as Exhibit "L" is a copy of email correspondence dated December 16, 2014 from Diana Wallis to Tipper McEwan.
16. I am advised by Tipper McEwan and do verily believe that on December 18, 2014, he sent an email message to Diana Wallis. Attached hereto as Exhibit "M" is a copy of email correspondence dated December 18, 2014 from Tipper McEwan to Diana Wallis.
17. On December 11, 2014, I mailed by registered mail, correspondence to Terrance Michael Fogarty. The address provided for Terrance Michael Fogarty in the Affidavit of Frank Fogarty sworn November 5, 2014 was 10 Kent Avenue, Halifax. There was no postal code noted. On December 10, 2014 I searched the Canada Post website to determine the postal code for this address. There was no match. On December 10, 2014, I telephoned Terrance Michael Fogarty at the number provided in the Affidavit of Frank Fogarty sworn November 5, 2014. I left a voicemail message asking Terrance Michael Fogarty to return my call. On December 11, 2014, Terrance Michael Fogarty telephoned me and advised that his correct mailing address is 15 Kent Avenue, Halifax, Nova Scotia, B3M 2G2. Attached hereto as Exhibit "N" are the following:
 - (a) A true copy of the letter to Terrance Michael Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.
18. I am advised by Tipper McEwan and do verily believe that on December 19, 2014, he received an email message from Terry Fogarty. Attached hereto as Exhibit "O" is a copy of email correspondence dated December 19, 2014 from Terry Fogarty to Tipper McEwan.
19. I am advised by Tipper McEwan and do verily believe that on December 22, 2014, he sent an email message to Terry Fogarty. Attached hereto as Exhibit "P" is a copy of email correspondence dated December 22, 2014 from Tipper McEwan to Terry Fogarty.
20. On December 11, 2014, I mailed by registered mail, correspondence to Agnes Louise Pearce. Attached hereto as Exhibit "Q" are the following:

- (a) A true copy of the letter to Agnes Louise Pearce;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
21. I am advised by Tipper McEwan and do verily believe that on December 19, 2014, he spoke with Agnes Pearce. Attached hereto as Exhibit "R" is a copy of a memo dated December 19, 2014 from Tipper McEwan noting his telephone call received from Agnes Pearce.
22. On December 11, 2014, I mailed by registered mail, correspondence to James Patrick Fogarty. Attached hereto as Exhibit "S" are the following:
- (a) A true copy of the letter to James Patrick Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
23. On December 11, 2014, I mailed by registered mail, correspondence to Raymond William Fogarty. Attached hereto as Exhibit "T" are the following:
- (a) A true copy of the letter to Raymond William Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
24. I am advised by Tipper McEwan and do verily believe that on December 29, 2014, he received an email message from Raymond Fogarty. Attached hereto as Exhibit "U" is a copy of email correspondence dated December 29, 2014 from Raymond Fogarty to Tipper McEwan.
25. I am advised by Tipper McEwan and do verily believe that on December 30, 2014, he received a voicemail message from Raymond William Fogarty. Attached hereto as Exhibit "V" is a copy of the transcribed voicemail message received December 30, 2014 from Raymond William Fogarty to Tipper McEwan.
26. I am advised by Tipper McEwan and do verily believe that on December 30, 2014, he sent an email message to Raymond Fogarty. Attached hereto as Exhibit "W" is a copy of email correspondence dated December 30, 2014 from Tipper McEwan to Raymond Fogarty.
27. On December 11, 2014, I mailed by registered mail, correspondence to Daniel Vincent Fogarty. Attached hereto as Exhibit "X" are the following:
- (a) A true copy of the letter to Daniel Vincent Fogarty;
 - (b) A true copy of the Registered mail tracking number; and

- (c) A true copy of the track history from Canada Post showing that the item was delivered on December 19, 2014.
28. On December 11, 2014, I mailed by registered mail, correspondence to Vincent Frederick Fogarty. Attached hereto as Exhibit "Y" are the following:
- (a) A true copy of the letter to Vincent Frederick Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 22, 2014.
29. I am advised by Tipper McEwan and do verily believe that on January 5, 2015, he received an email message from Vincent Frederick Fogarty. Attached hereto as Exhibit "Z" is a copy of email correspondence dated January 5, 2015 from Vincent Frederick Fogarty to Tipper McEwan.
30. I am advised by Tipper McEwan and do verily believe that on January 6, 2015, he sent an email message to Vincent Frederick Fogarty. Attached hereto as Exhibit "AA" is a copy of email correspondence dated January 6, 2015 from Tipper McEwan to Vincent Frederick Fogarty.
31. On December 11, 2014, I mailed by registered mail, correspondence to Mark Timothy Fogarty. Attached hereto as Exhibit "BB" are the following:
- (a) A true copy of the letter to Mark Timothy Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 19, 2014.
32. I am advised by Tipper McEwan and do verily believe that on December 16, 2014, he received a voicemail message from Mark Fogarty. Attached hereto as Exhibit "CC" is a copy of the transcribed voicemail message received December 16, 2014 from Mark Fogarty to Tipper McEwan.
33. I am advised by Tipper McEwan and do verily believe that on December 18, 2014, he telephoned Mark Fogarty and left a voicemail message for him. Attached hereto as Exhibit "DD" is a copy of a memo dated December 18, 2014 from Tipper McEwan noting his telephone call to Mark Fogarty.
34. On December 11, 2014, I mailed by registered mail, correspondence to Ann Louise Fogarty. Attached hereto as Exhibit "EE" are the following:
- (a) A true copy of the letter to Ann Louise Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.

35. On December 11, 2014, I mailed by registered mail, correspondence to Ralph Christopher Fogarty. Attached hereto as Exhibit "FF" are the following:
 - (a) A true copy of the letter to Ralph Christopher Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
36. On December 11, 2014, I mailed by registered mail, correspondence to Michael Fogarty. Attached hereto as Exhibit "GG" are the following:
 - (a) A true copy of the letter to Michael Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
37. On December 11, 2014, I mailed by registered mail, correspondence to Kathleen Patricia Dunn. Attached hereto as Exhibit "HH" are the following:
 - (a) A true copy of the letter to Kathleen Patricia Dunn;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 21, 2014.
38. I am advised by Tipper McEwan and do verily believe that on December 31, 2014, he received a voicemail message from Frank Dunn calling on behalf of Kathleen Patricia Dunn. Attached hereto as Exhibit "II" is a copy of the transcribed voicemail message received December 31, 2014 from Frank Dunn to Tipper McEwan.
39. I am advised by Tipper McEwan and do verily believe that on January 6, 2015, he spoke with Frank Dunn. Attached hereto as Exhibit "JJ" is a copy of a memo dated January 6, 2015 from Tipper McEwan noting his telephone call to Frank Dunn.
40. On December 11, 2014, I mailed by registered mail, correspondence to Ronald Edward Fogarty. Attached hereto as Exhibit "KK" are the following:
 - (a) A true copy of the letter to Ronald Edward Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
41. Exhibit "A" of the Affidavit of Frank Fogarty contained several names for which no addresses or contact information were provided. Those names are as follows:
 - (a) Michael Gregory Fogarty;

- (b) David Lamont Fogarty;
 - (c) Patricia Ann Graham;
 - (d) Shannon Rose Marie Fogarty; and
 - (e) Peter Garfield Fogarty.
42. I am advised by Tipper McEwan and do verily believe that on December 10, 2014, he received an email message from Frank Fogarty. In the December 10-11, 2014 email string between Tipper McEwan and Frank Fogarty, Tipper McEwan inquires if Frank Fogarty has any contact information for the above noted five names. Frank Fogarty replies that "I can offer no information on David Lamont Graham or his sister Patricia Ann Graham ... nor do I have any information on Peter Garfield Fogarty". With respect to the other two names, Frank Fogarty replies that "I believe the most reliable source of any information for Michael Gregory Fogarty and Shannon Rose Marie Fogarty would be a cousin of mine, Raymond William Fogarty. His address is 328 Nelson St, Brantford, Ont. N3S 4E1. His phone # is 519-759-8743". A true copy of the email string dated December 10-11, 2014 between Tipper McEwan and Frank Fogarty is attached hereto as Exhibit "LL".
43. On December 15, 2014, I telephoned Raymond William Fogarty at 519-759-8743. I left a message providing my name and telephone number and indicating that I had received his name from his cousin Frank Fogarty and that he may have address information for Michael Gregory Fogarty and Shannon Rose Marie Fogarty. I noted that I was calling from Stewart McKelvey respecting an expropriation of land matter of the heirs of Joseph Fogarty. I asked him to call me back.
44. On December 18, 2014, I received a call from Linda Fogarty, wife of Raymond Fogarty. She indicated that Mr. Fogarty's middle name was Junior, not William. She confirmed that the address I was provided for Mr. Raymond Fogarty by Frank Fogarty (328 Nelson Street, Brantford, ON N3S 4E1) was correct. She advised that they do not have any contact information for Michael Gregory Fogarty and Shannon Rose Marie Fogarty. She also advised that Raymond Fogarty has a brother, John Fogarty in Ontario and provided his address to me (6 Alfred Street, Brantford, ON) so that we could also send a letter to him.
45. On December 19, 2014, I mailed by registered mail, correspondence to Raymond Junior Fogarty and Linda Fogarty. Attached hereto as Exhibit "MM" are the following:
- (a) A true copy of the letter to Raymond Junior Fogarty and Linda Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 29, 2014.
46. On December 19, 2014, I mailed by registered mail, correspondence to John Fogarty. Attached hereto as Exhibit "NN" are the following:
- (a) A true copy of the letter to John Fogarty;
 - (b) A true copy of the Registered mail tracking number; and

- (c) A true copy of the track history from Canada Post showing that the item was delivered on December 30, 2014
- 47. I am advised by Tipper McEwan and do verily believe that on January 5, 2015, he received an email message from Frank Fogarty. Attached hereto as Exhibit "OO" is a copy of an email dated January 5, 2015 from Frank Fogarty to Tipper McEwan and Robert Grant providing contact information for his Uncle, Michael Gregory Fogarty.
- 48. On January 5, 2015, I mailed by registered mail and regular mail, correspondence to Michael Gregory Fogarty. Attached hereto as Exhibit "PP" are the following:
 - (a) A true copy of the letters to Michael Gregory Fogarty; and
 - (b) A true copy of the Registered mail tracking number.

Persons Listed in Exhibit "C" of the Affidavit of Betty Dobson

- 49. A true copy of Exhibit "C" to the Affidavit of Betty Dobson is attached hereto as Exhibit "QQ".
- 50. On December 11, 2014, I mailed by registered mail, correspondence to David Gormley. The address provided for David Gormley in the Affidavit of Betty Dobson sworn September 23, 2014 was 41 Earl Drive, Charlottetown, PE. There was no postal code noted. On December 11, 2014 I searched the Canada Post website to determine the postal code for this address. There was no match. On December 11, 2014, I telephoned David Gormley at the number provided in the Affidavit of Betty Dobson sworn September 23, 2014. I spoke with a woman who said that David Gormley was not at home. She confirmed that their address was actually 41 Earl Drive, Stratford, PE C1B 1K8. Attached hereto as Exhibit "RR" are the following:
 - (a) A true copy of the letter to David Gormley;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 18, 2014.
- 51. On December 11, 2014, I mailed by registered mail, correspondence to Joyce (Hoare) Campbell. There was no address listed for Joyce (Hoare) Campbell in the Affidavit of Betty Dobson sworn September 23, 2014. On December 10, 2014, I telephoned Joyce (Hoare) Campbell at the number provided in the Affidavit of Betty Dobson sworn September 23, 2014. I spoke with Ms. Campbell and she advised that her address was 235 Little Harbour Road, Apartment 206, New Glasgow, Nova Scotia B2H 3S9. Attached hereto as Exhibit "SS" are the following:
 - (a) A true copy of the letter to Joyce (Hoare) Campbell;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.

52. On December 11, 2014, I mailed by registered mail, correspondence to David Brian Hoare. There was no address listed for David Brian Hoare in the Affidavit of Betty Dobson sworn September 23, 2014. On December 10, 2014, I telephoned David Brian Hoare at the number provided in the Affidavit of Betty Dobson sworn September 23, 2014. There was no answer so I left a voicemail message. On December 10, 2014, Mrs. Hoare returned my call and she advised that their address was PO Box 204, New Glasgow, NS B2H 5E2. Attached hereto as Exhibit "TT" are the following:
- (a) A true copy of the letter to David Brian Hoare;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
 - (d) I am advised by Tipper McEwan and do verily believe that on January 7, 2015, he spoke with David Brian Hoare. Attached is a copy of a memo dated January 7, 2015 from Tipper McEwan noting his telephone call with David Brian Hoare.
53. On December 11, 2014, I mailed by registered mail, correspondence to Stephen Edward Fogarty. Attached hereto as Exhibit "UU" are the following:
- (a) A true copy of the letter to Stephen Edward Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
54. On December 11, 2014, I mailed by registered mail, correspondence to Jamie and Lynn Hoare. Attached hereto as Exhibit "VV" are the following:
- (a) A true copy of the letter to Jamie and Lynn Hoare;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.
55. On December 11, 2014, I mailed by registered mail, correspondence to Donna M. (Hoare) Olsen and Hoyt C. Olsen. Attached hereto as Exhibit "WW" are the following:
- (a) A true copy of the letter to Donna M. (Hoare) Olsen and Hoyt C. Olsen;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 20, 2014.
56. On December 11, 2014, I mailed by registered mail, correspondence to Janet (Rhynold) Hendsbee and John D. Hendsbee. The address listed for Janet (Rhynold) Hendsbee and John D. Hendsbee in the Affidavit of Betty Dobson sworn September 23, 2014 was incomplete. On December 10, 2014, I telephoned Janet (Rhynold) Hendsbee at the

number provided in the Affidavit of Betty Dobson sworn September 23, 2014. I spoke with Janet (Rhynold) Hendsbee and she advised that their address was , 4536 Half Island Cove, Guysborough, NS B0H 1N0. Attached hereto as Exhibit "XX" are the following:

- (a) A true copy of the letter to Janet (Rhynold) Hendsbee and John D. Hendsbee;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.
57. On December 11, 2014, I mailed by registered mail, correspondence to Arthur Campbell. Attached hereto as Exhibit "YY" are the following:
- (a) A true copy of the letter to Arthur Campbell;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
58. I am advised by Tipper McEwan and do verily believe that on December 17, 2014, he received a voicemail message from Art Campbell. Attached hereto as Exhibit "ZZ" is a copy of the transcribed voicemail message received December 17, 2014 from Art Campbell to Tipper McEwan.
59. I am advised by Tipper McEwan and do verily believe that on December 22, 2014, he spoke with Art Campbell's wife. Attached hereto as Exhibit "AAA" is a copy of a memo dated December 22, 2014 from Tipper McEwan noting his telephone call received from Art Campbell's wife.
60. On December 11, 2014, I mailed by registered mail, correspondence to Joseph Chabassol. Attached hereto as Exhibit "BBB" are the following:
- (a) A true copy of the letter to Joseph Chabassol;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 17, 2014.
61. On December 10, 2014, I telephoned Robert Hoare at the number provided in Exhibit "C" to Betty Dobson's Affidavit. A woman answered the phone and indicated that Robert Hoare was not at home. I left my name and telephone number with the woman and indicated that I had received his name from a genealogical search and that identifies him as a potential heir of Joseph Fogarty and that we wanted to send him some information respecting an expropriation of land matter belonging to the heirs of Joseph Fogarty. I asked that she provide my contact information to Mr. Hoare and have him call me back. As of January 7, 2015, I have not received any return calls or voicemail messages from Mr. Robert Hoare.

62. On December 10, 2014, I telephoned Paula (Collins) Mason at the number provided in Exhibit "C" to Betty Dobson's Affidavit. There was no answer. The outgoing voicemail message simply stated "John". I left a voicemail with my name and telephone number and indicated that I was calling for Paula (Collins) Mason and had received her name from a genealogical search that identifies her as a potential heir of Joseph Fogarty and that we wanted to send her some information respecting an expropriation of land matter belonging to the heirs of Joseph Fogarty. I asked that she please call me back.
63. On December 18, 2014, I received a phone call from Paula (Collins) Mason. She indicated that the number I contacted her at was actually her ex-husband's number. She provided me with her new number and address of Apt 302, 67 Metropolitan Avenue, Lower Sackville, Nova Scotia B4C 3H3.
64. On December 18, 2014, I mailed by registered mail, correspondence to Paula (Collins) Mason. Attached hereto as Exhibit "CCC" are the following:
 - (a) A true copy of the letter to Paula (Collins) Mason;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on January 2, 2014.
65. On December 18, 2014, I telephoned John W. Fanning at the number provided in Exhibit "C" to Betty Dobson's Affidavit. There was no answer. The outgoing voicemail message simply stated "Jackie Fanning". I left a voicemail with my name and telephone number and indicated that I was calling for John W. Fanning to ask if he was a relative to Ernest W. Fanning, deceased and had received his name from a genealogical search that may identify him as a potential heir of Joseph Fogarty and that we wanted to send her some information respecting an expropriation of land matter belonging to the heirs of Joseph Fogarty. I asked that he please call me back.
66. On December 22, 2014, John W. Fanning returned my call and said that his father was from Guysborough and he remembers his father mentioning an Ernie Fanning. He provided his address to me so I could send him a letter. RR #1 6 Murray's Lane, Trenton, NS B0K 1X0.
67. On December 22, 2014, I mailed by registered mail, correspondence to John W. Fanning. Attached hereto as Exhibit "DDD" are the following:
 - (a) A true copy of the letter to John W. Fanning;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on January 2, 2014.
68. I am advised by Tipper McEwan and do verily believe that on January 5, 2015 he received a voicemail message from Jack Fanning. Attached hereto as Exhibit "EEE" is a copy of the transcribed voicemail message received January 5, 2015 from Jack Fanning to Tipper McEwan. The home telephone number Mr. Fanning provides matches the number we have for John Fanning.

69. I am advised by Tipper McEwan and do verily believe that on January 5, 2015, he received a second voicemail message from John Fanning. Attached hereto as Exhibit "FFF" is a copy of the transcribed voicemail message received January 5, 2015 from John Fanning to Tipper McEwan. The home telephone number Mr. Fanning provides matches the number we have for John Fanning.
70. I am advised by Tipper McEwan and do verily believe that on January 6, 2015, he spoke with John Fanning. Attached hereto as Exhibit "GGG" is a copy of a memo dated January 6, 2015 from Tipper McEwan noting his telephone call with John Fanning.

Persons who have contacted the office of Stewart McKelvey

71. On December 11, 2014, I mailed by registered mail, correspondence to R. Jeff Fogarty. Attached hereto as Exhibit "HHH" are the following:
- (a) A true copy of the letter to R. Jeff Fogarty;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
72. I am advised by Tipper McEwan and do verily believe that on December 8, 2014 he received an email message from R. Jeff Fogarty. Attached hereto as Exhibit "III" is a copy of email correspondence dated December 8, 2014 received from R. Jeff Fogarty.
73. I am advised by Tipper McEwan and do verily believe that on December 11, 2014 he sent an email message to R. Jeff Fogarty. Attached hereto as Exhibit "JJJ" is a copy of email correspondence dated December 11, 2014 which Tipper McEwan sent to R. Jeff Fogarty.
74. I am advised by Tipper McEwan and do verily believe that on December 12, 2014 he received an email message from Jeff Fogarty. Attached hereto as Exhibit "KKK" is a copy of email correspondence dated December 12, 2014 from Jeff Fogarty to Tipper McEwan.
75. I am advised by Tipper McEwan and do verily believe that on December 12, 2014 he sent an email message to Jeff Fogarty. Attached hereto as Exhibit "LLL" is a copy of email correspondence dated December 12, 2014 from Tipper McEwan to Jeff Fogarty.
76. I am advised by Tipper McEwan and do verily believe that on December 15, 2014 he received an email message from Steve Fogarty. Attached hereto as Exhibit "MMM" is a copy of email correspondence dated December 15, 2014 from Steve Fogarty to Tipper McEwan.
77. I am advised by Tipper McEwan and do verily believe that on December 15, 2014 he sent an email message to Steve Fogarty. Attached hereto as Exhibit "NNN" is a copy of email correspondence dated December 15, 2014 from Tipper McEwan to Steve Fogarty.
78. I am advised by Tipper McEwan and do verily believe that on December 15, 2014 he received an email message from Steve Fogarty. Attached hereto as Exhibit "OOO" is a copy of email correspondence dated December 15, 2014 from Steve Fogarty to Tipper McEwan.

79. The MODG website link had a typographical error in it, such that the address did not match the one in the advertisement. That error was corrected. Attached hereto as Exhibit "PPP" are true copies of correspondence between Tipper McEwan and Ashley Cunningham at the MODG by whom I am advised and do verily believe that the link was repaired.
80. I have visited the MODG's website. Attached hereto as Exhibit "QQQ" is a true copy of the MODG's home page showing, amongst other things, a quick link including a link to "Fogarty Expropriation Info" and a copy of the Fogarty Expropriation Information page.
81. I am advised by Tipper McEwan and do verily believe that on December 18, 2014 he sent an email message to Steve Fogarty. Attached hereto as Exhibit "RRR" is a copy of email correspondence dated December 18, 2014 from Tipper McEwan to Steve Fogarty (attachment not reproduced in this Exhibit).
82. I am advised by Tipper McEwan and do verily believe that on December 13, 2014 he received an email message from Barry Carroll forwarding an email message received from Jeff Fogarty. Attached hereto as Exhibit "SSS" is a copy of email correspondence dated December 13, 2014 from Barry Carroll to Jeff Fogarty.
83. I am advised by Tipper McEwan and do verily believe that on December 18, 2014 he sent an email message to Jeff Fogarty and Ronald Edward Fogarty. Attached hereto as Exhibit "TTT" is a copy of email correspondence dated December 18, 2014 from Tipper McEwan to Jeff Fogarty and Ronald Edward Fogarty (attachment not reproduced in this Exhibit).
84. I am advised by Tipper McEwan and do verily believe that on December 8, 2014, he received a voicemail message from Diane Clarke. Attached hereto as Exhibit "UUU" is a copy of the transcribed voicemail message received December 8, 2014 from Diane Clarke to Tipper McEwan.
85. I am advised by Tipper McEwan and do verily believe that on December 9, 2014, he spoke with Diane Clarke. Attached hereto as Exhibit "VVV" is a copy of a memo dated January 7, 2015 from Tipper McEwan noting his telephone call to Diane Clarke.
86. On December 11, 2014, I mailed by registered mail, correspondence to Diane Clarke. Attached hereto as Exhibit "WWW" are the following:
 - (a) A true copy of the letter to Diane Clarke;
 - (b) A true copy of the Registered mail tracking number; and
 - (c) A true copy of the track history from Canada Post showing that the item was delivered on December 16, 2014.
87. On December 11, 2014, I mailed by registered mail, correspondence to David Rhynold. Attached hereto as Exhibit "XXX" are the following:
 - (a) A true copy of the letter to David Rhynold;
 - (b) A true copy of the Registered mail tracking number; and

- (c) A true copy of the track history from Canada Post showing that the item was delivered on December 15, 2014.

Sworn to/Affirmed before me at Halifax
Regional Municipality, Province of Nova
Scotia this 7th day of January, 2015

Signature of Authority

Print Name: _____
Official Capacity: A Barrister of the
Supreme Court of Nova Scotia

Angela Kennedy

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Tab	Description
A.	Exhibit "A" to the Affidavit of Frank Fogarty
B.	Letter to Carolyn Ann Mundle and tracking information
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D.	Letter to Janet Marie Walsh and tracking information
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G.	Letter to Francis Howard Fogarty and tracking information
H.	Letter to John Wayne Fogarty and tracking information
I.	Transcribed voicemail received December 18, 2015 from John Wayne Fogarty to Tipper McEwan
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Tab	Description
Y.	Letter to Vincent Frederick Fogarty and tracking information
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NN.	Letter to John Fogarty and tracking information
OO.	Email dated January 5, 2015 from Frank Fogarty to Tipper
PP.	Letter to Michael Gregory Fogarty and tracking information
QQ.	Exhibit "C" to the Affidavit of Betty Dobson
RR.	Letter to David Gormley and tracking information
SS.	Letter to Joyce (Hoare) Campbell and tracking information
TT.	Letter to David Brian Hoare and tracking information and memo dated January 7, 2015 from Tipper McEwan noting his telephone call with David Brian Hoare.
UU.	Letter to Stephen Edward Fogarty and tracking information
VV.	Letter to Jamie and Lynn Hoare and tracking information
WW.	Letter to Donna M. (Hoare) Olsen and Hoyt C. Olsen and tracking information

Tab	Description
XX.	Letter to Janet (Rhynold) Hendsbee and John D. Hendsbee and tracking information
YY.	Letter to Arthur Campbell and tracking information
ZZ.	Transcribed voicemail received December 17, 2014 from Art Campbell to Tipper McEwan
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BBB.	Letter to Joseph Chabassol and tracking information
CCC.	Letter to Paula (Collins) Mason and tracking information
DDD.	Letter to John W. Fanning and tracking information
EEE.	Transcribed voicemail received January 5, 2015 from Jack Fanning to Tipper McEwan
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MMM.	Email dated December 15, 2014 from Steve Fogarty to Tipper McEwan
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PPP.	Email correspondence between Tipper McEwan and Ashley Cunningham
QQQ.	MODG's home page and the Fogarty Expropriation Information page.
RRR.	Email dated December 18, 2014 from Tipper McEwan to Steve Fogarty (attachment not reproduced in this Exhibit).
SSS.	Email dated December 13, 2014 from Barry Carroll to Jeff Fogarty
TTT.	Email dated December 18, 2014 from Tipper McEwan to Jeff Fogarty and Ronald Edward Fogarty (attachment not reproduced in this Exhibit).
UUU.	Transcribed voicemail received December 8, 2014 from Diane Clarke to Tipper McEwan

Tab	Description
VVV.	Memo dated January 7, 2015 from Tipper McEwan noting call with Diane Clarke
WWW.	Letter to Diane Clarke and tracking information
XXX.	Letter to David Rhynold and tracking information

2014**Hfx No. 431696**

This is Exhibit "QQ" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.




A Barrister of the Supreme Court of Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

2014

Hfx. No.

This is Exhibit "C" to the Affidavit of Betty
Dobson, sworn before me on the 23rd day
of Sept, 2014.


A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Betty Dobson [bettydobson@eastlink.ca]
Sent: August-08-14 7:17 PM
To: Tipper McEwan
Subject: RE: Updated Fogarty contact information

Here's the latest information. Note that #8vi. Joyce (Hoare) Campbell has additional information which she will compile this weekend, including some contact information.

~~#2v. Mary (Rhynold) Flemming Fleet, 1994 in Ecum Secum, Mary J Fleet, 902-347-2817 NO MATCH~~

#5i. Ernest William Fanning — spoke with Gary Fanning of New Glasgow, not related but knew Ernie, who is deceased, had many children, suggested checking Trenton. One Fanning in Trenton, John W Fanning, 902-752-5102 MESSAGE

#7xi. David Gormley, possibly 41 Earl Dr, Charlottetown PE, 902-368-3358 MESSAGE

#8vi. Joyce (Hoare) Campbell, 902-752-7775 CONFIRMED digging up additional information over weekend

#8vii. David Brian Hoare, New Glasgow NS (902) 755-3596 CONFIRMED referred to sister Joyce #8vi.

#22ii. Stephen Edward Fogarty, 93 Milligan St, Fergus, ON N1M 3S5, 519-843-7451 CONFIRMED

~~24i. Martin Power, 67 Cumberland, Halifax NS 902-461-4229 NO MATCH~~

#28. or 28ii. Robert Hoare, Westville NS 902-695-6028 MESSAGE

#29i. Jamie & Lynn Hoare, 70 Campbell St, North Sydney NS B2A 2C7, 902-241-2866 CONFIRMED

#30i. Donna M (Hoare) Olsen & Hoyt C Olsen, 10997 SW 113th Pl, Miami, FL, 33176-3177 (NO PHONE)

#31. Janet (Rhynold) Hendsbee, John D Hendsbee, Half Island Cove NS 902-358-2789 NO VOICEMAIL

#32. Arthur Campbell, 59 Kaneville Rd, New Waterford NS B1H 5T2, 902-862-8340 CONFIRMED

#33. Paula (Collins) Mason, possibly Bedford, NS, 902-835-6582 MESSAGE

#34. Joseph Chabassol, 167 Church St, Moncton NB E1C4Z8, 506-852-9180 CONFIRMED
 Work # 506-383-6931 Trident Pump



This email is free from viruses and malware because avast! Antivirus protection is active.

2014

Hfx No. 431696

This is Exhibit "RR" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

David Gormley
41 Earl Drive
Stratford, PE C1B 1K8

Dear Mr. Gormley:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

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The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.











SM003440-6 TM

Registered Mail

David Gormley
41 Earl Drive
Stratford, PE C1B 1K8

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Terrence Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2C2	 RW 666 437 932 CA	SM 003440- POST 0006 CANADA 2014-12-11 Halifax Town Clerk 1803	F.S.
December 11, 2014	TM	David Cornley 41 Earl Drive Stratford, PE-1B-1A8	 RW 666 437 946 CA	SM 003440- CANADA 2014-12-11 Halifax Town Clerk 1803	F.S.
December 11, 2014	TM	Joyce (Hoare) Campbell 235 Little Harbour Road Apartment 206 New Glasgow, N.S.	 RW 666 437 950 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	David Brian Hoare P.O. Box 204 New Glasgow, N.S. B2H-5E2	 RW 666 437 963 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Sterner Edward Fogarty 93 Milligan St. Fergus, C.N. N1M-3S5	 RW 666 437 892 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Janie & Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2E7	 RW 666 437 901 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Janet (Rhynold) Hendsbee 8 John D. Hendasbee 4536 Half Island Cove Guysborough, N.S. B0H-1N0	 RW 666 437 915 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Arthur Campbell 59 Ranville Road New Waterford, N.S. B1H-5T2	 RW 666 437 929 CA	SM 003440- 00006	F.S.

**Tracking Number**

RW666437946CA

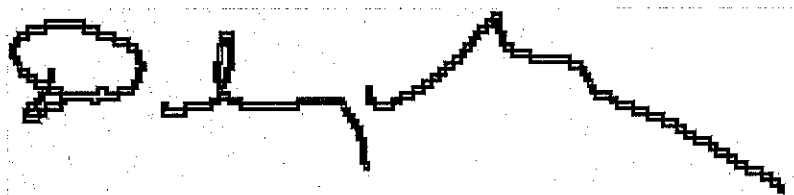
Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/18	09:45	CHARLOTTETOWN	Item successfully delivered		
2014/12/18	09:45		Signature image recorded for Online viewing		DAVID GORMLEY
2014/12/16	18:49	CHARLOTTETOWN	Item available for pickup at Post Office	STRATFORD P.O.	
2014/12/16	16:42	CHARLOTTETOWN	Item transferred to Post Office; being prepared for pickup.		
2014/12/16	13:39	CHARLOTTETOWN	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	10:48	CHARLOTTETOWN	Item out for delivery		
2014/12/16	06:57	CHARLOTTETOWN	Item processed at local delivery facility		
2014/12/15	14:18	CHARLOTTETOWN	Item processed		
2014/12/14	14:06	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

© 2014 Canada Post Corporation

A handwritten signature in black ink, appearing to read "David Gormley". The signature is stylized with a large, looped initial "D" and a long, sweeping horizontal stroke that ends in a small upward flick.

2014**Hfx No. 431696**

This is Exhibit "SS" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Joyce (Hoare) Campbell
235 Little Harbour Road
Apartment 206
New Glasgow, NS B2H 3S9

Dear Ms. Campbell:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,



Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

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The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959' Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.











SM003440-6 TM

Registered Mail

Joyce (Hoare) Campbell
235 Little Harbour Road
Apartment 206
New Glasgow, NS B2H 3S9

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December 11, 2014	TM	Arthur Campbell 59 Reneville Road New Waterford, N.S. B1H-5T2	 RW 666 437 929 CA	SM 003440- 00006	F.S.

**Tracking Number**

RW666437950CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/15	07:45	NEW GLASGOW	Item processed at local delivery facility		
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2014/12/11	17:30	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

A handwritten signature in cursive script, reading "Joyce Campbell", enclosed within a rectangular border.

2014

Hfx No. 431696

This is Exhibit "TT" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

David Brian Hoare
PO Box 204
New Glasgow, NS B2H 5E2

Dear Mr. Hoare:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

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Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

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APPLICANT

and

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The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.











SM003440-6 TM

Registered Mail

David Brian Hoare
PO Box 204
New Glasgow, NS B2H 5E2



Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Terrence Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2G2	 RW 666 437 932 CA	SM 003440-00006 POSTES CANADA 2014-12-11 Halifax Town Clerk 2803	ES.
December 11, 2014	TM	David Cormley 41 Earl Drive Stratford, PE B1B-1H8	 RW 666 437 946 CA	SM 003440-00006 2014-12-11 Halifax Town Clerk 2803	ES.
December 11, 2014	TM	Joyce (Hoare) Campbell 235 Little Harbour Road Apartment 206 New Glasgow, N.S. B2H-3S9	 RW 666 437 950 CA	SM 003440-00006	ES.
December 11, 2014	TM	David Brian Hoare P.O. Box 204 New Glasgow, N.S. B2H-5E2	 RW 666 437 963 CA	SM 003440-00006	ES.
December 11, 2014	TM	Sterren Edward Fogarty 93 William St. Fergus, C.N. N1M-3S5	 RW 666 437 892 CA	SM 003440-00006	ES.
December 11, 2014	TM	Damie & Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2G7	 RW 666 437 901 CA	SM 003440-00006	ES.
December 11, 2014	TM	Danet (Rhynold) Hendshie 8 John D. Hendshie 4536 Half Island Cove Guysborough, N.S. B0H-1N0	 RW 666 437 915 CA	SM 003440-00006	ES.
December 11, 2014	TM	Arthur Campbell 59 Ranville Road New Waterford, N.S. B1H-5T2	 RW 666 437 929 CA	SM 003440-00006	ES.

**Tracking Number**

RW666437963CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/16	13:44	NEW GLASGOW	Item successfully delivered		
2014/12/16	13:44		Signature image recorded for Online viewing		DAVID HOARE
2014/12/15	11:34	NEW GLASGOW	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/14	15:15	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:30	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

D. Hoare





Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

MEMORANDUM

Date: January 7, 2015
To: File
From: Tipper McEwan
File: SM003440-6
Municipality of the District of Guysborough
Re: Black Point Expropriation

On January 7, 2015, I received a telephone call from David Hoare, who asked if the court proceedings would relate to entitlement to the compensation for the \$140,000 appraised value of the land. I advised Mr. Hoare that the court proceeding would settle the question of who had title to the land and that the question of compensation would be determined later based on the title. I recommended that Mr. Hoare and his family seek independent legal advice. Mr. Hoare indicated to me repeatedly that he and his brothers and sisters do not believe that they were entitled to any compensation for the land at Fogarty's Cove because they had not paid the taxes on the land while a branch of the Fogarty family based in Halifax has paid the taxes. I told Mr. Hoare that I could not advise him on what interest he may or may not have, reiterated that he should seek legal advice, and told him that I would make a note in my file regarding his telephone call. Mr. Hoare reiterated that "none of my family think we have an interest".

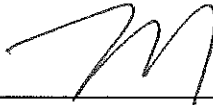
Tipper McEwan

TM/adk

2014

Hfx No. 431696

This is Exhibit "UU" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Stephen Edward Fogarty
93 Milligan St.
Fergus, ON N1M 3S5

Dear Fogarty:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,


Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.











SM003440-6 TM

Registered Mail

Stephen Edward Fogarty
93 Milligan St.
Fergus, ON N1M 3S5

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Terrance Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2G2	 RW 666 437 932 CA	SM 003440-00006 POST OFFICE CANADA 2014-12-11 Halifax Town Clerk 1803 HALIFAX NS	F.S.
December 11, 2014	TM	David Lormley 41 Earl Drive Stratford, PE B1B-1K8	 RW 666 437 946 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Joyce (Hoare) Campbell 235 Little Harbour Road Apartment 206 New Glasgow, N.S. B2H-3S9	 RW 666 437 950 CA	SM 003440-00006	F.S.
December 11, 2014	TM	David Brian Hoare Robey 204 New Glasgow, N.S. B2H-5E2	 RW 666 437 963 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Stephen Edward Fogarty 93 Milligan St. Fergus, O.N. N1M-3S5	 RW 666 437 892 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Jamie Lynn Hoare 70 Campbell Street North Sydney, N.S. B2H-2G7	 RW 666 437 901 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Janet (Rhynold) Hendabee John D. Hendabee 4536 Half Island Lake Guysborough, N.S. B2H-1N0	 RW 666 437 915 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Arthur Campbell Sq Ranville Road New Waterford, N.S. B1H-5T2	 RW 666 437 929 CA	SM 003440-00006	F.S.

**Tracking Number**

RW666437892CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/16	12:06	FERGUS	Item successfully delivered		
2014/12/16	09:27	FERGUS	Item out for delivery		
2014/12/16	08:48	FERGUS	Item processed at local delivery facility		
2014/12/15	09:45	STONEY CREEK	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:30	HALIFAX	Item accepted at the Post Office		


Shipping Options and Features for this Item

Signature Required

2014

Hfx No. 431696

This is Exhibit "VV" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900-1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Jamie & Lynn Hoare
70 Campbell Street
North Sydney, NS B2A 2C7

Dear Mr. and Mrs. Hoare:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

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I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

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Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

Jamie & Lynn Hoare
70 Campbell Street
North Sydney, NS B2A 2C7

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLEAR
December 11, 2014	TM	Terrence Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2G2	RW 666 437 932 CA	SM 003440- 00006 POSTES CANADA 2014-12-11 Halifax Town Centre 2803 HALIFAX NS	FS.
December 11, 2014	TM	David Lormley 41 Earl Drive Stratford, PE B1K 7	RW 666 437 946 CA	SM 003440- 00006	FS.
December 11, 2014	TM	Joyce (Hoare) Campbell 235 Little Harbour Road Apartment 206 New Glasgow, N.S. B2H-3S9	RW 666 437 950 CA	SM 003440- 00006	FS.
December 11, 2014	TM	David Brian Hoare P.O. Box 204 New Glasgow, N.S. B2H-5E2	RW 666 437 963 CA	SM 003440- 00006	FS.
December 11, 2014	TM	Stephen Edward Fogarty 93 Milligan St. Fergus, C.N. N1M-3S5	RW 666 437 892 CA	SM 003440- 00006	FS.
December 11, 2014	TM	Jamie Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2C7	RW 666 437 901 CA	SM 003440- 00006	FS.
December 11, 2014	TM	Jamie (Rhynold) Hendshie John D. Hendshie 4536 Half Island Cove, Guysborough, N.S. B0H-1N0	RW 666 437 915 CA	SM 003440- 00006	FS.
December 11, 2014	TM	Arthur Campbell Sq Kaneville Road New Waterford, N.S. B1H-5T2	RW 666 437 929 CA	SM 003440- 00006	FS.

**Tracking Number**

RW666437901CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/15	AM		Signature image recorded for Online viewing		HOARE
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2014/12/15	08:37	NORTH SYDNEY	Item processed at local delivery facility		
2014/12/15	06:30	SYDNEY	Item processed		
2014/12/14	12:09	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item


Signature Required

Lynn Hoare

2014

Hfx No. 431696

This is Exhibit "WW" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Donna M. (Hoare) Olsen & Hoyt C. Olsen
10997 SW 113th Pl
Miami, FL 33176-3177

Dear Mrs. and Mrs. Olsen:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

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Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

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Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959' Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

Donna M.(Hoare) Olsen & Hoyt C. Olsen
10997 SW 113th Pl
Miami, FL 33176-3177



Angela D. Kennedy

From: Ian MacNeill
Sent: December-19-14 12:39 PM
To: Angela D. Kennedy; DL-NS Document Center
Subject: RE: Hey, just wondering if there is any tracking number for the letter I sent to the US on Dec 11th

Hi Angela,

The tracking number is EM052779839CA.

Thanks.

From: Angela D. Kennedy
Sent: Friday, December 19, 2014 11:56 AM
To: DL-NS Document Center
Subject: RE: Hey, just wondering if there is any tracking number for the letter I sent to the US on Dec 11th

I just checked the Canada post site and it notes that registered mail to the US is sent by xpresspost and there should have been a tracking number on the envelope.

Thanks.

Ang

From: Angela D. Kennedy
Sent: December-19-14 11:46 AM
To: DL-NS Document Center
Subject: Hey, just wondering if there is any tracking number for the letter I sent to the US on Dec 11th

I got all the tracking slips for the ones that were sent in Canada, but there was one I sent to the United States on SM3440-6 on December 11th to a Donna M. (Hoare) Olsen and Hoyt C. Olsen and I have not received a tracking number for that registered mail. Are we even able to track letters to the US? If not, I will note that in our Affidavit.

Thanks

Ang



Angela D. Kennedy
 Legal Assistant
stewartmckelvey.com/Halifax
 D: 902.420.3200 ext. 64288
adkennedy@stewartmckelvey.com

**Tracking Number**

EM052779839CA

Product Type: Xpresspost USA**Expected Delivery :** 2014/12/20**Reference Number 1:** SM003440-6**Reference Number 2:** TM**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/20	12:30	33176,USA	Item successfully delivered		DOLSVN
2014/12/20	10:00	33116,USA	Item has arrived at the delivery office in the destination country		
2014/12/19	04:48	USJFKG,USA	Item has arrived in foreign country		
2014/12/19	03:00	USJFKG,	International shipment has arrived in a foreign country		
2014/12/18	11:44	VILLE ST-LAURENT	International item has left Canada		
2014/12/16	17:36	HALIFAX	Item processed		
2014/12/15	16:09	HALIFAX	Electronic information submitted by shipper.		

Shipping Options and Features for this Item

Signature Required

**A Signature is available for this item but cannot be displayed on the Internet.
Please call Customer Relationship Network at 1 888 550-6333 for assistance.**

2014

Hfx No. 431696

This is Exhibit "XX" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Janet (Rhynold) Hendsbee & John D. Hendsbee
4536 Half Island Cove
Guysborough, NS B0H 1N0

Dear Mr. and Mrs. Hendsbee:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

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Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

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Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

Janet (Rhynold) Hendsbee & John D. Hendsbee
4536 Half Island Cove
Guysborough, NS B0H 1N0

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Terrance Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2C2	RW 666 437 932 CA	SM 003440-00006 POST OFFICE CANADA 2014-12-11 Halifax Town Clerk 1803 HALIFAX NS	F.S.
December 11, 2014	TM	David Cormley 41 Earl Drive Stratford, PEI B1B-1K8	RW 666 437 946 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Joyce (Hoare) Campbell 235 LITTLE Harbour Road Apartment 206 New Glasgow, N.S. B2H-3S9	RW 666 437 950 CA	SM 003440-00006	F.S.
December 11, 2014	TM	David Brian Hoare P.O. Box 204 New Glasgow, N.S. B2H-5E2	RW 666 437 963 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Stephen Edward Fogarty 93 Milligan St. Fergus, O.N. N1M-3S5	RW 666 437 892 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Jamie & Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2C7	RW 666 437 901 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Janet (Rhynold) Hendsbee & John D. Hendsbee 4536 Half Island Cove Guysborough, N.S. B2H-1N0	RW 666 437 915 CA	SM 003440-00006	F.S.
December 11, 2014	TM	Arthur Campbell 59 Ranville Road New Waterford, N.S. B1H-5T2	RW 666 437 929 CA	SM 003440-00006	F.S.

**Tracking Number**

RW666437915CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/15	PM		Signature image recorded for Online viewing		janet hendsbee
2014/12/15	11:34	GUYSBOROUGH	Item out for delivery		
2014/12/14	12:30	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

Janet Hendsbee

2014**Hfx No. 431696**

This is Exhibit "YY" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900-1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Arthur Campbell
59 Kaneville Road
New Waterford, NS B1H 5T2

Dear Mr. Campbell:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.











SM003440-6 TM

Registered Mail

Arthur Campbell
59 Kaneville Road
New Waterford, NS B1H 5T2

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Terrence Michael Fogarty 15 Kent Ave., Halifax, N.S. B3M-2G2	 RW 666 437 932 CA	SM 003440-00006 POSTES CANADA 2014-12-11 Halifax Town Centre 1803 HALIFAX NS	FS
December 11, 2014	TM	David Cormley 41 Earl Drive Stratford, PE B1B-1K8	 RW 666 437 946 CA	SM 003440-00006 2014-12-11 Halifax Town Centre 1803 HALIFAX NS	FS
December 11, 2014	TM	Joyce (Hoare) Campbell 235 Little Harbour Road Apartment 206 New Glasgow, N.S. B2H-3S9	 RW 666 437 950 CA	SM 003440-00006	FS
December 11, 2014	TM	David Brian Hoare P.O. Box 204 New Glasgow, N.S. B2H-5E2	 RW 666 437 963 CA	SM 003440-00006	FS
December 11, 2014	TM	Sterren Edward Fogarty 93 Milligan St. Fergus, C.N. N1M-3S5	 RW 666 437 892 CA	SM 003440-00006	FS
December 11, 2014	TM	Samie & Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2C7	 RW 666 437 901 CA	SM 003440-00006	FS
December 11, 2014	TM	Tanet (Rhynold) Hendrick John D. Hendrick 4536 Half Island Cove Guysborough, N.S. B0H-1N0	 RW 666 437 915 CA	SM 003440-00006	FS
December 11, 2014	TM	Arthur Campbell 59 Kanelville Road New Waterford, N.S. B1H-5T2	 RW 666 437 929 CA	SM 003440-00006	FS

**Tracking Number**

RW666437929CA

Product Type: Registered Mail**Track History**

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2014/12/16	08:41	NEW WATERFORD	Item processed at local delivery facility		
2014/12/15	07:19	SYDNEY	Item processed		
2014/12/14	12:09	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

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2014

Hfx No. 431696

This is Exhibit "ZZ" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

VOICEMAIL MESSAGE

Date: December 17, 2014
To: Tipper McEwan
From: Art Campbell
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Yes, Art Campbell calling. I'd like for you call me back at 902-862-8340. Just regarding a letter for the Fogarty and District of Guysborough. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "AAA" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

MEMORANDUM

Date: December 22, 2014
To: File
From: Tipper McEwan
File: SM003440-6
Municipality of the District of Guysborough
Re: Black Point Expropriation

I received a call from Arthur Campbell's wife, whose first name I did not catch. Mrs. Campbell inquired as to what they needed to do to claim an interest in the land. I indicated that they should attend the Hearing or have someone attend on their behalf. Mrs. Campbell indicated that they were seeking independent legal advice and began to make further inquiries, at which point I suggested that she speak to their legal counsel about her other inquiries.

Tipper McEwan

TM/adk

2014**Hfx No. 431696**

This is Exhibit "BBB" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 11, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Joseph Chabassol
167 Church Street
Moncton, NB E1C 4Z8

Dear Mr. Chabassol:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

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Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

Joseph Chabassol
167 Church Street
Moncton, NB E1C 4Z8

**Tracking Number**

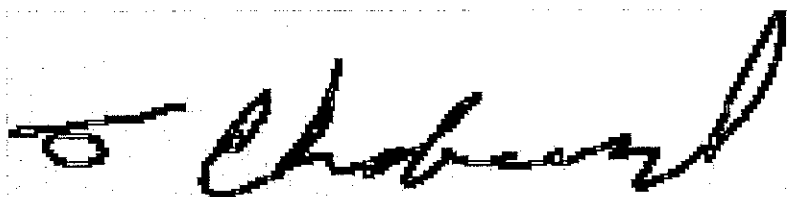
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Product Type: Registered Mail**Track History**

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2014/12/17	17:09		Signature image recorded for Online viewing		JOSEPH CHABASSOL
2014/12/16	19:55	MONCTON	Item available for pickup at Post Office	ST GEORGE PO	
2014/12/16	19:05	MONCTON	Item transferred to Post Office; being prepared for pickup.		
2014/12/16	14:37	MONCTON	Item being prepared for transfer to Post Office.		
2014/12/16	10:03	MONCTON	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	08:06	MONCTON	Item out for delivery		
2014/12/16	06:37	MONCTON	Item processed at local delivery facility		
2014/12/16	02:53	DIEPPE	Item processed		
2014/12/15	20:27	SAINT JOHN	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

A handwritten signature in black ink, appearing to read "Chabassol". The signature is written in a cursive style with a large, sweeping initial "C" and a long, horizontal tail stroke.

2014

Hfx No. 431696

This is Exhibit "CCC" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 18, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

Paula (Collins) Mason
Apt 302
67 Metropolitan Avenue
Lower Sackville, NS B4C 3H3

Dear Ms. Mason:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by genealogical research completed by Betty Dobson.

I enclose a copy of the notice being published in various newspapers.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

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Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

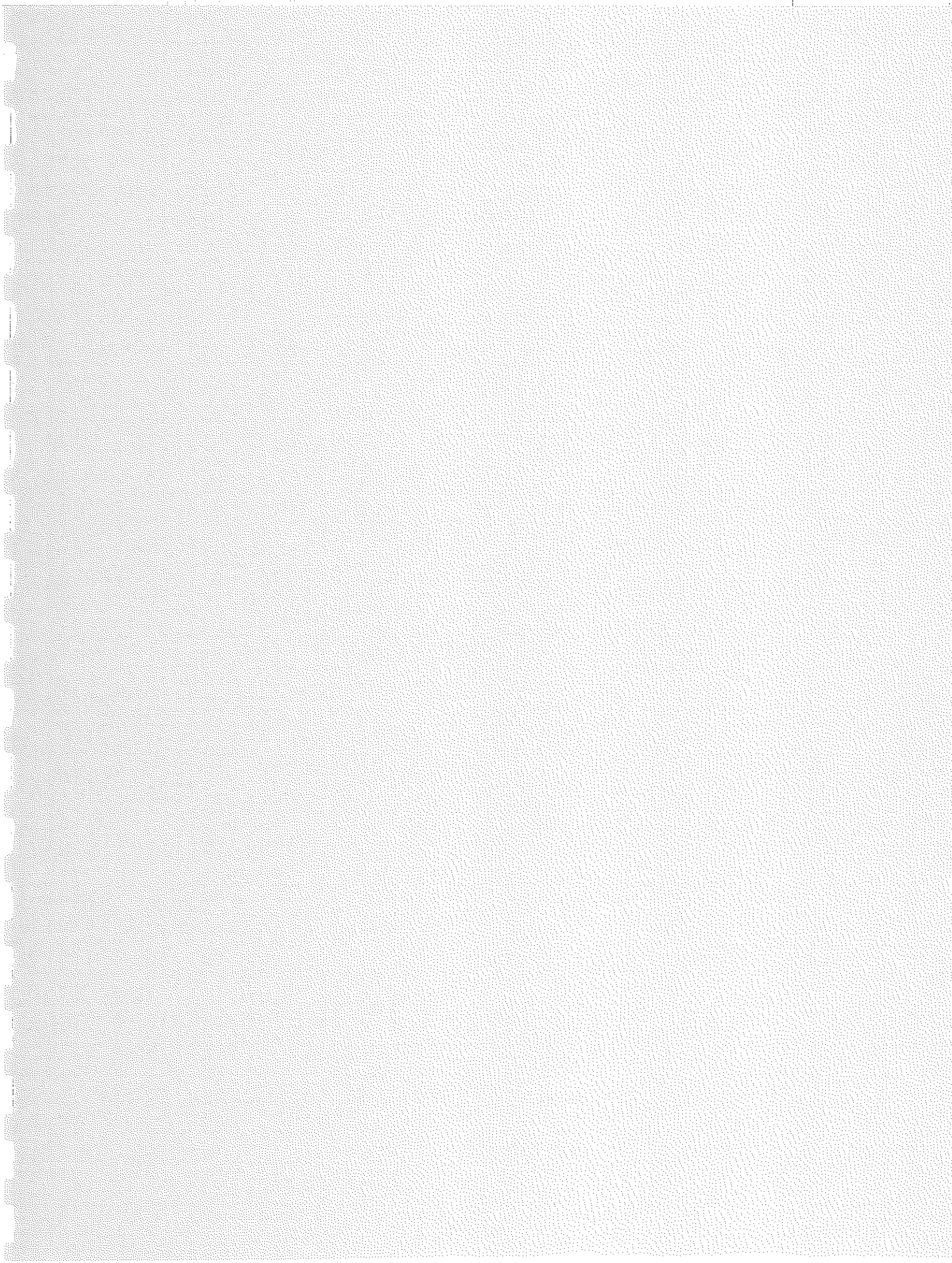
Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

Paula (Collins) Mason
Apt 302
67 Metropolitan Avenue
Lower Sackville, NS B4C 3H3



**Tracking Number**

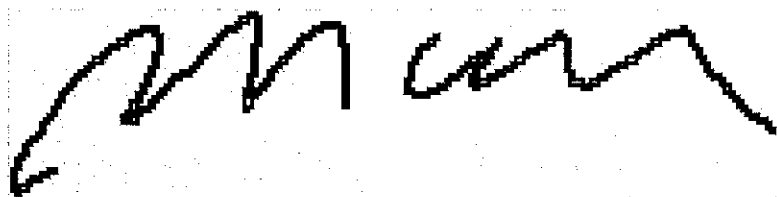
RW666437844CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2015/01/02	11:38		Signature image recorded for Online viewing		PAULA (COLLINS) MASON
2014/12/26	12:09	LOWER SACKVILLE	Final Notice; Item will be returned to sender if not collected within 10 days	COBEQUID ROAD LOWER SACKVILLE PO	
2014/12/23	18:40	LOWER SACKVILLE	Item available for pickup at Post Office		
2014/12/23	18:21	LOWER SACKVILLE	Item transferred to Post Office; being prepared for pickup.		
2014/12/23	17:30	LOWER SACKVILLE	Item being prepared for transfer to Post Office.		
2014/12/23	17:30	LOWER SACKVILLE	Item transferred to Post Office; being prepared for pickup.		
2014/12/23	17:27	DARTMOUTH	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/23	10:50	DARTMOUTH	Item out for delivery		
2014/12/23	06:51	DARTMOUTH	Item processed at local delivery facility		
2014/12/22	21:42	HALIFAX	Item processed		
2014/12/19	21:11	HALIFAX	Item processed		
2014/12/18	17:10	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

A handwritten signature in black ink, appearing to read "Mason". The signature is written in a cursive style with a large initial "M" and a trailing flourish.

2014

Hfx No. 431696

This is Exhibit "DDD" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 22, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Registered Mail

John W. Fanning
RR #1
6 Murray's Lane
Trenton, NS B0K 1X0

Dear Mr. Fanning:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

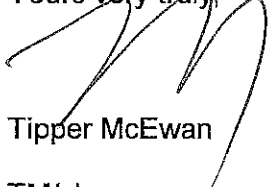
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Yours very truly,



Tipper McEwan

TM/ck

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

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Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Registered Mail

John W. Fanning
RR #1
6 Murray's Lane
Trenton, NS B0K 1X0

**Tracking Number**

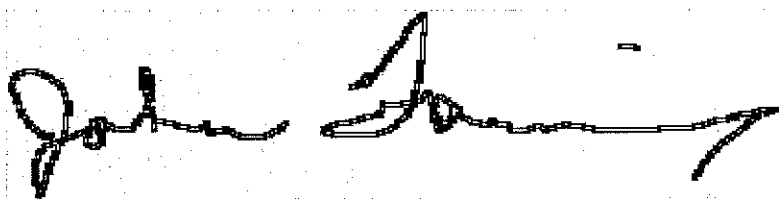
RN058336445CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2015/01/02	12:30		Signature image recorded for Online viewing		JOHN FANNING
2015/01/02	AM	TRENTON	Attempted delivery. Notice card left indicating where item can be picked up.		
2015/01/02	08:50	TRENTON	Item available for pickup at Post Office	TRENTON PO	
2015/01/02	08:28	TRENTON	Item out for delivery		
2014/12/30	17:38	HALIFAX	Item processed		
2014/12/29	21:39	HALIFAX	Item processed		
2014/12/29	17:56	HALIFAX	Item processed		
2014/12/28	09:37	SAINT JOHN	Item processed		
2014/12/23	21:33	HALIFAX	Item processed		
2014/12/23	17:07	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

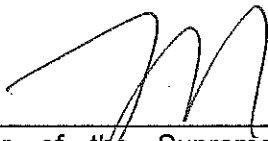
Signature Required

A handwritten signature in black ink, appearing to read "John Fanning". The signature is written in a cursive style with a long horizontal stroke at the end.

2014

Hfx No. 431696

This is Exhibit "EEE" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

VOICEMAIL MESSAGE

Date: January 5, 2015
To: Tipper McEwan
From: Jack Fanning
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Mr. McEwan could you give Jack Fanning a call at 902-331-0512 or you can get me after 4:30 at home at 902-752-5102. Thanks.

/adk

2014

Hfx No. 431696

This is Exhibit "FFF" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

VOICEMAIL MESSAGE

Date: January 5, 2015
To: Tipper McEwan
From: John Fanning
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Yes could you give John Fanning a call please at 902-752-5102. Thank you.

/adk

2014**Hfx No. 431696**

This is Exhibit "GGG" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

MEMORANDUM

Date: January 6, 2015
To: File
From: Tipper McEwan
File: SM003440-6
Municipality of the District of Guysborough
Re: Black Point Expropriation

I received a phone call today from John Fanning. I advised him that as representatives of the Municipality, we could not give him legal advice, but that if he wished to claim an interest in the land, he should appear in person at the Law Courts on the 15th, or have counsel appear in his stead, or, if he had another family member who was attending, that the court would probably not have an issue with a family member appearing on his behalf.

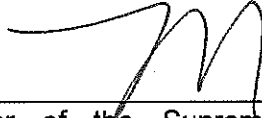
Mr. Fanning acknowledged the information that I had provided.

Tipper McEwan

TM/adk

2014**Hfx No. 431696**

This is Exhibit "HHH" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900-1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 10, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Via Email and Registered Mail

R. Jeff Fogarty
141a Lakeshore Road
St. Catharines, ON L2N 2T9

Dear Mr. Fogarty:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have identified yourself as a potential interest holder in the land.

I enclose a copy of the notice being published in various newspapers regarding this matter.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/adk

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Via Registered Mail

R. Jeff Fogarty
141a Lakeshore Road
St. Catharines, ON L2N 2T9

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty 172 parkland DR., #418 HALLIFAX, N.S. B3S-1N1	RW 666 438 028 CA	SM003440-00006	F.S.
December 11, 2014	TM	Danet Marie Walsby 1153 Donnathun Dr oakville, O.N. L6S-7J24	RW 666 438 031 CA	SM003440-00006	F.S.
December 11, 2014	TM	Brian Patrick Fogarty 9218 Peggy's Cove Rd. Hacketts Cove, N.S. B3Z-3N2	RW 666 438 045 CA	SM003440-00006	F.S.
December 11, 2014	TM	Carolyn Ann Munnale 175 Pughwash Point Rd. Pughwash, N.S. B0K-1L0	RW 666 437 977 CA	SM003440-00006	F.S.
December 11, 2014	TM	Diane Clarke unit #308 162 Ochterloney St. Dartmouth, N.S. B2Y-4X3	RW 666 437 985 CA	SM003440-00006	F.S.
December 11, 2014	TM	David Rhynold 457 Puril Brook Rd Antigonish County, N.S. B2G-2L3	RW 666 437 994 CA	SM003440-00006	F.S.
December 11, 2014	TM	R. Jeff Fogarty 141a Lakeshore Road St. Catharines, O.N. L2N-2T4	RW 666 438 005 CA	SM003440-00006	F.S.

**Tracking Number**

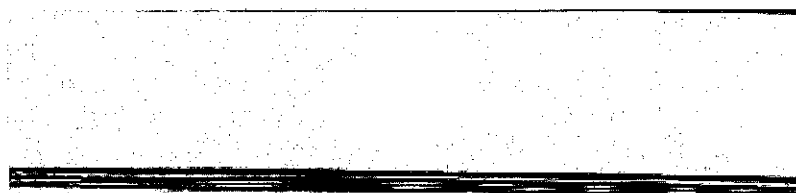
RW666438005CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/16	AM	ST CATHARINES	Item successfully delivered		
2014/12/16	AM		Signature image recorded for Online viewing		R FOGARTY
2014/12/16	09:15	ST CATHARINES	Item out for delivery		
2014/12/16	06:33	ST CATHARINES	Item processed at local delivery facility		
2014/12/16	00:19	STONEY CREEK	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:28	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required



2014**Hfx No. 431696**

This is Exhibit "III" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-09-14 10:45 AM
To: Angela D. Kennedy
Subject: FW: Fogarty's Land Expropriation in Guysborough
Categories: Tipper

From: Pam Doucette **On Behalf Of** Halifax
Sent: December-08-14 10:53 AM
To: Tipper McEwan
Subject: FW: Fogarty's Land Expropriation in Guysborough

From: Jeff Fogarty [<mailto:jeff.fogarty@gm.com>]
Sent: Monday, December 08, 2014 10:41 AM
To: Halifax
Cc: Jeff Fogarty
Subject: Fogarty's Land Expropriation in Guysborough

To Whom it concerns,

As per the article in the Chronicle Herald dated December 5th, 2014 please accept this as my initial communication to state I am one of the heirs to this property. As well as my father Ronald (grandson of Joseph) and my two children Ronald Declan and Saragh (great-great grandchildren). I also left a message with your Halifax firm this morning. Please let me know what the next steps to be taken in the matter are. Thank you for your time in advance.

Yours Truly,
Jeff

R. Jeff Fogarty
 141a Lakeshore Road
 St. Catharines, Ontario
 L2N 2T9

Home: 905-228-1516
 Mobile: 905-941-3671

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

Confidentiality Note: This message is intended only for the person or entity to which it is addressed. It may contain confidential and/or privileged material. Any review, transmission, dissemination or other use, or taking of any action in reliance upon this message by persons or entities other than the intended recipient is prohibited

and may be unlawful. If you received this message in error, please contact the sender and delete it from your computer.

2014**Hfx No. 431696**

This is Exhibit "JJJ" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-11-14 8:16 PM
To: 'jeff.fogarty@gm.com'
Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty
Attachments: Letter to J. Fogarty - Dec 10, 2014.PDF
Categories: Tipper

Dear Mr. Fogarty,

Thank you for contacting me to advise that you believe you are one of the potential heirs at law of Joseph Fogarty.

Our office represents the Municipality of the District of Guysborough ("MODG") and therefore cannot give legal advice to the purported heirs at law of Joseph Fogarty. We also encourage you to seek legal advice about what rights or interests you may have in the land at issue in this proceeding.

I enclose a copy of a letter with information about this proceeding being sent to the various potential heirs for whom our office has contact information and a copy of the notice being published in various newspapers regarding this matter.

You may learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to participate in this proceeding, you should either retain counsel to appear on your behalf, or appear in person, at the next hearing. The next hearing in this matter is scheduled for January 15, 2015 at 11:00 a.m. at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7. At this hearing the Court will provide directions for how this matter will proceed to a hearing on the merits to settle the question of title.

Yours very truly,

Tipper McEwan



Tipper McEwan
Associate
stewartmckelvey.com/Halifax
D: 902.444.1743
tmcewan@stewartmckelvey.com



Purdy's Wharf Tower One, 900-1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 10, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Via Email and Registered Mail

R. Jeff Fogarty
141a Lakeshore Road
St. Catharines, ON L2N 2T9

Dear Mr. Fogarty:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

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Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/adk

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

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The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

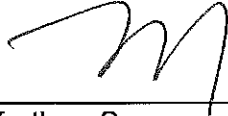
Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959' Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

2014

Hfx No. 431696

This is Exhibit "KKK" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Jeff Fogarty [jeff.fogarty@gm.com]
Sent: December-12-14 12:43 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty

Tipper,
Thank you for your reply. I tried accessing the link you provided (<http://www.modg.ca/residents/fogarty-expropriation-information>) but it is no longer an active hyperlink. I will attend the next hearing on the 15th day of January, 2015 at 11:00 a.m. at the Law Courts, 1815 Upper Water Street, Halifax.

Sincerely,
R. Jeff Fogarty

Nothing in this message is intended to constitute an electronic signature unless a specific statement to the contrary is included in this message.

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2014**Hfx No. 431696**

This is Exhibit "LLL" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-12-14 1:01 PM
To: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty

Thank you Mr. Fogarty. You may also find the information by going to <http://www.modg.ca/> and clicking on the quick-link for "Fogarty Expropriation Info".

Regards,
Tipper McEwan

From: Jeff Fogarty [<mailto:jeff.fogarty@gm.com>]
Sent: December-12-14 12:43 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty

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Thank you for your reply. I tried accessing the link you provided (<http://www.modg.ca/residents/fogarty-expropriation-information>) but it is no longer an active hyperlink. I will attend the next hearing on the 15th day of January, 2015 at 11:00 a.m. at the Law Courts, 1815 Upper Water Street, Halifax.

Sincerely,
R. Jeff Fogarty

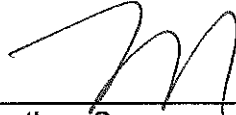
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2014

Hfx No. 431696

This is Exhibit "MMM" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

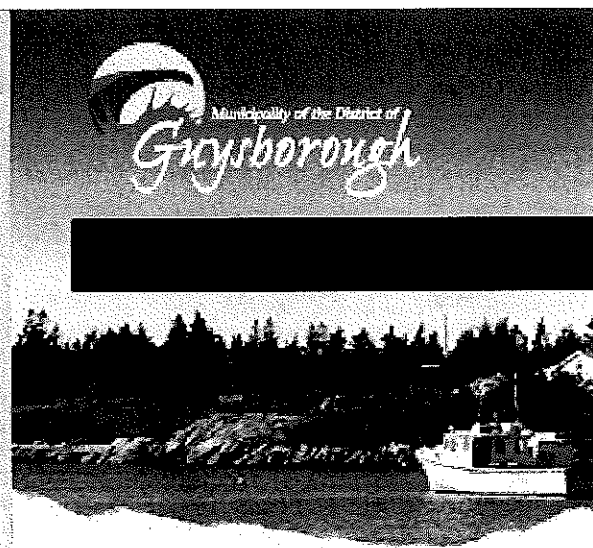
Angela D. Kennedy

From: Steve Fogarty [Steve.Fogarty@ALSGlobal.com]
Sent: December-15-14 2:41 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty
Attachments: Letter to J. Fogarty - Dec 10, 2014.pdf

Good afternoon Mr. McEwan,

As you see, I have been forwarded information from my brother Jeff (cc'd) in regards to the matter of declaring as a potential interest holder in the land bearing PIDs 35044056 and 35214014.

The link you have provided <http://www.modg.ca/residents/fogarty-expropriation-information> is no longer accessible as indicated by the screenshot below.



Page not found

The requested page could not be found.

Please forward an update link, thank you.

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

60 Northland Road, Unit 1
Waterloo, ON N2V 2B8 Canada

T +1 519 886 6910

C +1 519 993 7451
F +1 519 886 9047

www.alsglobal.com

From: Jeff Fogarty [mailto:jeff.fogarty@gm.com]
Sent: Friday, December 12, 2014 9:41 PM
To: Steve Fogarty
Subject: FW: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

FYI

From: Tipper McEwan [mailto:tmcewan@stewartmckelvey.com]
Sent: Thursday, December 11, 2014 7:16 PM
To: Jeff Fogarty
Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Dear Mr. Fogarty,

Thank you for contacting me to advise that you believe you are one of the potential heirs at law of Joseph Fogarty.

Our office represents the Municipality of the District of Guysborough ("MODG") and therefore cannot give legal advice to the purported heirs at law of Joseph Fogarty. We also encourage you to seek legal advice about what rights or interests you may have in the land at issue in this proceeding.

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Yours very truly,

Tipper McEwan

Tipper McEwan
Associate
stewartmckelvey.com/Halifax
D: 902.444.1743
tmcewan@stewartmckelvey.com

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2014

Hfx No. 431696

This is Exhibit "NNN" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-15-14 3:32 PM
To: Steve Fogarty
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Categories: Tipper

Mr. Fogarty,

Thank you for your email. I have advised the MODG of the difficulty and asked them to alert the necessary technical people.

The information can also be accessed by going to <http://www.modg.ca/> and clicking on the quick link for "Fogarty Expropriation Info".

Yours truly,
 Tipper

From: Steve Fogarty [mailto:Steve.Fogarty@ALSGlobal.com]
Sent: December-15-14 2:41 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

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Page not found

The requested page could not be found.

Please forward an update link, thank you.

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

60 Northland Road, Unit 1
Waterloo, ON N2V 2B8 Canada

T +1 519 886 6910
C +1 519 993 7451
F +1 519 886 9047

www.alsglobal.com

From: Jeff Fogarty [mailto:jeff.fogarty@gm.com]

Sent: Friday, December 12, 2014 9:41 PM

To: Steve Fogarty

Subject: FW: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

FYI

From: Tipper McEwan [mailto:tmcewan@stewartmckelvey.com]

Sent: Thursday, December 11, 2014 7:16 PM

To: Jeff Fogarty

Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Dear Mr. Fogarty,

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You may learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

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Yours very truly,

Tipper McEwan



Tipper McEwan
Associate
stewartmckelvey.com/Halifax
D: 902.444.1743
tmcewan@stewartmckelvey.com

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2014

Hfx No. 431696

This is Exhibit "OOO" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Steve Fogarty [Steve.Fogarty@ALSGlobal.com]
Sent: December-15-14 4:17 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Afternoon Tipper,

The link tells me to contact you.

Fogarty Expropriation Information

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

I appear to be going in a circle here unless I am missing something?

Steve Fogarty

North America HSE Manager
 ALS Life Sciences Division | Environmental

From: Tipper McEwan [mailto:tmcewan@stewartmckelvey.com]

Sent: Monday, December 15, 2014 2:32 PM

To: Steve Fogarty

Cc: Jeff Fogarty

Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Mr. Fogarty,

Thank you for your email. I have advised the MODG of the difficulty and asked them to alert the necessary technical people.

The information can also be accessed by going to <http://www.modg.ca/> and clicking on the quick link for "Fogarty Expropriation Info".

Yours truly,
Tipper

From: Steve Fogarty [mailto:Steve.Fogarty@ALSGlobal.com]

Sent: December-15-14 2:41 PM

To: Tipper McEwan

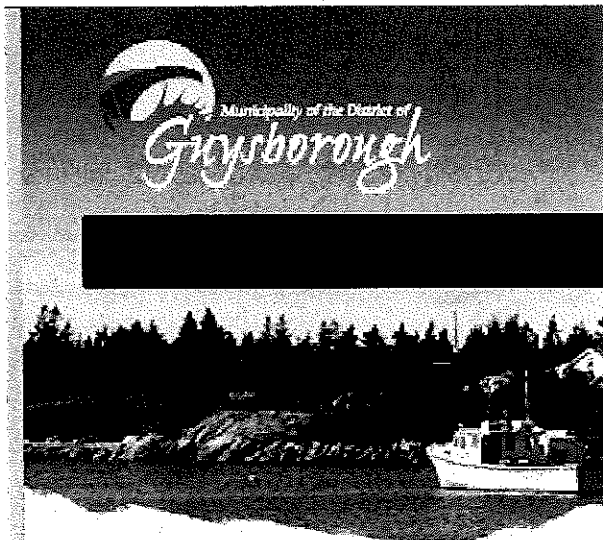
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Please forward an update link, thank you.

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

60 Northland Road, Unit 1
Waterloo, ON N2V 2B8 Canada

T +1 519 886 6910
C +1 519 993 7451
F +1 519 886 9047

www.alsglobal.com

From: Jeff Fogarty [<mailto:jeff.fogarty@gm.com>]

Sent: Friday, December 12, 2014 9:41 PM

To: Steve Fogarty

Subject: FW: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

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2014**Hfx No. 431696**

This is Exhibit "PPP" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-15-14 3:30 PM
To: Ashley Cunningham
Cc: Robert Grant; Barry Carroll
Subject: FW: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty
Attachments: Letter to J. Fogarty - Dec 10, 2014.pdf
Importance: High

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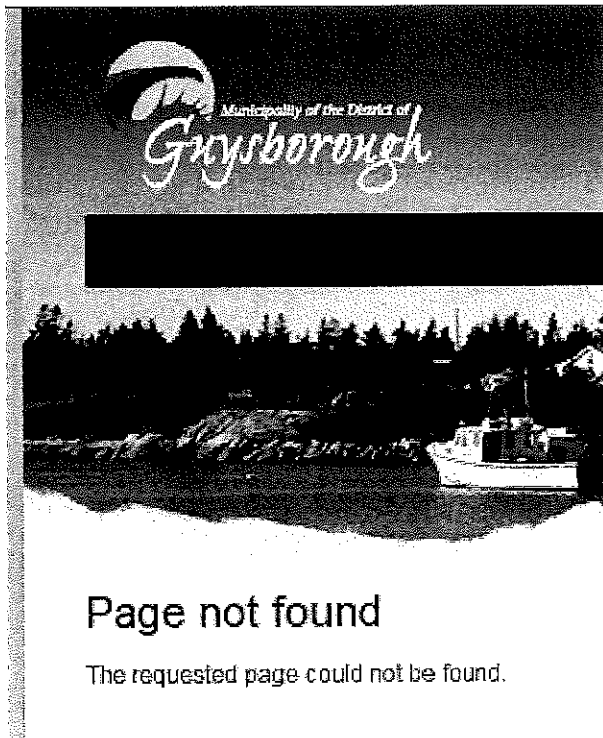
Tipper

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Please forward an update link, thank you.

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

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Waterloo, ON N2V 2B8 Canada

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Angela D. Kennedy

From: Ashley Cunningham [acunningham@modg.ca]
Sent: December-15-14 3:32 PM
To: Tipper McEwan
Cc: Robert Grant; Barry Carroll
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Checking into it now Tipper. I'll let you know when it's fixed.

Thanks,
 Ashley

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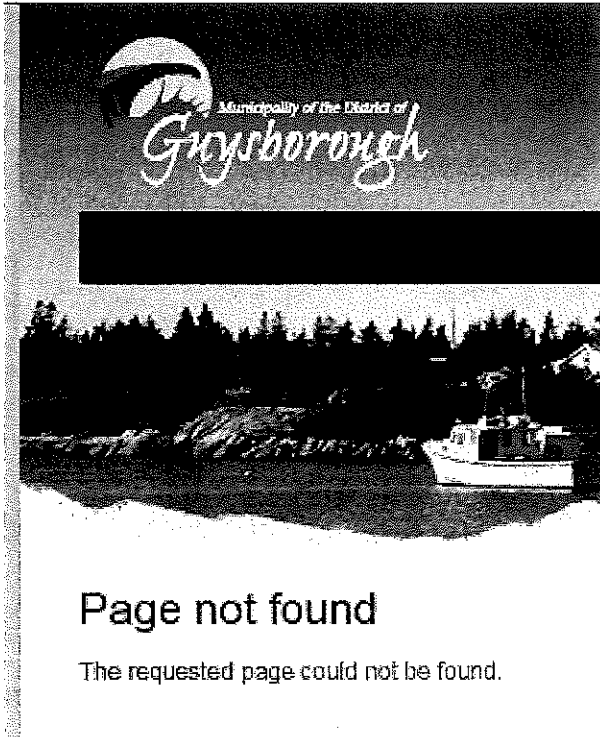
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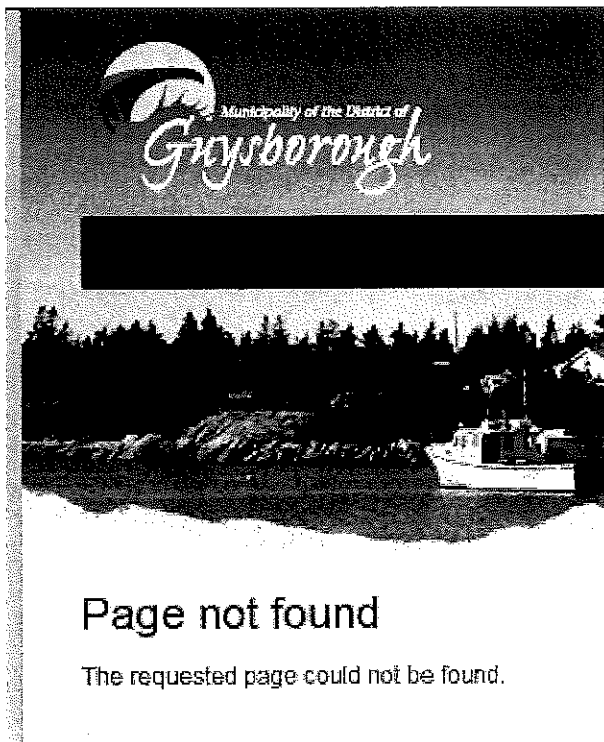
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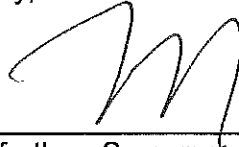
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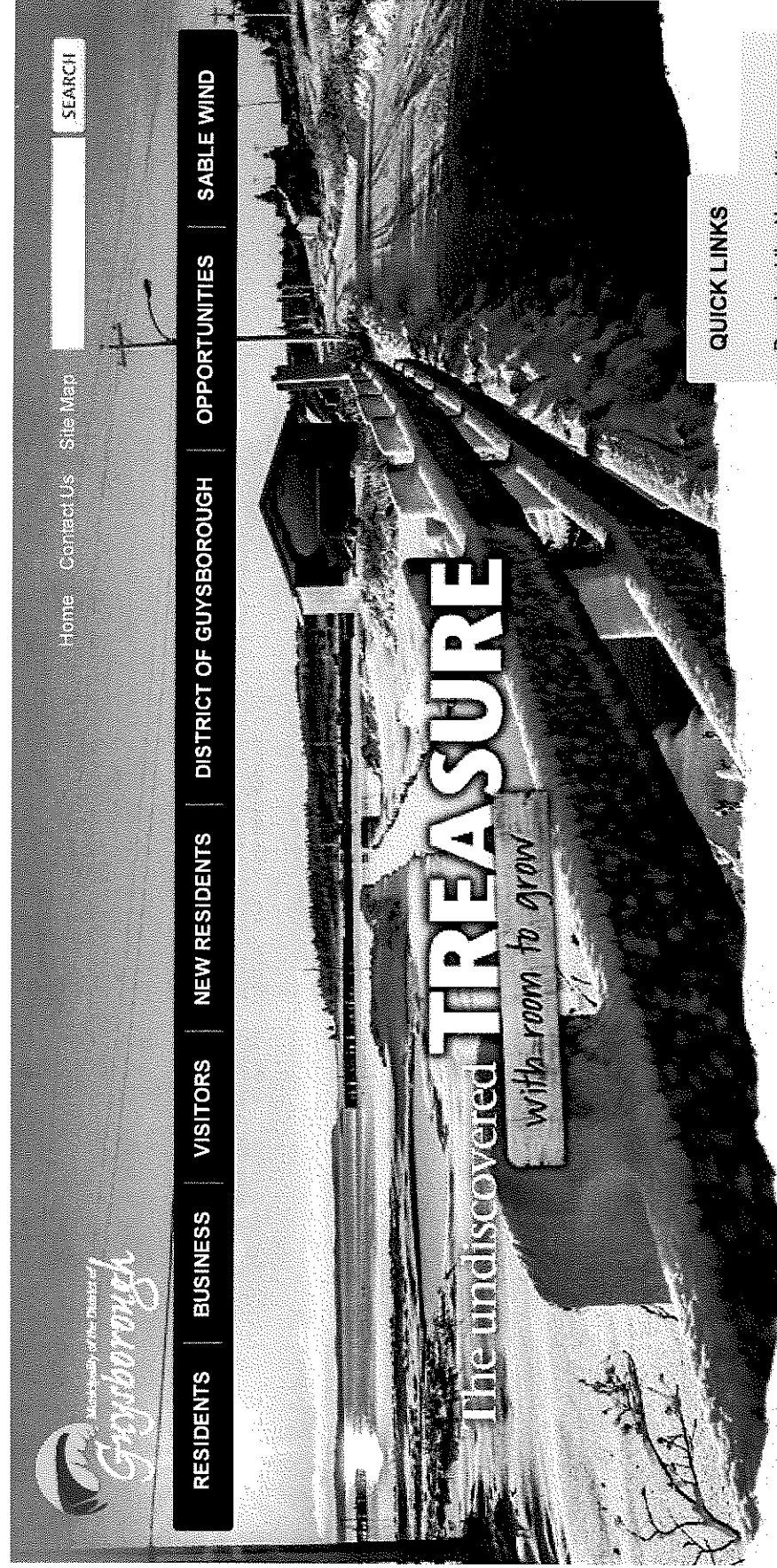
2014**Hfx No. 431696**

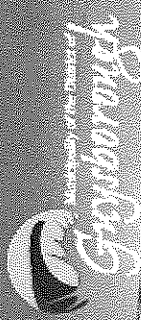
This is Exhibit "QQQ" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia





Municipality of the District of
Guysborough

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SEARCH

RESIDENTS BUSINESS VISITORS NEW RESIDENTS DISTRICT OF GUYSBOROUGH OPPORTUNITIES SABLE WIND

The undiscovered **TREASURE**
with room to grow

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Download the Map of the District of Guysborough

NEWS & HEADLINES FROM THE DISTRICT OF GUYSBOROUGH

Winter Ice Safety
JANUARY 6TH, 2015

Winter is a time for folks to get out and enjoy the outdoors. But we want you to do that...

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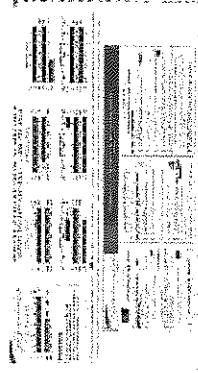
LIVE BLOG

RT @AuthenticCoast: Thank you to @cbclandandsea for coming to the Nova Scotia Authentic Seacoast to tell our story. A great show! <http://t.co/...>
3 days 23 min ago by @modogao

RT @canada150th: Students:
Want \$5K? Submit a design for
the #Canada150 logo contest
for a chance to WIN!
<http://t.co/Zqwp8Y7nh1>
<http://t.co...> — 1 week 6 days ago
by @modqao

89% of Dist of #Guysborough residents in support of the Blackpoint Tidewater Quarry Project....Thank you Residents <http://l.co/MC58KXWKY> — 4 weeks 6 days ago by @modqao

RT @AuthenticCoast: Gerard & Greg putting up the tree in the @rarebirdpub courtyard for tomorrow's Guysborough Christmas Tree lighting. It... — 5 weeks 2 days ago by @modqao

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2015 Waste Collection Schedule
DECEMBER 29TH, 2014

The Guysborough Waste Management Facility constructed a customer drop-off/reuse facility for...

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Why Do We Flush Hydrants?
DECEMBER 11TH, 2014

Hydrant flushing is necessary to test the hydrants to make sure adequate flow and...

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The District of Guysborough: The Next Big...Place

The next big thing just might be a big place.



The District of Guysborough, more than 2,000 square kilometres covering the north-eastern end of mainland Nova Scotia has natural advantages that set it apart from, well just about every other place you can think of.

The sea and the forests have always been the primary sources of wealth in the district. Fishing and forestry are still in the mix, but today other opportunities are limited only by the imagination.

Start with a harbour that is as good as or better than any on the east coast of North America. And, there is, literally, gold in the hills of the district. As valuable as gold is these days, there are signs of even more precious rare earth metals throughout the district's mineral rich formations. The district is already home to a thriving aggregate mining operation and a second quarry is in the planning stages.

With about 400 kilometres of coastline, countless bays, inlets and safe harbours, the shoreline is perfect for exploration and outdoor recreation and hosts a vibrant inshore fishery.

Natural gas discovered and developed off Nova Scotia comes ashore by pipeline in the district at Goldboro, where it is processed and fed into the Maritime Northeast Pipeline. The TransCanada Highway – 104 in Nova Scotia, lies just to the north of the district, as does the rail line that will connect the Strait Superport to markets all over North America.

The local government, the Municipality of the District of Guysborough, is responsive, progressive, approachable and focused on accommodating individuals and businesses who are serious about coming to the area. There is prime land to be had throughout the district, at prices that are competitive with and usually better than, anywhere else on the east coast.

There is room here to grow. Clean air to breathe: unspoiled natural beauty and smart, resilient, friendly and welcoming people. The momentum is building. The time is ripe. Opportunity is calling you to the District of Guysborough.

QUICK LINKS

Download the Newsletter

Find out about Taxation

Waste Disposal

Employment Opportunities

Browse Tenders & Proposals

Browse Policies

Browse Bylaws

Building Permit Application

Fogarty Expropriation Info

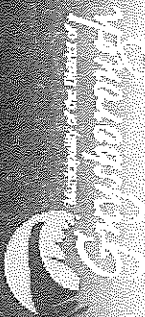


-14°C
Overcast,

Wind: West-Northwest,
29.6 km/h, gusts up to
42.6 km/h
Humidity: 72 %

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The *Grassroots* **Natural**
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- Your Council
- Policies
- Bylaws
- Reports
- Taxes
- Emergency Contacts
- Fogarty Expropriation Information

Fogarty Expropriation Information

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431896 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

Copies of the documents filed with the Court can be found by clicking on the links below:

- [Notice of Application in Court](#) Date Filed- September 26, 2014
- [Brief of the Applicant](#) Date Filed- September 26, 2014
- [Affidavit of Marion Bryson](#) Date Filed- September 26, 2014
- [Affidavit of Barry Carroll](#) Date Filed- September 26, 2014
- [Affidavit of Betty Dobson](#) Date Filed- September 26, 2014
- [Affidavit of Service re Frank Fogarty](#) Date Filed- October 8, 2014
- [Affidavit of Service re James Fogarty](#) Date Filed- October 15, 2014
- [Affidavit of Frank Fogarty](#) Date Filed- November 5, 2014
- [First Supplemental Affidavit of Barry Carroll](#) Date Filed- November 7, 2014
- [Letter to Justice Rosinsky](#) Date Filed- November 10, 2014
- [Second Supplemental Affidavit of Barry Carroll](#) Date Filed- November 17, 2014
- [Court Order](#) Date Filed- November 25, 2014
- [Affidavit of Ashley Cunningham](#) Date Filed- December 16, 2014
- [Appraisal of Lands](#) Date Filed- September 26, 2014
- [Affidavit of Ian Sutherland](#) Date Filed- December 22, 2014

2014

Hfx No. 431696

This is Exhibit "RRR" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-18-14 10:27 AM
To: Steve Fogarty
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty
Attachments: Appraisal.pdf
Categories: Tipper

Mr. Fogarty,

Similar forms of notice have been used for the sake of consistency. Further to our conversation yesterday, I confirm that I have advised you that our office represents the Municipality of the District of Guysborough ("MODG") and therefore cannot give legal advice to the purported heirs at law of Joseph Fogarty. We also encourage you to seek legal advice about what rights or interests you may have in the land at issue in this proceeding.

Should you wish to participate in this proceeding, you should either retain counsel to appear on your behalf, or appear in person, at the next hearing. The next hearing in this matter is scheduled for January 15, 2015 at 11:00 a.m. at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7. At this hearing the Court will provide directions for how this matter will proceed to a hearing on the merits to settle the question of title.

I also enclose a copy of the appraisal of the land in this matter, which your brother had previously requested.

Yours very truly,
 Tipper McEwan

From: Steve Fogarty [mailto:Steve.Fogarty@ALSGlobal.com]
Sent: December-15-14 4:17 PM
To: Tipper McEwan
Cc: Jeff Fogarty
Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Afternoon Tipper,

The link tells me to contact you.

Fogarty Expropriation Information

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

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Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.

I appear to be going in a circle here unless I am missing something?

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

From: Tipper McEwan [<mailto:tmcewan@stewartmckelvey.com>]

Sent: Monday, December 15, 2014 2:32 PM

To: Steve Fogarty

Cc: Jeff Fogarty

Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Mr. Fogarty,

Thank you for your email. I have advised the MODG of the difficulty and asked them to alert the necessary technical people.

The information can also be accessed by going to <http://www.modg.ca/> and clicking on the quick link for "Fogarty Expropriation Info".

Yours truly,
Tipper

From: Steve Fogarty [mailto:Steve.Fogarty@ALSGlobal.com]

Sent: December-15-14 2:41 PM

To: Tipper McEwan

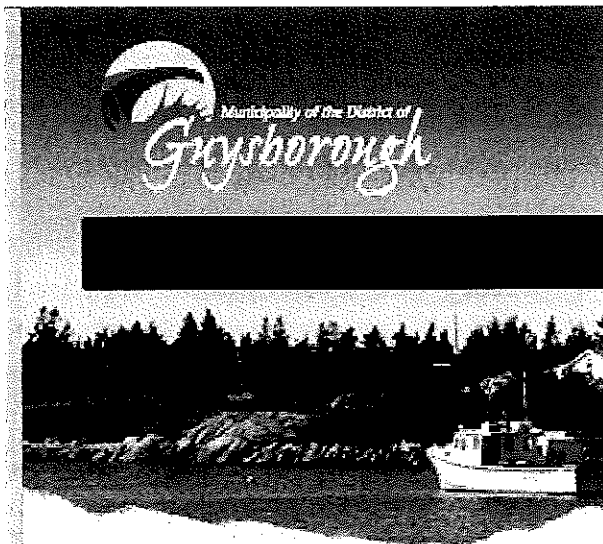
Cc: Jeff Fogarty

Subject: RE: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Good afternoon Mr. McEwan,

As you see, I have been forwarded information from my brother Jeff (cc'd) in regards to the matter of declaring as a potential interest holder in the land bearing PIDs 35044056 and 35214014.

The link you have provided <http://www.modg.ca/residents/fogarty-expropriation-information> is no longer accessible as indicated by the screenshot below.



Page not found

The requested page could not be found.

Please forward an update link, thank you.

Steve Fogarty

North America HSE Manager
ALS Life Sciences Division | Environmental

60 Northland Road, Unit 1
Waterloo, ON N2V 2B8 Canada

T +1 519 886 6910

C +1 519 993 7451
F +1 519 886 9047

www.alsglobal.com

From: Jeff Fogarty [mailto:jeff.fogarty@gm.com]
Sent: Friday, December 12, 2014 9:41 PM
To: Steve Fogarty
Subject: FW: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

FYI

From: Tipper McEwan [mailto:tmcewan@stewartmckelvey.com]
Sent: Thursday, December 11, 2014 7:16 PM
To: Jeff Fogarty
Subject: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

Dear Mr. Fogarty,

Thank you for contacting me to advise that you believe you are one of the potential heirs at law of Joseph Fogarty.

Our office represents the Municipality of the District of Guysborough ("MODG") and therefore cannot give legal advice to the purported heirs at law of Joseph Fogarty. We also encourage you to seek legal advice about what rights or interests you may have in the land at issue in this proceeding.

I enclose a copy of a letter with information about this proceeding being sent to the various potential heirs for whom our office has contact information and a copy of the notice being published in various newspapers regarding this matter.

You may learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to participate in this proceeding, you should either retain counsel to appear on your behalf, or appear in person, at the next hearing. The next hearing in this matter is scheduled for January 15, 2015 at 11:00 a.m. at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7. At this hearing the Court will provide directions for how this matter will proceed to a hearing on the merits to settle the question of title.

Yours very truly,

Tipper McEwan

Tipper McEwan
Associate
stewartmckelvey.com/Halifax
D: 902.444.1743
tmcewan@stewartmckelvey.com

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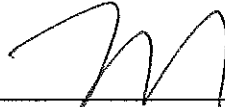
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2014

Hfx No. 431696

This is Exhibit "SSS" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Barry Carroll [bcarroll@modg.ca]
Sent: December-13-14 6:12 AM
To: Jeff Fogarty
Cc: fogmac@gmail.com
Subject: Re: Copy of Appraisal PID 35044056

Jeff,

I have forwarded your email to our legal counsel for a response.

Barry

Mr. Barry Carroll
 Chief Administrative Officer
 Municipality of the District of Guysborough
 P.O. Box 79, 33 Pleasant St.
 Guysborough, NS
 B0H 1N0

Phone : (902) 533-3705 ext 228

Fax: (902) 533-2749

On Dec 12, 2014, at 11:23 PM, Jeff Fogarty <jeff.fogarty@gm.com> wrote:

Mr. Carroll,

I would like to request, as an heir, a copy of any appraisal carries out for the Municipality of the District of Guysborough on the above-noted property in preparation for the expropriation. An e-mail containing scans of the complete document would suffice. Also, please send a copy to my father Ronald Edward Fogarty (fogmac@gmail.com). Thank you for your time in advance.

Sincerely,

R. Jeff Fogarty
 141a Lakeshore Road
 St. Catharines, ON
 L2N 2T9

Jeff.fogarty@gm.com

jfogarty@cogeco.ca

Home: 905-228-1516

Cell: 905-941-3671

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2014**Hfx No. 431696**

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Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: December-18-14 10:25 AM
To: 'jeff.fogarty@gm.com'; 'fogmac@gmail.com'
Cc: Robert Grant; Sheryl Drysdale
Subject: Fogarty - Copy of appraisal PID 35044056
Attachments: Appraisal.PDF

Categories: Tipper

Dear Messrs. Fogarty,

Further to your email to Mr. Barry Carroll on December 12, 2014 wherein you requested a copy of the appraisal report, please find attached a copy of same.

Yours very truly,

Tipper

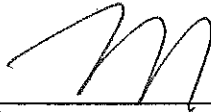


Tipper McEwan
Associate
stewartmckelvey.com/Halifax
D: 902.444.1743
tmcewan@stewartmckelvey.com

2014

Hfx No. 431696

This is Exhibit "UUU" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

VOICEMAIL MESSAGE

Date: December 8, 2015
To: Tipper McEwan
From: Diane Clarke
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Hi my name is Diane Clarke and I was inquiring about the descendants for the Fogarty property that's down in Guysborough County. My father, my grandmother, she was a Fogarty and she was brought up, up in Fogarty's Cove and obviously she is a relation to I think Joseph Fogarty might have been her father and I am just inquiring about the descendants, like does it have to be Fogarty name or whatever? My father was John Rhynold and he lived in Fox Island or he was born in Fox Island and he ended up in Antigonish but anyway if you'd like to give me a call, my phone number is 902-462-4753 and I live in Dartmouth. Okay, thank you very much. Bye bye.

/adk

2014**Hfx No. 431696**

This is Exhibit "VVV" to the Affidavit of Angela Kennedy, sworn before me on the 7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER MCEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

MEMORANDUM

Date: January 7, 2015
To: File
From: Tipper McEwan
File: SM003440-6
Municipality of the District of Guysborough
Re: Black Point Expropriation

On December 9, 2014, I returned Ms. Clarke's telephone call. To the best of my recollection, I advised Ms. Clarke that if she wished to participate in the proceeding she should seek legal advice, retain counsel or appear at the next hearing in person when the Court would be providing directions for how this matter would unfold. I also believe that I referred Ms. Clarke to the MODG's website. Ms. Clarke also provided me with the name and address of her brother, David Rhynold.

I have reviewed my time sheets related to my communications with Ms. Clarke and a piece of internal correspondence between myself and Mr. Grant regarding my contact with Ms. Clarke, however, I did not contemporaneously dictate a memo to file regarding this conversation.

Tipper McEwan

TM/adk

2014**Hfx No. 431696**

This is Exhibit "WWW" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900 – 1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 10, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Via Registered Mail

Diane Clarke
Unit #308
162 Ochterloney St.
Dartmouth, NS B2Y 4X3

Dear Ms. Clarke:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have identified yourself as a potential interest holder in the land.

I enclose a copy of the notice being published in various newspapers regarding this matter.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/adk

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Via Registered Mail

Diane Clarke
Unit #308
162 Ochterloney St.
Dartmouth, NS B2Y 4X3



Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty 312 Parkland Dr., #418 Harris, N.S. B35-1N1	RW 666 438 028 CA	SM003440-0006	F.S.
December 11, 2014	TM	Tanet Marie Walsby Donnaughton Dr. Oakville, O.N. L6B3-7J2	RW 666 438 031 CA	SM003440-0006	F.S.
December 11, 2014	TM	Brian Patrick Fogarty 9218 Peggy's Cove Rd. Hacketts Cove, N.S. B2Z-3N2	RW 666 438 045 CA	SM003440-0006	F.S.
December 11, 2014	TM	Carolyn Ann Mandle 175 Pughwash Point Rd. Pughwash, N.S. B0R-1L0	RW 666 437 977 CA	SM003440-0006	F.S.
December 11, 2014	TM	Diane Clarke Unit #308 1620 Catherlonery St. Dartmouth, N.S. B2Y-4X3	RW 666 437 985 CA	SM003440-0006	F.S.
December 11, 2014	TM	David Rhynold 457 Purrl Brook Rd. Antigonish County, N.S. B2G-2L3	RW 666 437 994 CA	SM003440-0006	F.S.
December 11, 2014	TM	R. Jeff Fogarty 141a Lakeshore Road St. Catharines, O.N. L2N-2T4	RW 666 438 005 CA	SM003440-0006	F.S.

**Tracking Number**

RW666437985CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/16	14:18	DARTMOUTH	Item successfully delivered		
2014/12/16	14:18		Signature image recorded for Online viewing		Diane Clarke
2014/12/16	08:58	DARTMOUTH	Item available for pickup at Post Office	DOWNTOWN DARTMOUTH PO	
2014/12/15	17:17	DARTMOUTH	Item being prepared for transfer to Post Office.		
2014/12/15	17:12	DARTMOUTH	Item transferred to Post Office; being prepared for pickup.		
2014/12/15	13:34	DARTMOUTH	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/15	09:40	DARTMOUTH	Item out for delivery		
2014/12/15	07:31	DARTMOUTH	Item processed at local delivery facility		
2014/12/14	23:14	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:28	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

Diane Clarke

2014

Hfx No. 431696

This is Exhibit "XXX" to the Affidavit of
Angela Kennedy, sworn before me on the
7th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Purdy's Wharf Tower One, 900--1959 Upper Water Street, P.O. Box 997
Halifax NS B3J 2X2 Canada tel: 902.420.3200 fax: 902.420.1417 stewartmckelvey.com

File Reference: SM003440-6

December 10, 2014

Tipper McEwan
Direct Dial: 902.444.1743
Direct Fax: 902.420.1417
tmcewan@stewartmckelvey.com

Via Registered Mail

David Rhynold
457 Purl Brook Rd
Antigonish County, NS
B2G 2L3

Dear Mr. Rhynold:

Re: Municipality of the District of Guysborough and the Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty

I am assisting Robert Grant, Q.C., counsel for the applicant in this matter. This is a Court proceeding being brought by the Municipality of the District of Guysborough (the "MODG") to settle the title to two pieces of land bearing PIDs 35044056 and 35214014. This land located in Black Point, Nova Scotia has been expropriated by the Municipality. Pursuant to s. 17 of the *Expropriation Act*, the MODG is now bringing an application to the Court to settle title to the land so that compensation under the *Expropriation Act* can be paid to the owners of the land.

You are being contacted because you have been identified as a potential interest holder in the land by your sister, Diane Clarke.

I enclose a copy of the notice being published in various newspapers regarding this matter.

You may also learn more about this matter by consulting the MODG's website at <http://www.modg.ca/residents/fogarty-expropriation-information>.

Should you wish to claim an interest in this land, you should appear at the Law Courts, 1815 Lower Water Street, Halifax, Nova Scotia, on January 15, 2015 at 11:00 a.m.

Yours very truly,

Tipper McEwan

TM/adk

Enclosure
c. Client

2014

Hfx. No. 431696

SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

THE HEIRS AT LAW OF JOSEPH FOGARTY, JAMES P. FOGARTY and
FRANK FOGARTY

RESPONDENTS

NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

Fogarty Expropriation, Black Point, Nova Scotia, Hfx No. 431696

Take Notice that a court proceeding is being held in the Supreme Court of Nova Scotia Hfx No. 431696 to determine title to two pieces of land in Guysborough County bearing PIDs 35044056 and 35214014, belonging to the heirs at law of Joseph Fogarty.

The land is vacant and has been expropriated by the Municipality of the District of Guysborough. An independent appraisal of the land values it at \$140,000.

Joseph Fogarty died intestate in 1907 at Fox Island, Guysborough, Nova Scotia with eight children surviving him. The heirs at law of Joseph Fogarty are named as respondents in this proceeding because the last deed to the properties was a deed to Joseph Fogarty, dated July 13, 1897.

The heirs at law of Michael Vincent Fogarty (died 1977) have claimed an interest in the properties based on the use and occupation of the properties by Michael Vincent Fogarty and his descendants.

Any person wishing to view the materials filed in this proceeding may do so on the Municipality's website at <http://www.modg.ca/residents/fogarty-expropriation-informaiton>.

Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on January 15, 2015 at 11:00 a.m.



SM003440-6 TM

Via Registered Mail

David Rhynold
457 Purl Brook Rd
Antigonish County, NS B2G 2L3

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty #12 Parkland Dr., #418 Hali fax, N.S. B35-1N1	RW 666 438 028 CA	SM003440-00006	F.S.
December 11, 2014	TM	Janet Marie Walsby Donnathan Dr Oakville O.N. L65-754	RW 666 438 031 CA	SM003440-00006	F.S.
December 11, 2014	TM	Brian Patrick Fogarty 9218 Peggy's Cove Rd. Hacketts Cove, N.S. B32-3N2	RW 666 438 045 CA	SM003440-00006	F.S.
December 11, 2014	TM	Carolyn Ann Mandle 173 Pughwash Point Rd. Pughwash, N.S. B0K-1L0	RW 666 437 977 CA	SM003440-00006	F.S.
December 11, 2014	TM	Diane Clarke unit #308 162 Ochterloney St. Dartmouth, N.S. B2Y-4X3	RW 666 437 985 CA	SM003440-00006	F.S.
December 11, 2014	TM	David Rhynold 457 Parr Brook Rd Antigonish County, N.S. B2G-2L3	RW 666 437 994 CA	SM003440-00006	F.S.
December 11, 2014	TM	R. Jeff Fogarty 141a Lakeshore Road St. Catharines, O.N. L2N-2T4	RW 666 438 005 CA	SM003440-00006	F.S.

**Tracking Number**

RW666437994CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/15	10:30	ANTIGONISH	Item successfully delivered		
2014/12/15	10:30		Signature image recorded for Online viewing		MARCIA RYNOLDS
2014/12/15	07:35	ANTIGONISH	Item out for delivery		
2014/12/15	07:31	ANTIGONISH	Item processed at local delivery facility		
2014/12/14	12:27	HALIFAX	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
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Shipping Options and Features for this Item

Signature Required

M. A. Reynolds