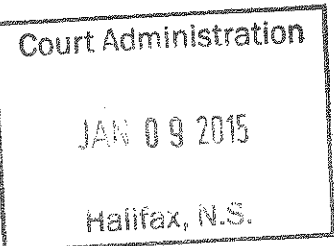


SUPREME COURT OF NOVA SCOTIA

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 1 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 this 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
TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

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

TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia



Angela Kennedy

INDEX

Tab	Description
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D.	Letter to Janet Marie Walsh and tracking information
E.	Email dated January 4, 2015 from Janet Walsh to Tipper McEwan
F.	Email dated January 5, 2014 from Tipper McEwan to Janet Walsh
G.	Letter to Francis Howard Fogarty and tracking information
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KK.	Letter to Ronald Edward Fogarty and tracking information
LL.	Email string dated December 10-11, 2014 between Tipper McEwan and Frank Fogarty
MM.	Letter to Raymond Junior Fogarty and Linda Fogarty and tracking information
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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
AAA.	Memo dated December 22, 2014 from Tipper McEwan noting call with Art Campbell's wife
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
FFF.	Second transcribed voicemail received January 5, 2015 from John Fanning to Tipper McEwan
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MMM.	Email dated December 15, 2014 from Steve Fogarty to Tipper McEwan
NNN.	Email dated December 15, 2014 from Tipper McEwan to Steve Fogarty
OOO.	Email dated December 15, 2014 from Steve Fogarty to Tipper McEwan
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
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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 "A" 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

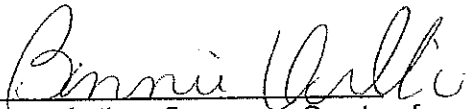
TIPPER McEWAN
A Barrister of the Supreme
Court of Nova Scotia

- 8 -

2014

Hfx. No. 431696

This is Exhibit "A" to the Affidavit of Frank
Fogarty, sworn before me on the 5 day
of November, 2014.


A Barrister of the Supreme Court of
Nova Scotia

BONNIE DALTON
A Commissioner of the
Supreme Court of Nova Scotia

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A	Heirs of Joseph Fogarty via Michael Vincent Fogarty 05 November 2014
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Exhibit "A"
Heirs of Joseph Fogarty
Via Son Michael Vincent Fogarty
As of 05 November 2014

<u>Heir #</u>	<u>Name</u>	<u>Relation to Joseph</u>	<u>DOB</u>	<u>Address</u>
	Joseph Martin Fogarty (1922-<2009)	Grandson No Children	02-Jun-22	Deceased
	John Patrick Fogarty (1923-1995)	Grandson Children As Follows	25-Oct-23	Deceased
1	Carolyn Ann Mundle	Great Granddaughter	10-Feb-48	175 Pugwash Point Rd. Pugwash, NS B0K 1L0
2	Brian Patrick Fogarty	Great Grandson	18-Dec-50	9218 Peggy's Cove Rd. Hackets Cove Halifax, NS 902-823-1030
3	Janet Marie Walsh	Great Granddaughter	08-Jan-53	1153 Johnathan Dr., Oakville, ON L6J 7J4 905-829-0426
4	Francis Howard Fogarty	Great Grandson	05-Aug-54	512 Parkland Dr. #418, Halifax, NS B3S 1N1 902-443-8568
5	John Wayne Fogarty	Great Grandson	19-Apr-56	10 Parkwood Dr. Moncton, NB E1E 3X4 506-389-1269
6	Diana Jean Wallis	Great Granddaughter	08-Apr-57	Beeches Rd Braeshore Pictou, NS 902-485-4130

Exhibit "A"
Heirs of Joseph Fogarty
Via Son Michael Vincent Fogarty
As of 05 November 2014

7	Terrance Michael Fogarty	Great Grandson	20-Sep-58	10 Kent Ave, Halifax, NS 902-445-4056
8	Michael Gregory Fogarty	Grandson	17-Nov-24	
	James Vincent Fogarty (1925-1970)	Grandson Children As Follows	25-Nov-25	Deceased
9	Agnes Louise Pearce	Great Granddaughter	2-Sep-43	4- 655 Wonderland Rd. S. London, ON N6K 1M1 519-204-4760
10	James Patrick Fogarty	Great Grandson	03-Sep-44	9 Donovan Cres., Glace Bay, NS 902-849-6277
	Mary Graham (nee Fogarty) (1926-1983)	Grand Daughter Children As Follows	14-Sep-26	Deceased
11	David Lamont Graham	Great Grandson		
12	Patricia Ann Graham	Great Granddaughter		
	Robert Philip Fogarty (1928-2009)	Grandson No Children	23-Dec-28	Deceased
	Donald Francis Fogarty (1930-<2009)	Grandson No Children	14-Apr-30	Deceased
	William Thomas Fogarty 1931-<2009)	Grandson Children As Follows	10-Oct-31	Deceased
13	Raymond William Fogarty	Great Grandson	18-Mar-54	30 Ferguson Dr. Barrie, Ont L4N 7B4

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Exhibit "A"
Heirs of Joseph Fogarty
Via Son Michael Vincent Fogarty
As of 05 November 2014

14	Shannon Rose Marie Fogarty	Great Granddaughter	12-Dec-71
	Howard Gerald Fogarty (1933-<2009)	Grandson No Children	25-Jul-33 Deceased
	Ralph Frederick Fogarty	Grandson Children As Follows	06-Aug-34 Deceased
15	Daniel Vincent Fogarty	Great Grandson	05-Apr-58 7541 Mission Heights Dr. Grande Prairie, AB T8W 1Y6
16	Vincent Frederick Fogarty	Great Grandson	01-Jul-59 7272 Kingsway Suite 1204 Burnaby, BC V5E 1G4
17	Mark Timothy Fogarty	Great Grandson	20-Sep-60 58 Islandview Dr. Mirmichi, NB E1N 6B4
18	Ann Louise Fogarty	Great Granddaughter	06-Apr-62 200 Rues des Châtes Beresford, NB E8K 1W8
19	Ralph Christopher Fogarty	Great Grandson	16-Sep-65 1748 Hwy 18 Doyles Brook, NB E9E 2H9
20	Michael Fogarty	Great Grandson	10-Mar-77 40 Shamrock Ave. Moncton, NB E1E 2J3
21	Kathleen Patricia Dunn	Grand Daughter	08-Feb-37 65 Oliver Cres. New Maryland, NB E3C 1E2 506-459-7346

7

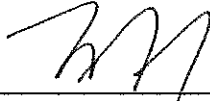
Exhibit "A"
Heirs of Joseph Fogarty
Via Son Michael Vincent Fogarty
As of 05 November 2014

	Elizabeth Anne Fogarty (1938-1997)	Grand Daughter Children Deceased	23-Feb-38 Deceased
22	Ronald Edward Fogarty	Grandson	24-Feb-41 141A Lakeshore Rd. St. Catherines, ON 905-228-1516
23	Peter Garfield Fogarty	Grandson	22-Jul-47

2014

Hfx No. 431696

This is Exhibit "B" 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, R.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

Registered Mail

Carolyn Ann Mundle
175 Pugwash Point Rd.
Pugwash, NS B0K 1L0

Dear Ms. Mundle:

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 Mr. Frank Fogarty.

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/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

Carolyn Ann Mundle
175 Pugwash Point Rd.
Pugwash, NS B0K 1L0

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty 112 Parkland Dr., #418 Haltifax, N.S. B3S-1N1	 RW 666 438 028 CA	SM003440-00006	F.S.
December 11, 2014	TM	Janet Marie Walsingham Donnaughton Dr. Oakville ON. L6B-7J34	 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 Mundle 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 Paul 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, ON. L2N-2T4	 RW 666 438 005 CA	SM003440-00006	F.S.

**Tracking Number**

RW666437977CA

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		Carolyn
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2014/12/14	12:11	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

Carolyn Munsell

2014

Hfx No. 431696

This is Exhibit "C" 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

Registered Mail

Brian Patrick Fogarty
9218 Peggy's Cove Rd.
Hacketts Cove, NS B3Z 3N2

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.

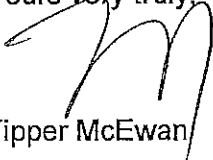
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Yours very truly,



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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Brian Patrick Fogarty
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**Tracking Number**

RW666438045CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/17	10:51		Signature image recorded for Online viewing		brian fogarty
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2014/12/16	AM	TANTALLON	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	AM	TANTALLON	Item successfully delivered		
2014/12/16	09:17	TANTALLON	Item out for delivery		
2014/12/13	11:56	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

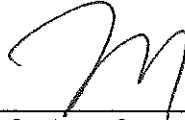
Signature Required

Brian Fogarty

2014

Hfx No. 431696

This is Exhibit "D" 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

Registered Mail

Janet Marie Walsh
1153 Johnathan Dr.
Oakville, ON L6J 7J4

Dear Ms. Walsh:

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You are being contacted because you have been identified as a potential interest holder in the land by Mr. Frank Fogarty.

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/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

Janet Marie Walsh
1153 Johnathan Dr.
Oakville, ON L6J 7J4

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty 112 Parkland Dr., #418 Haiti, N.S. B3S-1N1	RW 666 438 028 CA	SM003440-00006	F.S.
December 11, 2014	TM	Janet Marie Walsby C.N. L6S-754	RW 666 438 031 CA	SM003440-00006	F.S.
December 11, 2014	TM	Brian Patrick Fogarty 9218 Peggy's Cove Rd. Blacketts Cove, N.S. B3Z-3N2	RW 666 438 045 CA	SM003440-00006	F.S.
December 11, 2014	TM	Carolyn Ann Mundle 179 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 Octherloney St. Dartmouth, N.S. B2Y-4X3	RW 666 437 985 CA	SM003440-00006	F.S.
December 11, 2014	TM	David Rhynold 457 Paul 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, C.N. L2N-2T4	RW 666 438 005 CA	SM003440-00006	F.S.

**Tracking Number**

RW666438031CA

Product Type: Registered Mail**Track History**

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2014/12/17	14:03		Signature image recorded for Online viewing		J W
2014/12/17	08:25	OAKVILLE	Item out for delivery		
2014/12/17	07:47	OAKVILLE	Item processed at local delivery facility		
2014/12/16	23:57	MISSISSAUGA	Item processed		
2014/12/16	08:46	TORONTO	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

Q. m. t. w. a. s.

2014

Hfx No. 431696

This is Exhibit "E" 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: BRIAN WALSH [janet.walsh@bell.net]
Sent: January-04-15 9:20 AM
To: Tipper McEwan
Subject: Heirs at Law of Joseph Fogarty, James P Fogarty and Frand Fogarty

File Reference: SM003440-6

Dear Mr. McEwan

Please accept this as notice that I am claiming an Interest in the Land bearing PIDs 35044056 and 35214014 located in Black Point Nova Scotia.

Sincerely

Janet Walsh
1153 Jonathan Dr
Oakville ON
L6J 7J4

2014

Hfx No. 431696

This is Exhibit "F" 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: January-05-15 12:58 PM
To: BRIAN WALSH
Subject: RE: Heirs at Law of Joseph Fogarty, James P Fogarty and Frand Fogarty
Categories: Tipper

Dear Ms. Walsh,

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.

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

From: BRIAN WALSH [mailto:janet.walsh@bell.net]
Sent: January-04-15 9:20 AM
To: Tipper McEwan
Subject: Heirs at Law of Joseph Fogarty, James P Fogarty and Frand Fogarty

File Reference: SM003440-6

Dear Mr. McEwan

Please accept this as notice that I am claiming an Interest in the Land bearing PIDs 35044056 and 35214014 located in Black Point Nova Scotia.

Sincerely

Janet Walsh
 1153 Jonathan Dr
 Oakville ON
 L6J 7J4

2014

Hfx No. 431696

This is Exhibit "G" 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

Registered Mail

Francis Howard Fogarty
512 Parkland Dr., #418
Halifax, NS B3S 1N1

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 been identified as a potential interest holder in the land by Mr. Frank Fogarty.

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/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

Francis Howard Fogarty
512 Parkland Dr., #418
Halifax, NS B3S 1N1

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Francis Howard Fogarty 112 Parkland Dr., #418 Hali fax, N.S. B35-1N1	RW 666 438 028 CA	SM003440-00006	F.S.
December 11, 2014	TM	Danet Marie Walsworth Dominghan Dr. Oakville, O.N. L6B3-734	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 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 Purl 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**

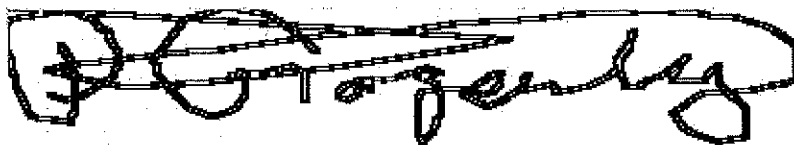
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Product Type: Registered Mail**Track History**

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2014/12/15	07:06	HALIFAX	Item processed at local delivery facility		
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2014/12/14	19:13	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

A handwritten signature in black ink, appearing to read "P. Fogarty". The signature is written in a cursive style with a large initial "P" and a stylized "Fogarty".

2014

Hfx No. 431696

This is Exhibit "H" 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

Registered Mail

John Wayne Fogarty
10 Parkwood Dr.
Moncton, NB E1E 3X4

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 been identified as a potential interest holder in the land by Mr. Frank Fogarty.

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/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-information>.

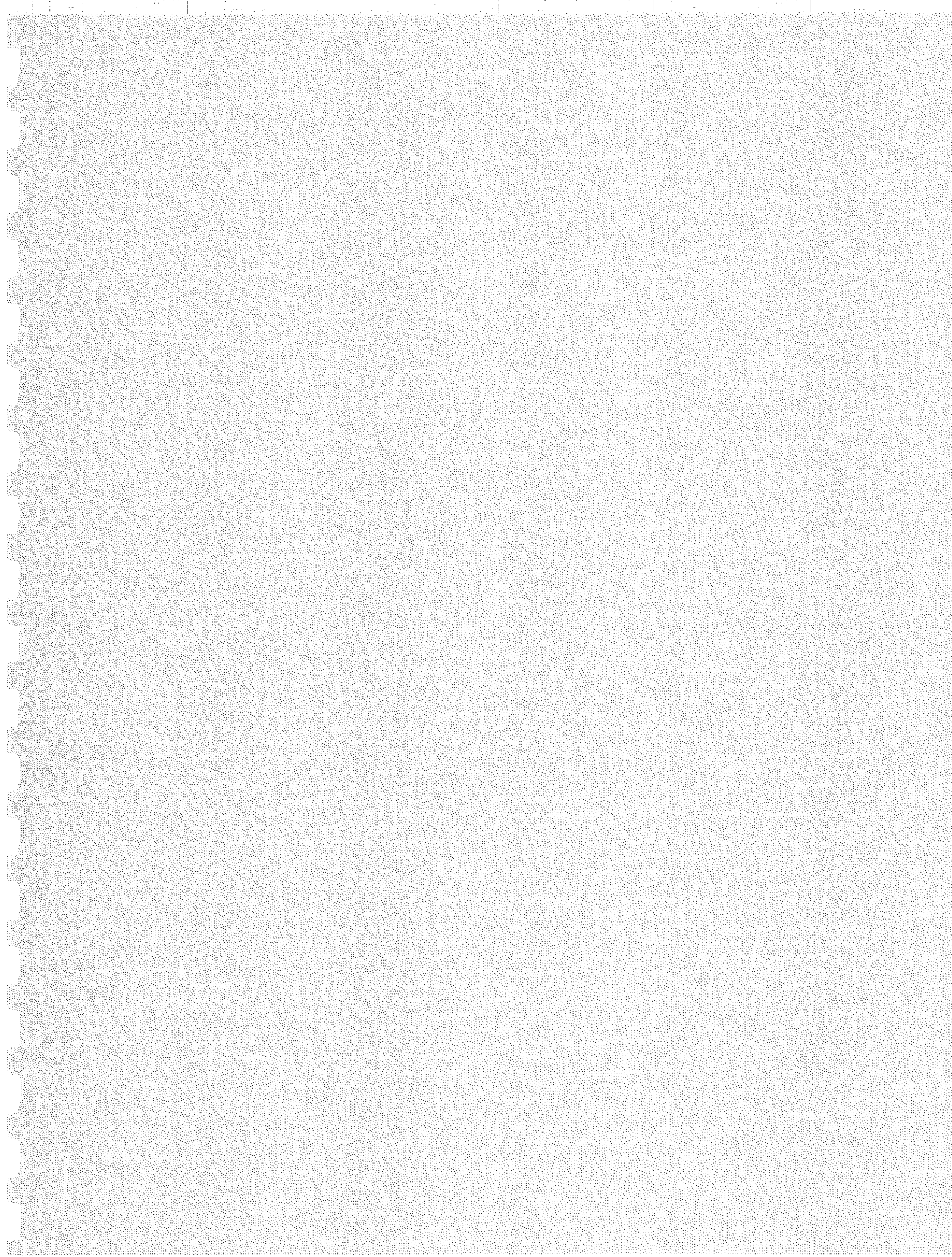
Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on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



SM003440-6 TM

Registered Mail

John Wayne Fogarty
10 Parkwood Dr.
Moncton, NB E1E 3X4



Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 7541 Mission Heights Dr. Grande Prairie, AB T8A 1V6	RW 666 439 712 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N-7B4	RW 666 439 726 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1G-1C5	RW 666 439 730 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 4-655 Wonderland Rd. S. London, ON N6K-1M1	RW 666 439 743 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis P.O. Box 93 43 Seaview Cemetery Road Bayview, Lot 2 Pictou, N.S. B0K-1H0	RW 666 438 076 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Beeches Road, Breeze shore Pictou, N.S. B0K-1H0	RW 666 438 080 CA AD POST 2014-12-11 CA	SM003440-00006	FS.
December 11, 2014	TM	Donn Wayne Fogarty 10 Parkwood Dr. Noncton, N.B. E1E-3X4	RW 666 438 014 CA AD POST 2014-12-11 CA	SM003440-00006	FS.

**Tracking Number**

RW666438014CA

Product Type: Registered Mail**Track History**

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2014/12/16	13:20	MONCTON	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	08:36	MONCTON	Item out for delivery		
2014/12/16	06:37	MONCTON	Item processed at local delivery facility		
2014/12/16	02:54	DIEPPE	Item processed		
2014/12/15	20:28	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

2014

Hfx No. 431696

This is Exhibit "I" 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 18, 2014
To: Tipper McEwan
From: John Wayne Fogarty
File Number: SM3440-6
MODG
Re: Black Point Expropriation

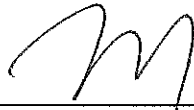
Yes, hello it's John Wayne Fogarty. I received a registered mail concerning the property in Guysborough County for Joseph Fogarty. I am just calling to ask what I have to do to let you know that I would like my name to stand as interested in this land. You can contact me. My phone number is area code 506. My number is 383-3338. And it is currently Thursday afternoon, the 18th of December at ten past three. Thanks you. Bye bye.

/adk

2014

Hfx No. 431696

This is Exhibit "J" 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 called John Wayne Fogarty at 506-383-3338 on December 22, 2014 in response to his voicemail advising that he wished to have his name noted as a person claiming an interest in the property. I advised Mr. Fogarty that as counsel for the Municipality, we could not give legal advice, suggested that he consult with counsel, possibly with other members of his family for the sake of efficiency and told him that he should either appear in person or have someone appear on his behalf at the January 15, 2015 Motion for Date and Directions.

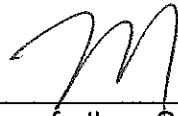
Tipper McEwan

TM/adk

2014

Hfx No. 431696

This is Exhibit "K" 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

Registered Mail

Diana Jean Wallis
Beeches Rd., Braeshore
Pictou, NS B0K 1H0

Dear Ms. Wallis:

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 Mr. Frank Fogarty.

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/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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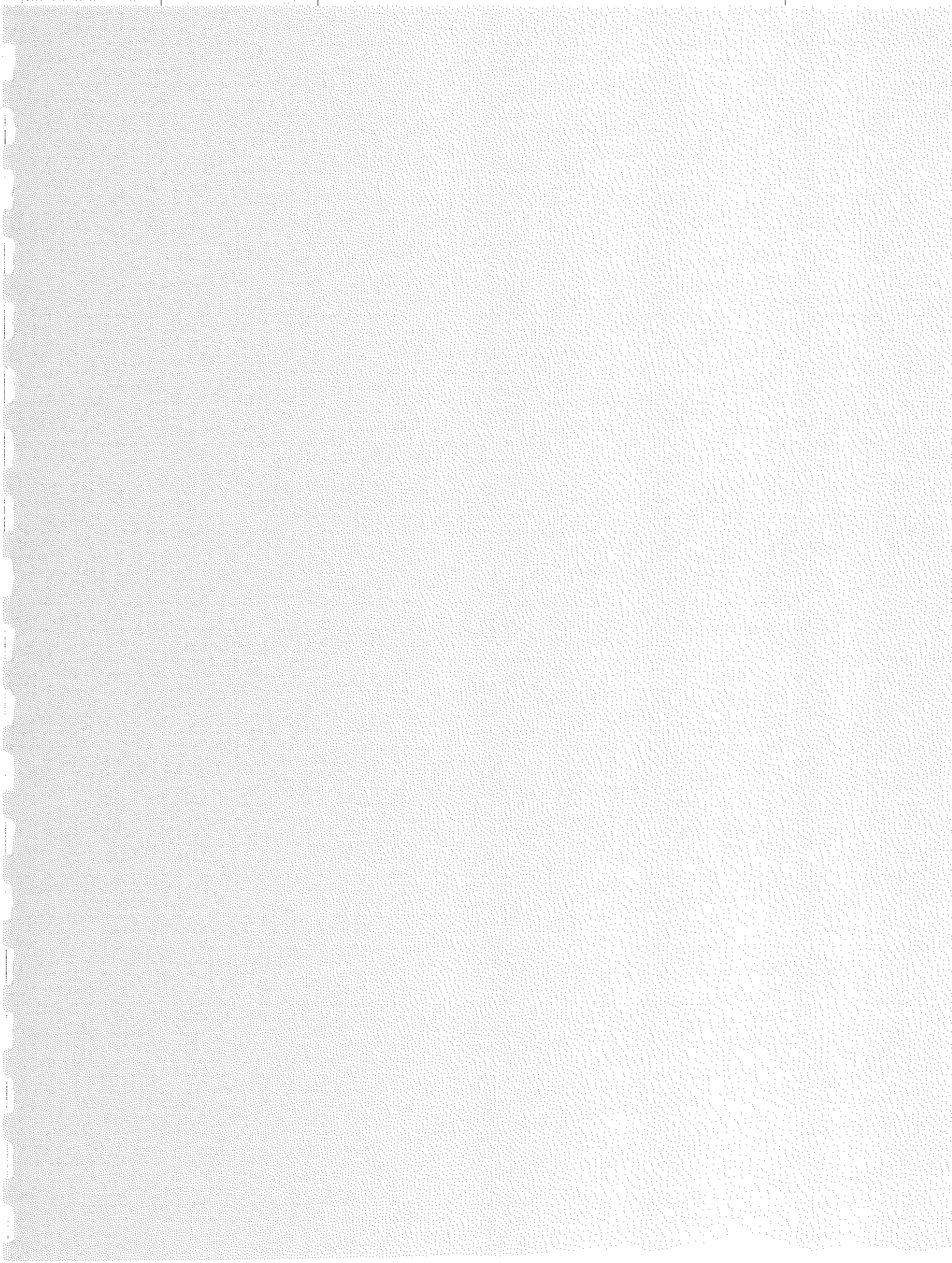
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SM003440-6 TM

Registered Mail

Diana Jean Wallis
Beeches Rd., Braeshore
Pictou, NS B0K 1H0



Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 7541 Mission Heights Dr. Grande Prairie, AB T8N 1Y6	RW 666 439 712 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N 7B4	RW 666 439 726 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1B 1C5	RW 666 439 730 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 4-655 Wonderland Rd.S. London, ON N6K 1M1	RW 666 439 743 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Sp.O. Box 93, 43 Seaview Cemetery Road Bayview, Lot 2 Picton, N.S. B0K 1H0	RW 666 438 076 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Deeches Road, Duneshore Picton, N.S. B0K 1H0	RW 666 438 080 CA POSTAL CANADA	SM003440-00006	FS.
December 11, 2014	TM	John Wayne Fogarty 10 Parkwood Dr. Noncton, N.B. E1E 3X4	RW 666 438 014 CA POSTAL CANADA	SM003440-00006	FS.

**Tracking Number**

RW666438080CA

Product Type: Registered Mail**Track History**

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2014/12/15	12:49		Signature image recorded for Online viewing		Diana Wallis DR5
2014/12/15	10:13	PICTOU	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/14	17:50	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

Diana Wallis





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

Registered Mail

Diana Jean Wallis
PO Box 93
43 Seaview Cemetary Road
Bayview, Lot 2
Pictou, NS B0K1H0

Dear Ms. Wallis:

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 Mr. Frank Fogarty.

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/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

Diana Jean Wallis
PO Box 93
43 Seaview Cemetary Road
Bayview, Lot 2
Pictou, NS B0K1H0

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 7541 Mission Heights Dr. Grande Prairie, AB T8V 1Y6	RW 666 439 712 CA POST CANADA 2014-12-11 RW 666 439 726 CA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N-7B4	RW 666 439 730 CA CANADA 2014-12-11 RW 666 439 730 CA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1B-1C5	RW 666 439 743 CA CANADA 2014-12-11 RW 666 439 743 CA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 61-655 Wonderland Rd. S. London, ON N6K-1M1	RW 666 438 076 CA CANADA 2014-12-11 RW 666 438 076 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Box 93, 93 Seaview Cemetery Road Bayview Lot 2 Pictou, N.S. B0K-1H0	RW 666 438 080 CA CANADA 2014-12-11 RW 666 438 080 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Deches Road, Braeshore Pictou, N.S. B0K-1H0	RW 666 438 014 CA CANADA 2014-12-11 RW 666 438 014 CA	SM003440-00006	FS.
December 11, 2014	TM	John Wayne Fogarty 10 Parkwood Dr. Noncton, N.B. E1E-3X4			

**Tracking Number**

RW666438076CA

Product Type: Registered Mail**Track History**

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2014/12/15	10:14	PICTOU	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	17:29	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

Ra Wallis

2014

Hfx No. 431696

This is Exhibit "L" 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: Ian Diana Wallis [ian.diana@ns.sympatico.ca]
Sent: December-16-14 11:18 AM
To: Tipper McEwan
Cc: ffogarty@ittelecom.com
Subject: File Reference:SM003440-6

December 16, 2014

Tipper McEwan

In response to your registered letter dated December 10, 2014 , received December 15, 2014 I am herein acknowledging that I have an interest in these lands.

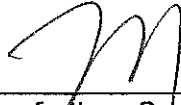
I am also providing my civic and mailing addresses for any future correspondence.

MAILING Address: Diana Wallis PO Box 93 Pictou NS B0K 1H0 CIVIC Address: Diana Wallis 43 Seaview Cemetery Road, Seaview Pictou County Sincerely Diana Wallis

2014

Hfx No. 431696

This is Exhibit "M" 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 10:30 AM
To: Ian Diana Wallis
Cc: ffogarty@ittelecom.com
Subject: RE: File Reference:SM003440-6

Categories: Tipper

Mr and Mrs. Wallis,

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.

Yours truly,
 Tipper McEwan

-----Original Message-----

From: Ian Diana Wallis [<mailto:ian.diana@ns.sympatico.ca>]
Sent: December-16-14 11:18 AM
To: Tipper McEwan
Cc: ffogarty@ittelecom.com
Subject: File Reference:SM003440-6

December 16, 2014

Tipper McEwan

In response to your registered letter dated December 10, 2014, received December 15, 2014 I am herein acknowledging that I have an interest in these lands.

I am also providing my civic and mailing addresses for any future correspondence.

MAILING Address: Diana Wallis PO Box 93 Pictou NS B0K 1H0 CIVIC Address: Diana Wallis 43 Seaview Cemetery Road, Seaview Pictou County Sincerely Diana Wallis

2014

Hfx No. 431696

This is Exhibit "N" 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

Terrance Michael Fogarty
15 Kent Ave.,
Halifax, NS B3M 2G2

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 been identified as a potential interest holder in the land by Mr. Frank Fogarty.

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/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

Terrance Michael Fogarty
15 Kent Ave.,
Halifax, NS B3M 2G2

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLEAR
December 11, 2014	TM	Terrence Michael Fogarty 18 Kent Ave., Halifax, N.S. B3M-2C2	RW 666 437 932 CA	SM 003440- 00006 POSTES CANADA 2014-12-11 Halifax Town Clerk 1803 HALIFAX NS	F.S.
December 11, 2014	TM	David Cormley 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 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	Janie & Lynn Hoare 70 Campbell Street North Sydney, N.S. B2A-2Z7	RW 666 437 901 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Janet (Rhynold) Hendsbee & John D. Hendsbee 41536 Half Island Cove Guysborough, N.S. B0H-1N0	RW 666 437 915 CA	SM 003440- 00006	F.S.
December 11, 2014	TM	Arthur Campbell Sq Rameville Road New Waterford, N.S. B1H-5T2	RW 666 437 929 CA	SM 003440- 00006	F.S.

**Tracking Number**

RW666437932CA

Product Type: Registered Mail**Track History**

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2014/12/15	10:52	HALIFAX	Item out for delivery		
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2014/12/14	20:10	HALIFAX	Item processed		
2014/12/14	19:14	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

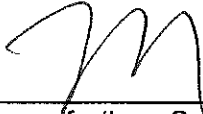
© 2014 Canada Post Corporation

Terry Fogarty

2014

Hfx No. 431696

This is Exhibit "O" 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: Susan Fogarty [s.fogarty@me.com]
Sent: December-19-14 9:45 PM
To: Tipper McEwan
Subject: Fogarty Expropriation, Black Point, Nova Scotia, Hfx No 431696

Good afternoon Tipper McEwan,

This note is to confirm my interest as an heir of Michael Vincent Fogarty and Joseph Fogarty in the lands of PIDS 35044056 and 35214014 in the county of Guysborough, Nova Scotia.
Please confirm receipt of this letter.

Thank you
Terry Fogarty
15 Kent Avenue
Halifax, N.S.
B3M 2G2

2014

Hfx No. 431696

This is Exhibit "P" 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-22-14 2:21 PM
To: Susan Fogarty
Subject: RE: Fogarty Expropriation, Black Point, Nova Scotia, Hfx No 431696

Follow Up Flag: Follow up
Flag Status: Completed

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.

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

-----Original Message-----

From: Susan Fogarty [<mailto:s.fogarty@me.com>]
Sent: December-19-14 9:45 PM
To: Tipper McEwan
Subject: Fogarty Expropriation, Black Point, Nova Scotia, Hfx No 431696

Good afternoon Tipper McEwan,

This note is to confirm my interest as an heir of Michael Vincent Fogarty and Joseph Fogarty in the lands of PIDS 35044056 and 35214014 in the county of Guysborough, Nova Scotia.
 Please confirm receipt of this letter.

Thank you
 Terry Fogarty
 15 Kent Avenue
 Halifax, N.S.
 B3M 2G2

2014

Hfx No. 431696

This is Exhibit "Q" 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

Registered Mail

Agnes Louise Pearce
4-655 Wonderland Rd. S.
London, ON N6K 1M1

Dear Ms. Pearce:

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 Mr. Frank Fogarty.

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/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.

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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

Agnes Louise Pearce
4-655 Wonderland Rd. S.
London, ON N6K 1M1

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 7541 Mission Heights Dr. Grande Prairie, AB T8V 1V6	RW 666 439 712 CA CANADA POST 2014-12-11 ALBERTA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N-7B4	RW 666 439 726 CA CANADA POST 2014-12-11 ALBERTA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1B-1C5	RW 666 439 730 CA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louisa Pearce 4-655 Wonderland Rd. S. London, ON N6K-1M1	RW 666 439 743 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis P.O. Box 93 43 Seaview Cemetery Road Bayview, Lot 2 Picton, N.S. B0K-1H0	RW 666 438 076 CA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Deeches Road, Braeshore Picton, N.S. B0K-1H0	RW 666 438 080 CA	SM003440-00006	FS.
December 11, 2014	TM	Donn Wayne Fogarty 10 Parkwood Dr. noncton, N.B. E1E-3X4	RW 666 438 014 CA	SM003440-00006	FS.

**Tracking Number**

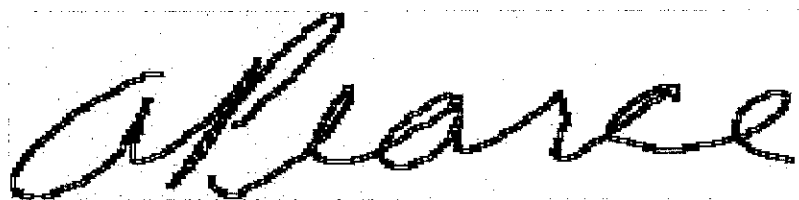
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Product Type: Registered Mail**Track History**

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2014/12/17	10:22	LONDON	Item available for pickup at Post Office	WONDERLAND SOUTH PO	
2014/12/16	15:56	LONDON	Item transferred to Post Office; being prepared for pickup.		
2014/12/16	13:10	LONDON	Item being prepared for transfer to Post Office.		
2014/12/16	11:37	LONDON	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	09:16	LONDON	Item out for delivery		
2014/12/16	08:54	LONDON	Item processed at local delivery facility		
2014/12/15	23:27	LONDON	Item processed		
2014/12/15	20:28	LONDON	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

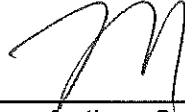
Signature Required

A handwritten signature in cursive script, reading "Agnes Pearce". The signature is written in dark ink on a light background. The first name "Agnes" is written with a large, flowing 'A' and the last name "Pearce" follows in a similar cursive style.

2014

Hfx No. 431696

This is Exhibit "R" 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 19, 2014
To: File
From: Tipper McEwan
File: SM003440-6
Municipality of the District of Guysborough
Re: Black Point Expropriation

I received a telephone call from Agnes Pearce of London, Ontario (from telephone number 519-204-4760) regarding the upcoming Motion for Date and Directions. Ms. Pearce inquired as to whether her brother could appear on her behalf. I advised that I could not give legal advice but I expected the court would not have an issue with her having a family member appear for her if she was unable to attend.

Tipper McEwan

TM/adk

2014

Hfx No. 431696

This is Exhibit "S" 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



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File Reference: SM003440-6

December 10, 2014

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

Registered Mail

James Patrick Fogarty
9 Donovan Cres.,
Dominion, NS B1G 1C5

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 been identified as a potential interest holder in the land by Mr. Frank Fogarty.

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/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

James Patrick Fogarty
9 Donovan Cres.,
Dominion, NS B1G 1C5

Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 75-11 Mission Heights Dr. Grande Prairie, AB T8V 1Y6	RW 666 439 712 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N 7B4	RW 666 439 726 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1B-1C5	RW 666 439 730 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 41-655 Wonderland Rd.S. London, ON N6K-1M1	RW 666 439 743 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Sp. Box 93, 43 Sequoia Cemetery Road Bayview, Lot 2 Pictou, N.S. B0K-1H0	RW 666 438 076 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Deches Road, Brae shore Pictou, N.S. B0K-1H0	RW 666 438 080 CA POST-12-11-14 CANADA	SM003440-00006	FS.
December 11, 2014	TM	John Wayne Fogarty 10 Parkwood Dr. Noncton, N.B. E1E-3X4	RW 666 438 014 CA POST-12-11-14 CANADA	SM003440-00006	FS.

**Tracking Number**

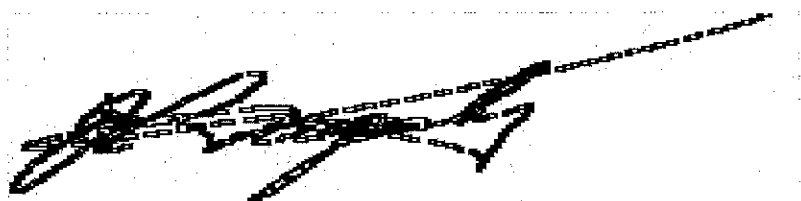
RW666439730CA

Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/17	09:57	DOMINION	Item successfully delivered		
2014/12/17	09:57		Signature image recorded for Online viewing		JAMES FOGARTY
2014/12/15	12:52	DOMINION	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/14	12:08	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

A handwritten signature in black ink, appearing to read "James Fogarty", written in a cursive style. The signature is located in the upper left quadrant of the page.