


**2014**

**Hfx No. 431696**

This is Exhibit "T" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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**

Raymond William Fogarty  
30 Ferguson Dr.,  
Barrie, ON L4N 7B4

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>.

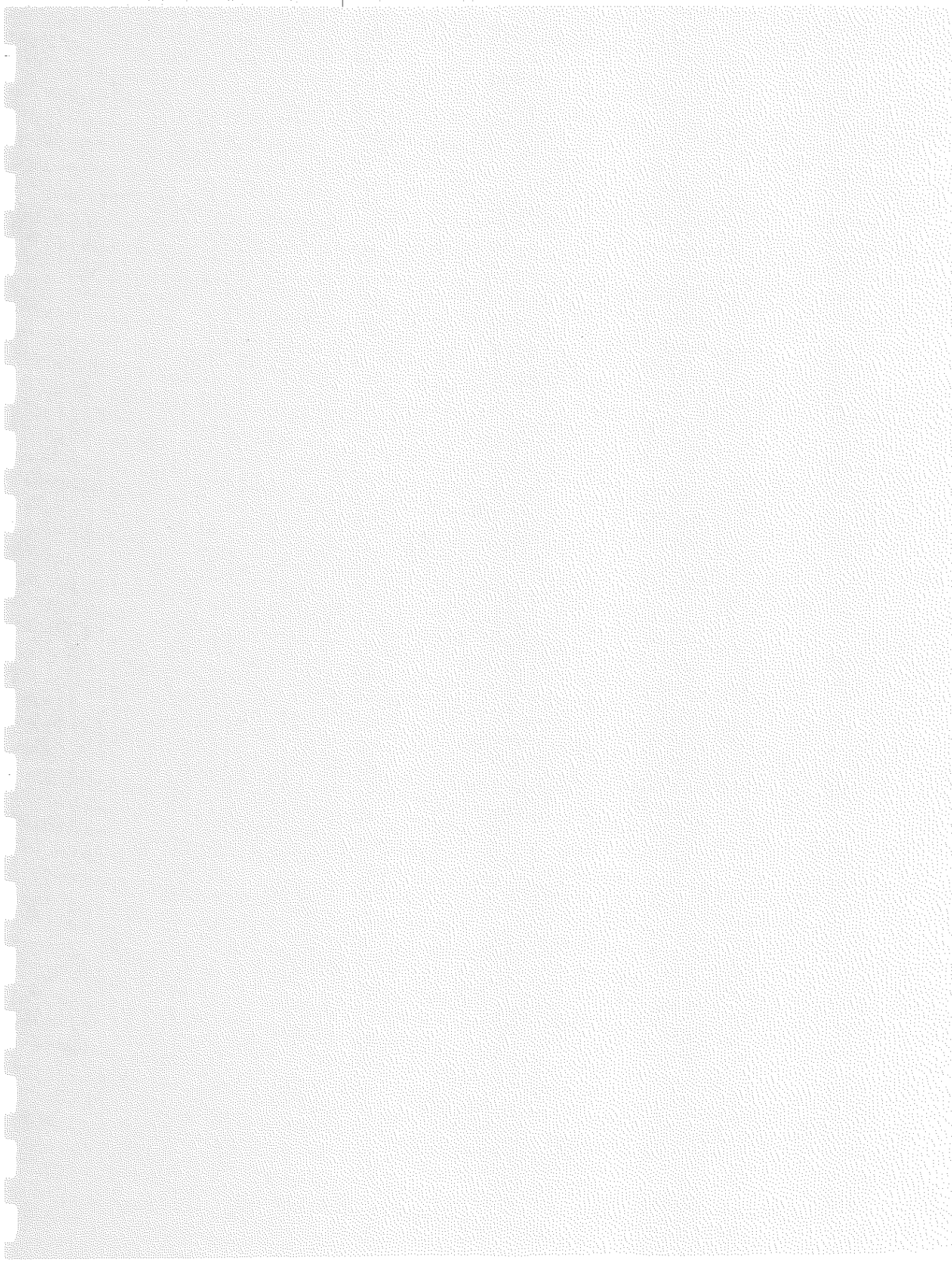
Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 ([tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street,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



SM003440-6 TM

**Registered Mail**

Raymond William Fogarty  
30 Ferguson Dr.,  
Barrie, ON L4N 7B4



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 7541 Mission Heights Dr. Granville, AB T8C 1V6	RW 666 439 712 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrie, ON L4N 7B4	RW 666 439 726 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1G-1C5	RW 666 439 730 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 4-655 Wenderland Rd. S. London, ON N6K-1M1	RW 666 439 743 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Sp. Box 93, 43 Seaview Cemetery Road Bayview, Lot 2 Picton, N.S. B0K-1H0	RW 666 438 076 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	Diana Jean Wallis Beeches Road, Braeshore Picton, N.S. B0K-1H0	RW 666 438 080 CA POST CANADA DEC 12 2014	SM003440-00006	FS.
December 11, 2014	TM	Donn Wayne Fogarty 10 Parkwood Dr. Noncton, N.B. E1E-3X4	RW 666 438 014 CA POST CANADA DEC 12 2014	SM003440-00006	FS.

**Tracking Number**

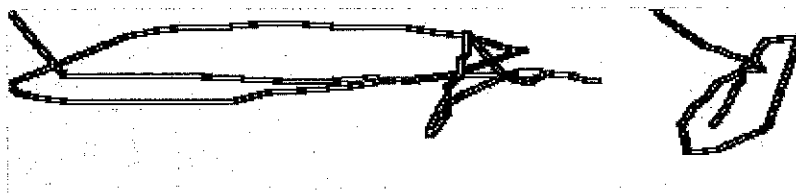
RW666439726CA

**Product Type:** Registered Mail**Track History**

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2014/12/17	12:51		Signature image recorded for Online viewing		R FOGERTY
2014/12/17	08:47	BARRIE	Item out for delivery		
2014/12/17	06:48	BARRIE	Item processed at local delivery facility		
2014/12/16	11:11	TORONTO	Item processed		
2014/12/16	09:10	TORONTO	Item processed		
2014/12/16	08:44	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





2014

Hfx No. 431696

This is Exhibit "U" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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:** Ray & Ev [blfogarty@hotmail.com]  
**Sent:** December-29-14 11:53 AM  
**To:** Tipper McEwan  
**Subject:** File Ref # SM003440-6

I am in receipt of your letter dated December 10, 2014 in regards to this matter. I Raymond Fogarty am interested in this matter, however I am unable to attend court on January 15, 2015. Could someone advise if this is a must to attend or if there is another way to be represented?

Thanks Raymond Fogarty

2014

Hfx No. 431696

This is Exhibit "V" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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 30, 2014  
To: Tipper McEwan  
From: Raymond William Fogarty  
File Number: SM3440-6  
MODG  
Re: Black Point Expropriation

---

Yes, good morning. My name is Raymond William Fogarty. I live in Barrie Ontario. I have a file reference number here, SM003440-6. I received this in the mail and I am trying to find out what I am supposed to do with it. It says something about court of law January 15<sup>th</sup> and I have no idea. My number here is 705-792-4428 or I can also be reached at 705-717-8154. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "W" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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-30-14 2:42 PM  
**To:** Ray & Ev  
**Subject:** RE: File Ref # SM003440-6

**Categories:** Tipper

Dear Mr. Raymond 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 retain counsel to appear on your behalf 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:** Ray & Ev [<mailto:blfogarty@hotmail.com>]  
**Sent:** December-29-14 11:53 AM  
**To:** Tipper McEwan  
**Subject:** File Ref # SM003440-6

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Thanks Raymond Fogarty

2014

Hfx No. 431696

This is Exhibit "X" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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**

Daniel Vincent Fogarty  
7541 Mission Heights Dr.,  
Grande Prairie, AB T8W 1Y6

Dear Mr. Fogarty:

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

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

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

Yours very truly,

Tipper McEwan

TM/ck

Enclosure  
c. Client



2014

Hfx. No. 431696

## SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

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

RESPONDENTS

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The 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**

Daniel Vincent Fogarty  
7541 Mission Heights Dr.,  
Grande Prairie, AB T8W 1Y6



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Daniel Vincent Fogarty 75-11 Mission Heights Dr. Grande Prairie, AB T8A 1Y6	RW 666 439 712 CA DOM POST 3 2014-12-11 ALBERTA	SM003440-00006	FS.
December 11, 2014	TM	Raymond William Fogarty 30 Ferguson Dr., Barrville, C.N. L4N-7B4	RW 666 439 736 CA 3 2014-12-11 ALBERTA	SM003440-00006	FS.
December 11, 2014	TM	James Patrick Fogarty 9 Donovan Cres., Dominion, N.S. B1G-1C5	RW 666 439 730 CA 3 2014-12-11 ALBERTA	SM003440-00006	FS.
December 11, 2014	TM	Agnes Louise Pearce 41-655 Wonderland Rd.S London, O.N. N6K-1M1	RW 666 439 743 CA 3 2014-12-11 ALBERTA	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 3 2014-12-11 ALBERTA	SM003440-00006	FS.
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December 11, 2014	TM	Donn Wayne Fogarty 10 Parkwood Dr. Pictou, N.B. E1E-3X4	RW 666 438 014 CA 3 2014-12-11 ALBERTA	SM003440-00006	FS.

**Tracking Number**

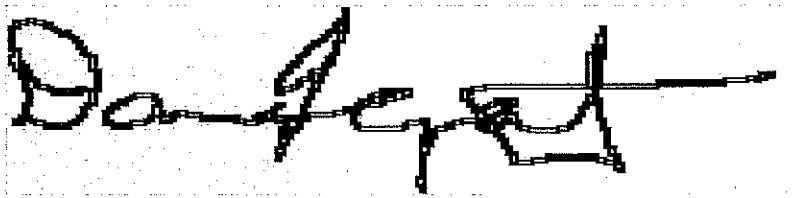
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**Product Type:** Registered Mail**Track History**

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2014/12/16	13:38	GRANDE PRAIRIE	Item being prepared for transfer to Post Office.		
2014/12/16	09:32	GRANDE PRAIRIE	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	09:28	GRANDE PRAIRIE	Item out for delivery		
2014/12/16	08:56	GRANDE PRAIRIE	Item processed at local delivery facility		
2014/12/16	00:28	GRANDE PRAIRIE	Item processed		
2014/12/15	08:42	EDMONTON	Item processed		
2014/12/15	04:49	EDMONTON	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**

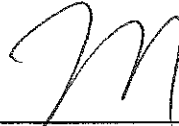
Signature Required

A handwritten signature in black ink, appearing to read "Daniel Vincent Fogarty". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right. It is contained within a rectangular box with a dotted border.

2014

Hfx No. 431696

This is Exhibit "Y" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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

115

File Reference: SM003440-6

December 10, 2014

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

**Registered Mail**

Vincent Frederick Fogarty  
7272 Kingsway, Suite 1204  
Burnaby, BC V5E 1G4

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Yours very truly,

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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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SM003440-6 TM

**Registered Mail**

Vincent Frederick Fogarty  
7272 Kingsway, Suite 1204  
Burnaby, BC V5E 1G4

# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Ronald Edward Fogarty 141A Lakeshore Road St. Catharines, ON N2A 2A7	RW 666 439 672 CA CANADA POSTES 2014-12-11 RW 666 439 672 CA CALIFAX NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 65 Oliver Cres., New Maryland, N.B. E3C 1E2		SM003440-00006	FS
December 11, 2014	TM	Michael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E 2J3	RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18 Doyles Brook, N.B. E9E 2H9	RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des chalets Beresford, N.B. E8K 1W7	RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N 6B4	RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 7272 Kingsway Suite 1204 Burnaby, BC V5E 1C4	RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

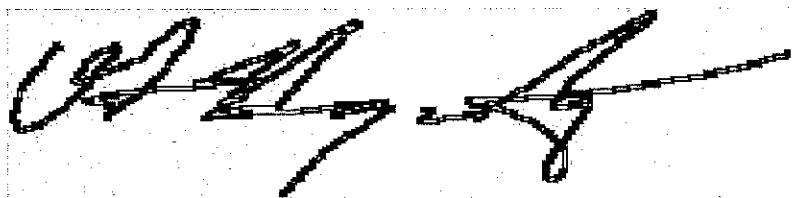
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**Product Type:** Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/22	10:53		Signature image recorded for Online viewing		VINCENT FREDERICK FOGARTY
2014/12/22	10:31	BURNABY	Final Notice; Item will be returned to sender if not collected within 10 days	HIGHGATE PO	
2014/12/18	12:37	BURNABY	Item available for pickup at Post Office		
2014/12/17	17:35	BURNABY	Item transferred to Post Office; being prepared for pickup.		
2014/12/17	15:52	BURNABY	Item being prepared for transfer to Post Office.		
2014/12/17	11:05	NEW WESTMINSTER	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	07:13	NEW WESTMINSTER	Item processed at local delivery facility		
2014/12/15	23:11	RICHMOND	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

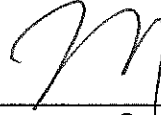
**Shipping Options and Features for this Item**

Signature Required

A handwritten signature in black ink, enclosed in a dashed rectangular border. The signature is stylized and appears to read "Vincent Fogarty".

**2014****Hfx No. 431696**

This is Exhibit "Z" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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:** Vin Fogarty [vinarty@ymail.com]  
**Sent:** January-05-15 1:39 PM  
**To:** Tipper McEwan  
**Subject:** File Ref.# SM00344-6

Tipper McEwan,

I received your letter, file reference:SM003440-6.

My name is Vincent Frederick Fogarty of

7272 Kingsway, Suite 1204

Burnaby, BC V5E 1G4.

I consider myself an interest holder.

I would like to arrange for my sister to represent me.

She will be attending the court date on January 15,2015.

He name is Anne Louise Fogarty.

I wish for her to receive any compensation on my behalf.

Is there anything I need to do to have her represent me?

Sincerely,

Vincent Fogarty

2014

Hfx No. 431696

This is Exhibit "AA" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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-06-15 11:43 AM  
**To:** Vin Fogarty  
**Subject:** RE: File Ref.# SM00344-6

**Categories:** Tipper

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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>.

I acknowledge that you have indicated that you wish for your sister to be your agent in this matter at the next hearing.

Regards,  
 Tipper McEwan

---

**From:** Vin Fogarty [<mailto:vinarty@ymail.com>]  
**Sent:** January-05-15 1:39 PM  
**To:** Tipper McEwan  
**Subject:** File Ref.# SM00344-6

Tipper McEwan,

I received your letter, file reference:SM003440-6.  
 My name is Vincent Frederick Fogarty of  
 7272 Kingsway, Suite 1204  
 Burnaby, BC V5E 1G4.

I consider myself an interest holder.  
 I would like to arrange for my sister to represent me.  
 She will be attending the court date on January 15,2015.  
 He name is Anne Louise Fogarty.  
 I wish for her to receive any compensation on my behalf.  
 Is there anything I need to do to have her represent me?

Sincerely,  
 Vincent Fogarty

2014

Hfx No. 431696

This is Exhibit "BB" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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**

Mark Timothy Fogarty  
58 Islandview Dr.,  
Miramichi, NB E1N 6B4

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**

Mark Timothy Fogarty  
58 Islandview Dr.,  
Miramichi, NB E1N 6B4



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLIENT
December 11, 2014	TM	Ronald Edward Fogarty 141A Lakeshore Road St. Catharines, ON L2N 7L9	 RW 666 439 641 CA CANADA POST 2014-12-11 Région de la Capitale RW 666 439 645 CA ALIFAX NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 65 Oliver Cres., New Maryland, N.B. E3C-1E2	 CANADA POST 2014-12-11 Région de la Capitale RW 666 439 645 CA ALIFAX NS	SM003440-00006	FS
December 11, 2014	TM	Michael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E-2J3	 RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18, Dayles Brook, N.B. E9E-2H9	 RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des Châtes Beresford, N.B. E8K-1W7	 RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N-6B4	 RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 72.72 Kingsway Suite 1204 Burnaby, BC V5E-1G4	 RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

RW666439690CA

**Product Type:** Registered Mail**Track History**

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2014/12/19	15:50		Signature image recorded for Online viewing		Jeannie Fogarty
2014/12/17	11:03	NELSON-MIRAMICHI	Item available for pickup at Post Office	MIRAMICHI NELSON PO	
2014/12/17	10:24	NELSON-MIRAMICHI	Item transferred to Post Office; being prepared for pickup.		
2014/12/17	10:18	MIRAMICHI	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/17	09:44	MIRAMICHI	Item out for delivery		
2014/12/17	07:55	MIRAMICHI	Item processed at local delivery facility		
2014/12/16	12:57	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 Canada Post Corporation



Jeannie Fogarty

2014

Hfx No. 431696

This is Exhibit "CC" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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](http://stewartmckelvey.com)

## VOICEMAIL MESSAGE

Date: December 16, 2014  
To: Tipper McEwan  
From: Mark Fogarty  
File Number: SM003440-6  
MODG  
Re: Blackpoint Expropriation

---


Hello Tipper this is Mark Fogarty calling in regards to the supposedly title claim to the land at Fogarty's Cove. I was hoping to have a conversation with you regarding the January 15<sup>th</sup> date. If you could call me back at 780-824-4782 I would appreciate it. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "DD" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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 18, 2014  
To: File  
From: Tipper McEwan  
File: SM003440-6  
Municipality of the District of Guysborough  
Re: Black Point Expropriation

---

I phoned Mark Fogarty in response to his voicemail message at phone number 780-824-4782. Mark Fogarty was not available so I left a message for him.

Tipper McEwan

TM/adk

**2014****Hfx No. 431696**

This is Exhibit "EE" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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**

Ann Louise Fogarty  
200 Rues des Châtes  
Beresford, NB E8K 1W8

Dear Fogarty:

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

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

You are being contacted because you have been identified as a potential interest holder in the land by 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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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](mailto: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.

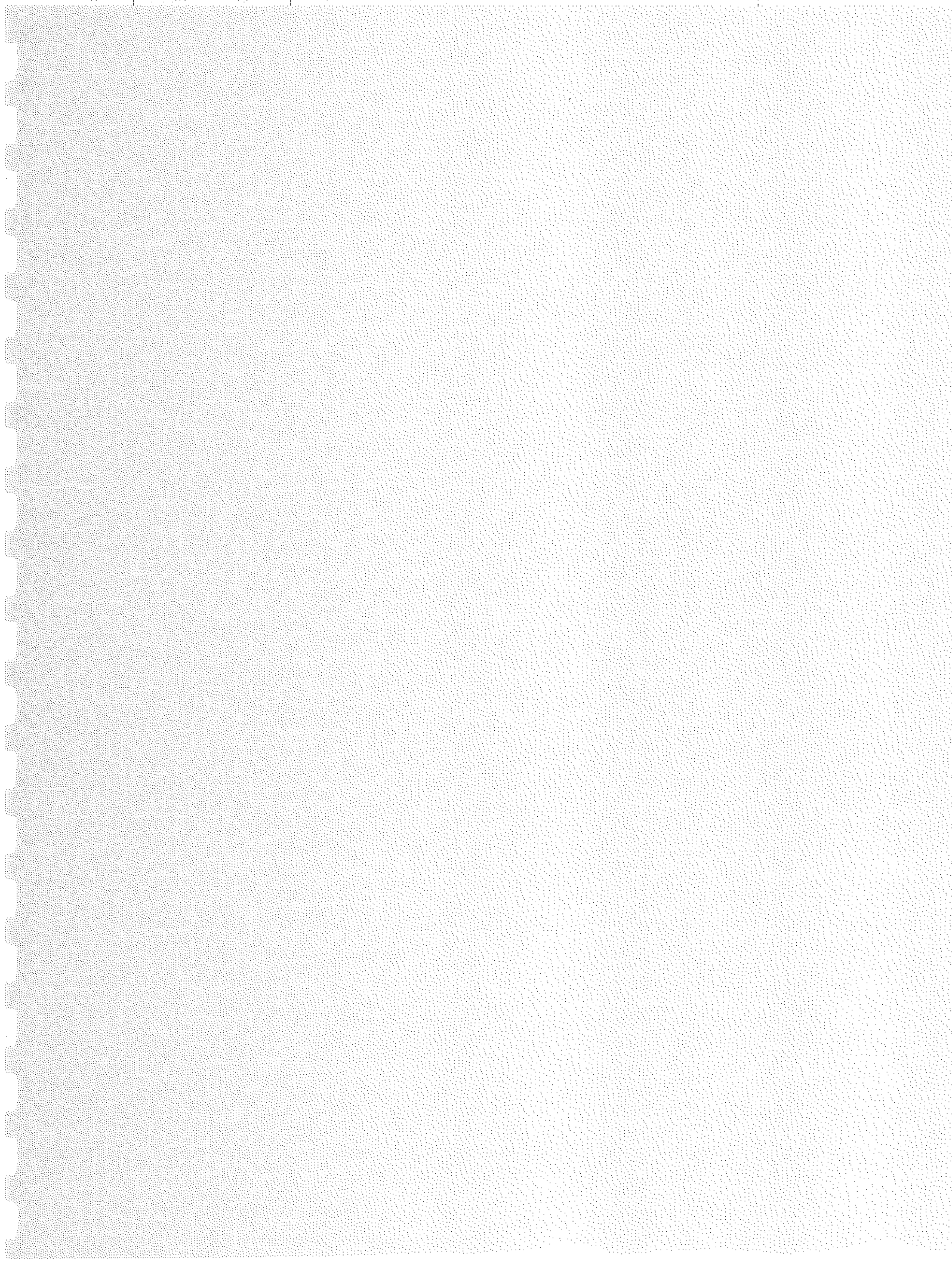




SM003440-6 TM

**Registered Mail**

Ann Louise Fogarty  
200 Rues des Châtes  
Beresford, NB E8K 1W8



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Ronald Edward Fogarty 141 Lakeshore Road St. Catharines, ON L2N-7	RW 666 439 671 CA CANADA POST 2014-12-11 RW 666 439 671 CA ALL FAX NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 65 Oliver Cres., New Maryland, N.B. E3C-1E2		SM003440-00006	FS
December 11, 2014	TM	Michael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E-2J3	RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18, Doyle's Brook, N.B. E9E-2H9	RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des Châtaignes Berresford, N.B. E8K-1W7	RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N-6B4	RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 7272 Kingsway Suite 1204 Burnaby, BC V5E-1C4	RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

RW666439686CA

**Product Type:** Registered Mail**Track History**

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2014/12/17	15:41		Signature image recorded for Online viewing		ANN LOUISE FOGARTY
2014/12/16	15:44	BERESFORD	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/15	20:32	SAINT JOHN	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

**Shipping Options and Features for this Item**

Signature Required


A signature has been captured for this item, however the signatory has requested that the signature not be displayed on the web site. Should you require a copy of the signature, please contact Customer Service at 1 888 520-6333. A fee may apply.

Une signature a été saisie pour cet article mais le signataire a précisé qu'il ne veut pas que sa signature soit affichée en ligne. Si vous devez obtenir une copie de la signature, veuillez communiquer avec le service à la clientèle au 1 888 520-6333. Des frais peuvent être applicables.

2014

Hfx No. 431696

This is Exhibit "FF" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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**

Ralph Christopher Fogarty  
1748 Hwy. 18  
Doyles Brook, NB E9E 2H9

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

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SM003440-6 TM

**Registered Mail**

Ralph Christopher Fogarty  
1748 Hwy. 18  
Doyles Brook, NB E9E 2H9



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLE
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December 11, 2014	TM	Michael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E-2J3	RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18, Doyle's Brook, N.B. E9E-2H9	RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des chalets Berresford, N.B. E8K-1W7	RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N-6B4	RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 7272 Kingsway Suite 1204 Burnaby, BC V5E-1G4	RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

RW666439672CA

**Product Type:** Registered Mail**Track History**

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2014/12/16	12:57	SAINT JOHN	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

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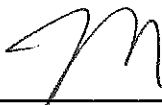
Signature Required

© 2014 Canada Post Corporation

*Cheryl Tucker*

**2014****Hfx No. 431696**

This is Exhibit "GG" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

December 10, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

**Registered Mail**

Michael Fogarty  
40 Shamrock Ave.,  
Moncton, NB E1E 2J3

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Yours very truly,

Tipper McEwan

TM/ck

Enclosure  
c. Client

2014

Hfx. No. 431696

## SUPREME COURT OF NOVA SCOTIA

Between:

MUNICIPALITY OF THE DISTRICT OF GUYSBOROUGH

APPLICANT

and

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

RESPONDENTS

## NOTICE REGARDING DETERMINATION OF INTEREST IN LAND

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

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SM003440-6 TM

**Registered Mail**

Michael Fogarty  
40 Shamrock Ave.,  
Moncton, NB E1E 2J3



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLER
December 11, 2014	TM	Ronald Edward Fogarty 111A Lakeshore Road St. Catharines, ON L2N-2G9	RW 666 439 669 CA CANADA POSTES 2014-12-11 RW 666 439 669 CA FAX-NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 65 Oliver Cres., New Warriland, N.B. E3C-1E2	RW 666 439 669 CA	SM003440-00006	FS
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**Tracking Number**

RW666439669CA

**Product Type:** Registered Mail**Track History**

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2014/12/16	09:10		Signature image recorded for Online viewing		M FOGARTY
2014/12/16	08:12	MONCTON	Item out for delivery		
2014/12/16	06:40	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

*[Handwritten signature]*

**2014****Hfx No. 431696**

This is Exhibit "HH" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

December 10, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

**Registered Mail**

Kathleen Patricia Dunn  
65 Oliver Cres.,  
New Maryland, NB E3C 1E2

Dear Ms. Dunn:

**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](mailto: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**

Kathleen Patricia Dunn  
65 Oliver Cres.,  
New Maryland, NB E3C 1E2



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Ronald Edward Fogarty 141 Lakeshore Road St. Catharines, ON L2N 2A9	RW 666 439 672 CA CANADA POST 2014-12-11 RW 666 439 672 CA ALIFAX NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 5 Soliver cres, New Hampstead, N.B. E3C-1E2		SM003440-00006	FS
December 11, 2014	TM	Michael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E-2J3	RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18 Dayles Brook, N.B. E9E-2H9	RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des chalets Beresford, N.B. E8K-1W7	RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N-6B4	RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 72.72 Kingsway Suite 1204 Burnaby, BC V5E-1G4	RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

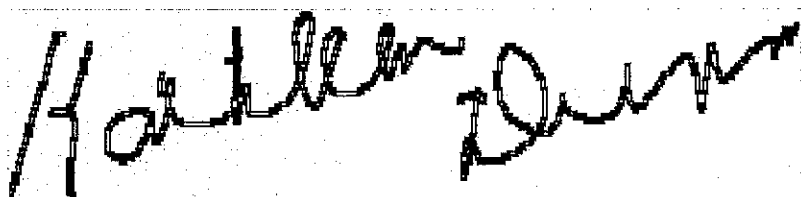
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**Product Type:** Registered Mail**Track History**

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2014/12/21	13:39		Signature image recorded for Online viewing		KATHLEEN DUNN
2014/12/17	12:36	NEW MARYLAND	Item available for pickup at Post Office	NEW MARYLAND PO	
2014/12/17	10:33	NEW MARYLAND	Item transferred to Post Office; being prepared for pickup.		
2014/12/16	13:51	NEW MARYLAND	Item being prepared for transfer to Post Office.		
2014/12/16	11:49	FREDERICTON	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/16	09:26	FREDERICTON	Item out for delivery		
2014/12/16	08:41	FREDERICTON	Item processed at local delivery facility		
2014/12/15	20:36	SAINT JOHN	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

**Shipping Options and Features for this Item**


Signature Required

A handwritten signature in black ink, appearing to read "Kathleen Dunn". The signature is written in a cursive, flowing style. The first name "Kathleen" is written in a larger, more prominent script, and the last name "Dunn" is written in a slightly smaller, more compact script. The signature is enclosed within a thin, dotted rectangular border.

2014

Hfx No. 431696

This is Exhibit "II" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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 31, 2014  
To: Tipper McEwan  
From: Frank Dunn  
File Number: SM3440-6  
MODG  
Re: Black Point Expropriation

---

Mr. McEwan my name is Frank Dunn. I am calling on behalf of my mother Kathleen Patricia Dunn. She received a letter from you with regards to an expropriation, the Fogarty lands down in Guysborough County. Just phoning to find out whether she needs to attend in person on the 15<sup>th</sup> of January. File number for your reference is SM003440-6 and my number is 471-7272. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "JJ" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> day of January, 2015.



\_\_\_\_\_  
A Barrister of the Supreme Court of  
Nova Scotia

TIPPER McEWAN  
A Barrister of the Supreme  
Court of Nova Scotia





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

## MEMORANDUM

---

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

---

I spoke with Frank Dunn. I advised him that I could not give legal advice. I advised him that if it was possible, his mother should attend in person. Mr. Dunn indicated that his mother lived in Fredericton but that some of her brothers and sisters may attend. I indicated to him that they could consider having one of her brothers or sisters appear on her behalf as an agent but that I could not give advice on that subject. I also recommended that they seek legal advice about the extent of Mrs. Patricia Dunn's claim, and about the proceeding.

Tipper McEwan

TM/adk

**2014****Hfx No. 431696**

This is Exhibit "KK" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

December 10, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

**Registered Mail**

Ronald Edward Fogarty  
141A Lakeshore Rd.,  
St. Catharines, ON L2N 2T9

Dear Mr. Fogarty:

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

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

You are being contacted because you have 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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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>.

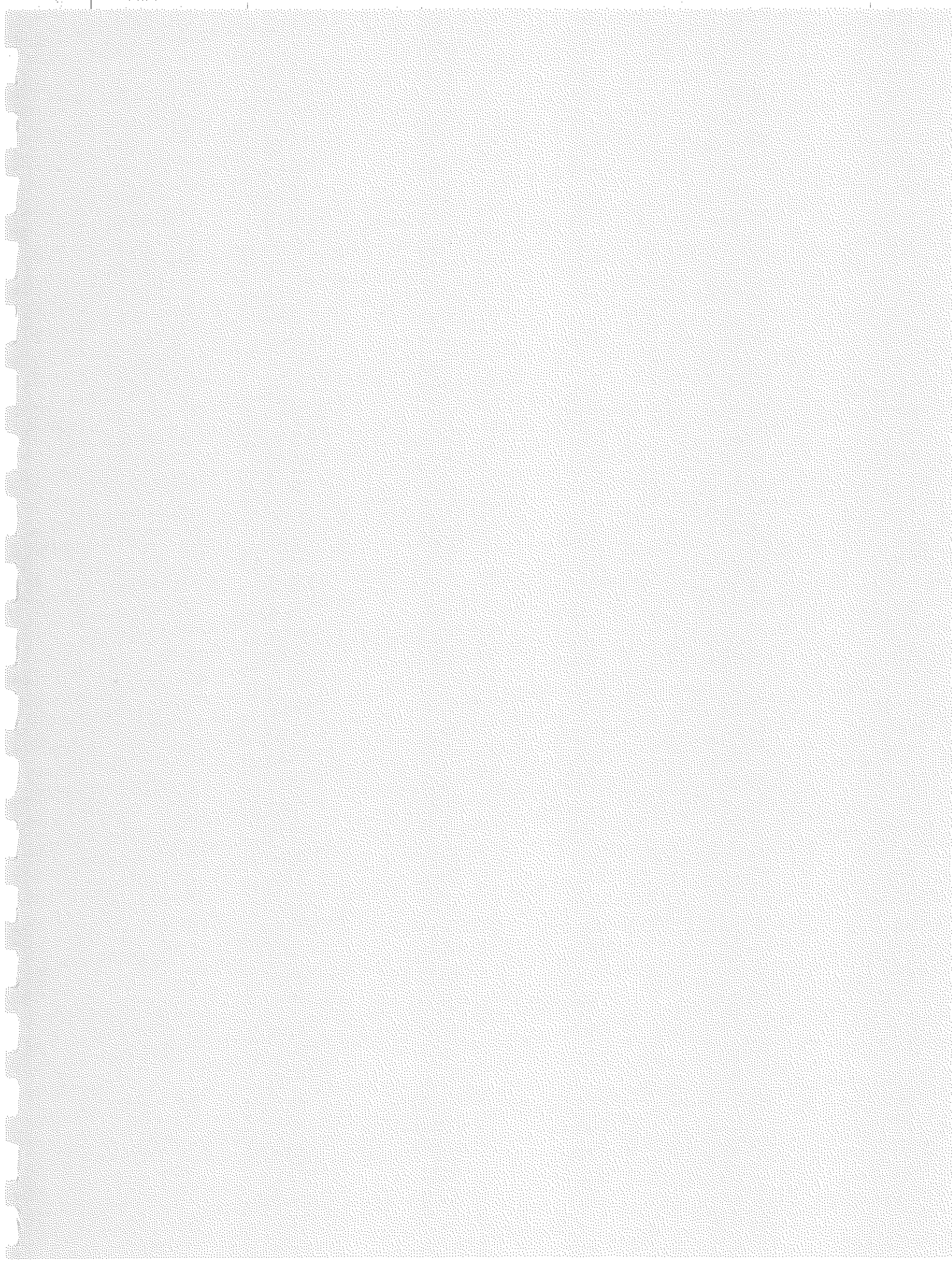
Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 ([tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street,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










SM003440-6 TM

**Registered Mail**

Ronald Edward Fogarty  
141A Lakeshore Rd.,  
St. Catharines, ON L2N 2T9



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
December 11, 2014	TM	Ronald Edward Fogarty 411 Lakeshore Road St. Catharines, ON L2N 7G9	 RW 666 439 661 CA CANADA POSTES 2014-12-11 Delivery Point: 35065 CA ALLIANCE NS	SM003440-00006	FS
December 11, 2014	TM	Kathleen Patricia Dunn 65 Oliver Cres., New Maryland, N.B. E3C 1E2	 RW 666 439 665 CA CANADA POSTES 2014-12-11 Delivery Point: 35065 CA ALLIANCE NS	SM003440-00006	FS
December 11, 2014	TM	Nichael Fogarty 40 Shamrock Ave., Moncton, N.B. E1E-2B3	 RW 666 439 669 CA	SM003440-00006	FS
December 11, 2014	TM	Ralph Christopher Fogarty 1748 Hwy. 18, DoYLES Brooks, N.B. E9E-2H9	 RW 666 439 672 CA	SM003440-00006	FS
December 11, 2014	TM	Ann Louise Fogarty 200 Rues des Châlires Beresford, N.B. E8K-1W7	 RW 666 439 686 CA	SM003440-00006	FS
December 11, 2014	TM	Mark Timothy Fogarty 58 Islandview Dr., Miramichi, N.B. E1N-6B4	 RW 666 439 690 CA	SM003440-00006	FS
December 11, 2014	TM	Vincent Frederick Fogarty 72.72 Kingsway Suite 1204 Burnaby, BC V5E-1C4	 RW 666 439 709 CA	SM003440-00006	FS

**Tracking Number**

RW666439641CA

**Product Type:** Registered Mail**Track History**

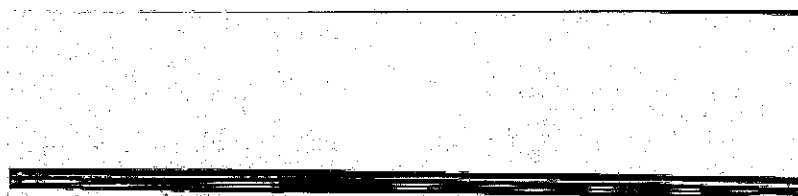
Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/16	09:15	ST CATHARINES	Item out for delivery		
2014/12/16	06:33	ST CATHARINES	Item processed at local delivery facility		
2014/12/16	00:19	STONEY CREEK	Item processed		
2014/12/12	22:18	HALIFAX	Item processed		
2014/12/11	17:29	HALIFAX	Item accepted at the Post Office		

**Shipping Options and Features for this Item**

Signature Required

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2014

Hfx No. 431696

This is Exhibit "LL" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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-10-14 3:43 PM  
**To:** 'ffogarty@ittelecom.com'  
**Subject:** Municipality of the District of Guysborough v. The Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty – Hfx. No. 431696  
**Attachments:** Order - Fogarty issued November 25, 2014.PDF; SMSS\_HFX-#2798217-v1-Affidavit\_of\_F\_\_Fogarty.PDF  
**Categories:** Tipper

Dear Frank

We have been preparing the letters to the persons listed in Exhibit A of your Affidavit in accordance with the attached Supreme Court Order.

We note that in Exhibit A of your Affidavit (copy attached for your convenience), the following persons were listed without any contact information:

1. Michael Gregory Fogarty, grandson
2. David Lamont Fogarty, great grandson
3. Patricia Ann Graham, great granddaughter
4. Shannon Rose Marie Fogarty, Great granddaughter
5. Peter Grafield Fogarty, Grandson

Do you have any contact information for the above 5 persons so that we may send them a letter with notice of the proceeding?

Yours very truly,

Tipper



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



**Angela D. Kennedy**

**From:** Frank Fogarty [FFogarty@ittelecom.com]  
**Sent:** December-11-14 6:24 AM  
**To:** Tipper McEwan  
**Subject:** RE: Municipality of the District of Guysborough v. The Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty - Hfx. No. 431696

Dear Tipper;

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. Unfortunately I can offer no information on David Lamont Graham or his sister Patricia Ann Graham, last known to reside in the Vancouver area. Nor do I have any information on Peter Garfield Fogarty. He was last reported to be "out west", perhaps Calgary. Sorry I couldn't be of more assistance. Take Care. ....Frank

---

**From:** Tipper McEwan [mailto:tmcewan@stewartmckelvey.com]  
**Sent:** Wednesday, December 10, 2014 3:43 PM  
**To:** Frank Fogarty  
**Subject:** Municipality of the District of Guysborough v. The Heirs at Law of Joseph Fogarty, James P. Fogarty and Frank Fogarty - Hfx. No. 431696

Dear Frank

We have been preparing the letters to the persons listed in Exhibit A of your Affidavit in accordance with the attached Supreme Court Order.

We note that in Exhibit A of your Affidavit (copy attached for your convenience), the following persons were listed without any contact information:

1. Michael Gregory Fogarty, grandson
2. David Lamont Fogarty, great grandson
3. Patricia Ann Graham, great granddaughter
4. Shannon Rose Marie Fogarty, Great granddaughter
5. Peter Grafield Fogarty, Grandson

Do you have any contact information for the above 5 persons so that we may send them a letter with notice of the proceeding?

Yours very truly,

Tipper



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

\*\*\*\*\*

This e-mail message (including attachments, if any) is confidential and may be privileged. Any unauthorized

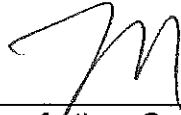
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Ce courriel (y compris les pièces jointes) est confidentiel et peut être privilégié. La distribution ou la divulgation non autorisée de ce courriel est interdite. Sa divulgation à toute personne autre que son destinataire ne constitue pas une renonciation de privilège. Si vous avez reçu ce courriel par erreur, veuillez nous aviser et éliminer ce courriel, ainsi que les pièces jointes, de votre système informatique et de vos dossiers.

**2014****Hfx No. 431696**

This is Exhibit "MM" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

December 18, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

**Registered Mail**

Raymond Junior Fogarty and Linda Fogarty  
328 Nelson Street  
Brantford, ON N3S 4E1

Dear Mr. and Mrs. 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

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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](mailto: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**

Raymond Junior Fogarty and Linda Fogarty  
328 Nelson Street  
Brantford, ON N3S 4E1



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLE
Dec 19 2014					
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	TM	John Fogarty 6 Alfred Street Brantford ON N3S 7M4	 RN 058 336 272 CA	SM003440 00006	

CANADA POSTES  
POST  
152385  
2014-12-10  
BRANTFORD, ON N3S 7M4  
CANADA

**Tracking Number**

RN058336286CA

**Product Type:** Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
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2014/12/29	08:21	BRANTFORD	Item out for delivery		
2014/12/29	04:24	BRANTFORD	Item processed at local delivery facility		
2014/12/28	17:04	STONEY CREEK	Item processed		
2014/12/22	02:49	HALIFAX	Item processed		
2014/12/19	17:18	HALIFAX	Item accepted at the Post Office		

**Shipping Options and Features for this Item**

Signature Required

© 2014 Canada Post Corporation

*Ray FOGARTY*

**2014****Hfx No. 431696**

This is Exhibit "NN" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

December 18, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

**Registered Mail**

John Fogarty  
6 Alfred Street  
Brantford, ON N3S 7M4

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 Linda 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>.

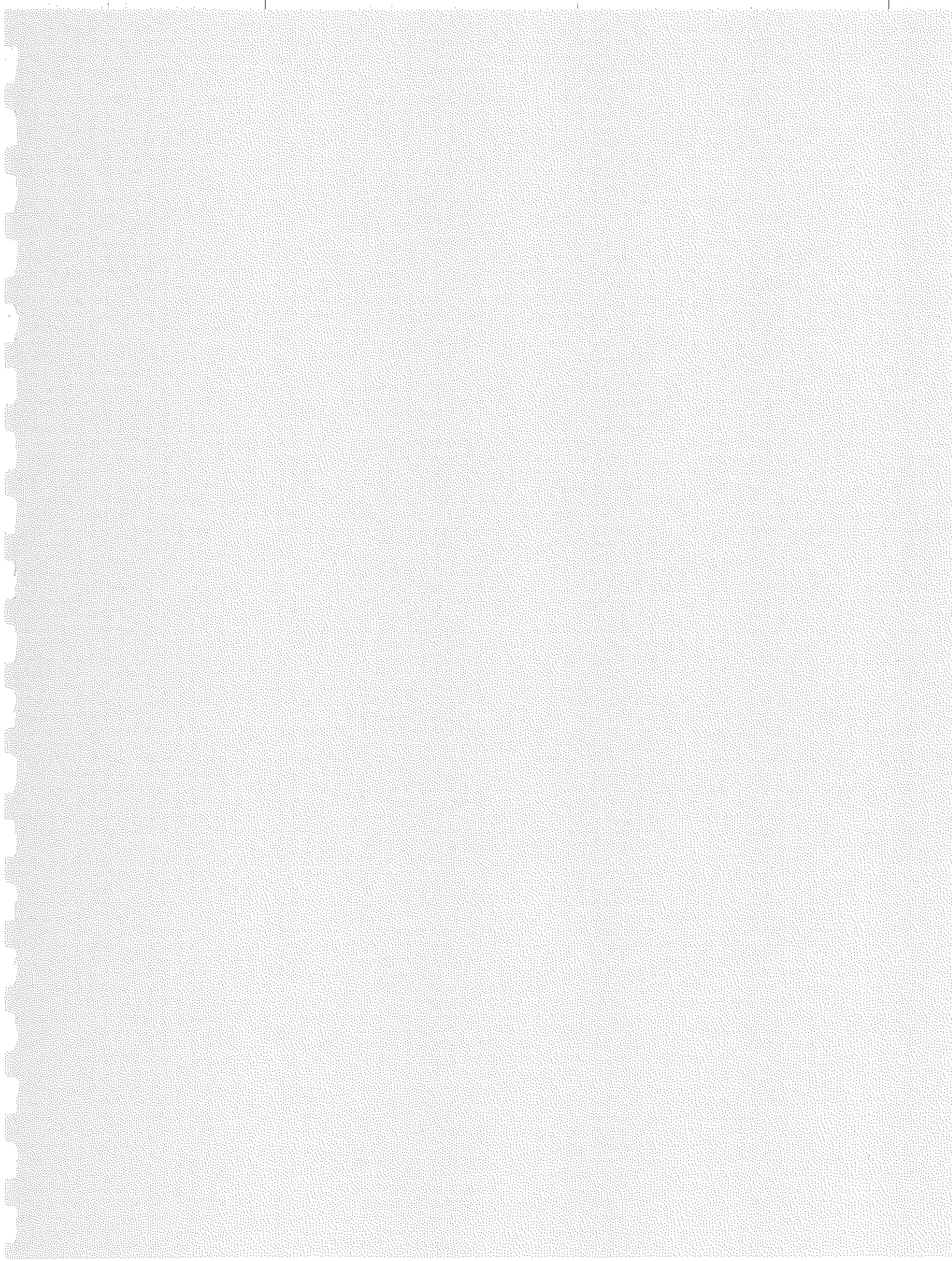
Any person with an interest in these lands should contact Tipper McEwan of Stewart McKelvey at PO Box 997, 1959 Upper Water Street, Suite 900, Halifax, Nova Scotia B3J 2X2 (tmcewan@stewartmckelvey.com), 902.444.1743 or appear at the Law Courts, 1815 Upper Water Street, Halifax, Nova Scotia, B3J 1S7 on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





SM003440-6 TM

**Registered Mail**

John Fogarty  
6 Alfred Street  
Brantford, ON N3S 7M4



# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLIENT
Dec 19 2014					
	TM	Raymond Junior Fogarty and Linda Fogarty 328 Nelson Street Brantford ON N3S 4E1	 RN 058 336 286 CA	SM003440 00006	
	TM	John Fogarty 6 Alfred Street Brantford ON N3S 7M4	 RN 058 336 272 CA	SM003440 00006	

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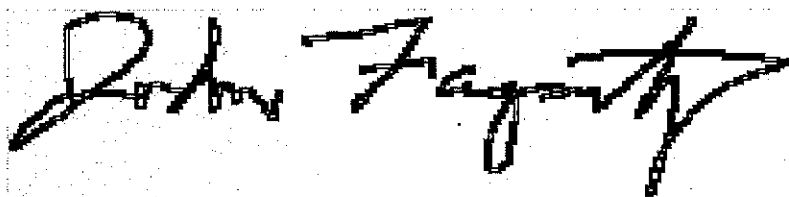
**Product Type:** Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2014/12/30	14:04	BRANTFORD	Item successfully delivered		
2014/12/30	14:04		Signature image recorded for Online viewing		John Fogarty
2014/12/30	09:20	BRANTFORD	Item available for pickup at Post Office	CLARENCE PO	
2014/12/29	16:51	BRANTFORD	Item transferred to Post Office; being prepared for pickup.		
2014/12/29	14:23	BRANTFORD	Item being prepared for transfer to Post Office.		
2014/12/29	13:53	BRANTFORD	Attempted delivery. Notice card left indicating where item can be picked up.		
2014/12/29	08:26	BRANTFORD	Item out for delivery		
2014/12/29	04:24	BRANTFORD	Item processed at local delivery facility		
2014/12/28	17:04	STONEY CREEK	Item processed		
2014/12/22	02:49	HALIFAX	Item processed		
2014/12/19	17:18	HALIFAX	Item accepted at the Post Office		

**Shipping Options and Features for this Item**

Signature Required

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A handwritten signature in black ink, reading "John Fogarty". The signature is written in a cursive style with a large, stylized "J" and "F". The signature is enclosed in a dashed rectangular border.

**2014****Hfx No. 431696**

This is Exhibit "OO" to the Affidavit of  
Angela Kennedy, sworn before me on the  
7<sup>th</sup> 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:** Frank Fogarty [FFogarty@ittelecom.com]  
**Sent:** January-05-15 11:53 AM  
**To:** Tipper McEwan; Robert Grant  
**Subject:** Heirs for the Fogarty Land

Tipper/Rob;

I have just been supplied with contact information for my Uncle Mike. It is as follows:

Michael Gregory Fogarty  
18 Blue Spruce Lane  
Thornhill, ON  
L3T 3W9

Tel: 289-597-7235

Thanks, .....Frank

Frank Fogarty CPA, CMA  
Depot Manager  
Vessel Agent  
Commissioner of the  
Supreme Court of NS  
IT International Telecom Canada Inc.  
3481 North Marginal Rd.,  
Halifax, NS  
Canada B3K 5M8  
☎ +1 902 222-3570  
☎ +1 902 422-5594 x222  
☎ +1 902 425-0225  
✉ [ffogarty@ittelecom.com](mailto:ffogarty@ittelecom.com)



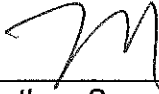
ISO 9001, ISO 14001, OHSAS 18001 Certified  
[www.ittelecom.com](http://www.ittelecom.com)



2014

Hfx No. 431696

This is Exhibit "PP" to the Affidavit of Angela Kennedy, sworn before me on the 7<sup>th</sup> 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](http://stewartmckelvey.com)

File Reference: SM003440-6

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

January 5, 2014

**Registered Mail**

Michael Gregory Fogarty  
18 Blue Spruce Lane  
Thornhill, ON L3T 3W9

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.

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

Yours very truly,

Tipper McEwan

TM/ck

Enclosure  
c. Client

2014

Hfx. No. 431696

## SUPREME COURT OF NOVA SCOTIA

Between:

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APPLICANT

and

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

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SM003440-6 TM

**Registered Mail**

Michael Gregory Fogarty  
18 Blue Spruce Lane  
Thornhill, ON L3T 3W9



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](http://stewartmckelvey.com)

File Reference: SM003440-6

January 5, 2014

Tipper McEwan  
Direct Dial: 902.444.1743  
Direct Fax: 902.420.1417  
[tmcewan@stewartmckelvey.com](mailto:tmcewan@stewartmckelvey.com)

Michael Gregory Fogarty  
18 Blue Spruce Lane  
Thornhill, ON L3T 3W9

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Tipper McEwan

TM/ck

Enclosure  
c. Client

2014

Hfx. No. 431696

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SM003440-6 TM

Michael Gregory Fogarty  
18 Blue Spruce Lane  
Thornhill, ON L3T 3W9

# Registered Mail Tracking

DATE	FROM	TO	TRACKING #	FILE #	CLERK
January 6, 2014	TM	Michael Gregory Fogarty 18 Blue Spruce Lane Thornhill, O.N. L3T-3W9	 RN 058 336 405 CA	SM 003440- 00006	FS

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