

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

Supplemental Affidavit of Angela Kennedy

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

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

Mark Timothy Fogarty

4. My Affidavit sworn January 7, 2015 at paragraphs 32, 33, and 34 notes as follows:
 - (a) Exhibit BB of my January 7, 2015 Affidavit is a copy of correspondence sent by registered mail to Mark Timothy Fogarty with tracking information;
 - (b) Exhibit CC of my January 7, 2015 Affidavit is a copy of a transcribed voicemail message received December 16, 2014 from Mark Fogarty to Tipper McEwan.
 - (c) Exhibit DD of my January 7, 2015 is a copy of a memo dated December 18, 2014 from Tipper McEwan noting his telephone call to Mark Fogarty.
5. On January 8th and 9th, 2015, I was monitoring the email of Tipper McEwan. In Tipper McEwan's email there were two voicemail messages from Mark Fogarty, one received January 8, 2015 and one received January 9, 2015.
6. Attached hereto as **Exhibit "A"** is a copy of a transcribed voicemail message received January 8, 2015 from Mark Fogarty to Tipper McEwan.

7. Attached hereto as **Exhibit "B"** is a copy of a transcribed voicemail message received January 9, 2015 from Mark Fogarty to Tipper McEwan.
8. On January 9, 2015, I received a telephone call from Mark Fogarty indicating he was trying to get in touch with Tipper McEwan. I informed Mr. Fogarty that Tipper McEwan was currently out of the office but I would provide his contact information to Robert Grant of our office.
9. On January 9, 2015, I provided to Robert Grant the telephone number given to me by Mark Fogarty.
10. I am advised by Robert Grant and do verily believe that on January 9, 2015, he spoke with Mark Fogarty on the phone. Attached hereto as **Exhibit "C"** is a copy of an email dated January 9, 2015 from Robert Grant to myself respecting his telephone call with Mark. Fogarty.

Michael Gregory Fogarty

11. My Affidavit sworn January 7, 2015 at paragraph 48 notes as follows:
 - (a) Exhibit PP of my January 7, 2015 Affidavit is a copy of correspondence sent by registered mail to Michael Gregory Fogarty with tracking information;
12. At the time of swearing my Affidavit, I had not yet received confirmation from Canada Post of the successful delivery of the correspondence to Mr. Michael Gregory Fogarty, a copy of which correspondence is included at Exhibit PP of my Affidavit sworn January 7, 2015.
13. Attached hereto as **Exhibit "D"** is a true copy of the track history from Canada Post showing that the correspondence to Michael Gregory Fogarty was delivered on January 9, 2015.

David Gormley

14. My Affidavit sworn January 7, 2015 at paragraph 50 notes as follows:
 - (a) Exhibit RR of my January 7, 2015 Affidavit is a copy of correspondence sent by registered mail to David Gormley with tracking information.
15. On January 12, 2015, I received a forwarded email from David Gormley. Attached hereto as **Exhibit "E"** is a copy of the email dated January 12, 2015 from David Gormley forwarded to myself.
16. On January 12, 2015, I forwarded the email from David Gormley to Robert G. Grant, Q.C.
17. I am advised by Robert Grant and do verily believe that on January 12, 2015, he sent an email to David Gormley. Attached hereto as **Exhibit "F"** is a copy of an email dated January 12, 2015 from Robert Grant to David Gormley. (attachment not included in this exhibit).
18. I am advised by Tipper McEwan and do verily believe that on January 13, 2015, he sent an email to David Gormley. Attached hereto as **Exhibit "G"** is a copy of an email dated January 13, 2015 from Tipper McEwan to David Gormley.

Ralph Christopher Fogarty

19. My Affidavit sworn January 7, 2015 at paragraph 35 notes as follows:
- (a) Exhibit FF of my January 7, 2015 Affidavit is a copy of correspondence sent by registered mail to Ralph Christopher Fogarty with tracking information.
20. I am advised by Tipper McEwan and do verily believe that on January 13, 2015, he received an email from Ralph Christopher Fogarty. Attached hereto as **Exhibit "H"** is a copy of an email dated January 13, 2015 from Ralph Christopher Fogarty to Tipper McEwan.
21. I am advised by Tipper McEwan and do verily believe that on January 13, 2015, he sent an email to Ralph Christopher Fogarty. Attached hereto as **Exhibit "I"** is a copy of an email dated January 13, 2015 from Tipper McEwan to Ralph Christopher Fogarty.

James Hoare

22. My Affidavit sworn January 7, 2015 at paragraph 54 notes as follows:
- (a) Exhibit VV of my January 7, 2015 Affidavit is a copy of correspondence sent by registered mail to Jamie and Lynn Hoare with tracking information.
23. On January 14, 2015, I was monitoring the email of Tipper McEwan. In Tipper McEwan's email there was a voicemail message from Mike Tobin on behalf of James Hoare. Attached hereto as **Exhibit "J"** is a copy of a transcribed voicemail message received January 14, 2015 from Mike Tobin to Tipper McEwan.
24. On January 14, 2015, our office received a fax from Mike Tobin on behalf of James Hoare. Attached hereto as **Exhibit "K"** is a copy of the fax received January 14, 2015 from Mike Tobin addressed to Tipper McEwan.
25. I am advised by Robert Grant and do verily believe that on January 14, 2015, he spoke with Mike Tobin on the phone. Attached hereto as **Exhibit "L"** is a copy of an email dated January 14, 2015 from Robert Grant to myself respecting his telephone call with Mike Tobin.

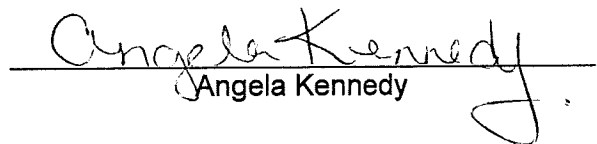
Sworn to/Affirmed before me at Halifax
Regional Municipality, Province of Nova
Scotia this 14th day of January, 2015



Signature of Authority

Print Name: **Cameron L. Foster**

Official Capacity: A Barrister of the
Supreme Court of Nova Scotia



Angela Kennedy

INDEX

Tab	Description
A.	Transcribed voicemail message received January 8, 2015 from Mark Fogarty to Tipper McEwan.
B.	Transcribed voicemail message received January 9, 2015 from Mark Fogarty to Tipper McEwan.
C.	Email dated January 9, 2015 from Robert Grant to Angela Kennedy respecting his telephone call with Mark. Fogarty
D.	Track history from Canada Post showing that the correspondence to Michael Gregory Fogarty was delivered on January 9, 2015.
E.	Email dated January 12, 2015 from David Gormley forwarded to Angela Kennedy
F.	Email dated January 12, 2015 from Robert Grant to David Gormley. (attachment not included in this exhibit).
G.	Email dated January 13, 2015 from Tipper McEwan to David Gormley.
H.	Email dated January 13, 2015 from Ralph Christopher Fogarty to Tipper McEwan.
I.	Email dated January 13, 2015 from Tipper McEwan to Ralph Christopher Fogarty
J.	Transcribed voicemail message received January 14, 2015 from Mike Tobin to Tipper McEwan.
K.	Fax received January 14, 2015 from Mike Tobin addressed to Tipper McEwan.
L.	Email dated January 14, 2015 from Robert Grant to Angela Kennedy respecting his telephone call with Mike Tobin.

2014

Hfx No. 431696

This is Exhibit "A" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read 'C Foster', written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

VOICEMAIL MESSAGE

Date: January 8, 2015
To: Tipper McEwan
From: Mark Fogarty
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Hi Tipper this is Mark Fogarty calling. I had received a registered letter from your office and I have tried contacting you through email and left you a voicemail there a couple of weeks ago. And I was just hoping you could touch base with me so I know what's required of me regarding the Fogarty's Cove expropriation. So if you could give me a call back at 506-622-3066 I'd appreciate it. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "B" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "CFoster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER

A Barrister of the Supreme
Court of Nova Scotia



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

VOICEMAIL MESSAGE

Date: January 9, 2015
To: Tipper McEwan
From: Mark Fogarty
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Hi Tipper I've been trying to reach you now for a couple of weeks. I've received a registered letter from you. Curious as to why you haven't responded back. Anyway, thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "C" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "CFoster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Robert Grant
Sent: January-09-15 1:49 PM
To: Angela D. Kennedy
Cc: Tipper McEwan; Sheryl Drysdale
Subject: Guysborough re Fogarty; Mark Fogarty

Angela:

I spoke with Mark Fogarty a few minutes ago. He is Ralph's son and a first cousin of Frank. He lives at the Miramichi address that you have but works in Alta. His home phone number is 506 622 3066. His email is fogartym@nbnet.nb.ca.

I advised him that we represent MODG and so cannot provide him with legal advice. I told him that it is not necessary for him to attend the hearing January 15. We are asking for the court to set dates for the prehearing requirements and he will receive a copy of the order. We will advise the court that he contacted us.

I think he is generally supportive of the position which Frank is putting forward that the heirs of Michael Vincent Fogarty, his grandfather, have the interest in the property. I encouraged him to stay in touch with Frank.

Rob



Robert G. Grant, Q.C.
Partner
stewartmckelvey.com/Halifax
D: 902.420.3328
C: 902.499.0685
rgrant@stewartmckelvey.com

2014

Hfx No. 431696

This is Exhibit "D" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "CFoster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

**Tracking Number**

RN058336405CA

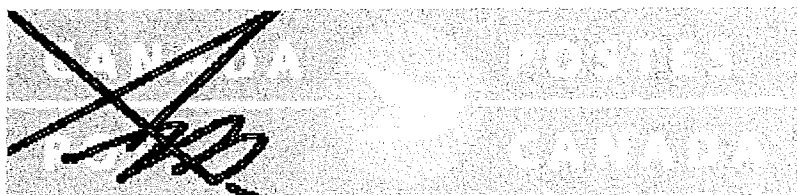
Product Type: Registered Mail**Track History**

Date	Time	Location	Description	Retail Location	Signatory Name
2015/01/09	14:31	RICHMOND HILL	Item successfully delivered		
2015/01/09	14:31		Signature image recorded for Online viewing		G FOGARTY
2015/01/09	11:43	RICHMOND HILL	Item out for delivery		
2015/01/09	06:32	RICHMOND HILL	Item processed at local delivery facility		
2015/01/09	02:22	TORONTO	Item processed		
2015/01/08	17:08	TORONTO	Item processed		
2015/01/06	19:31	HALIFAX	Item processed		
2015/01/06	17:04	HALIFAX	Item accepted at the Post Office		

Shipping Options and Features for this Item

Signature Required

© 2014 Canada Post Corporation



2014

Hfx No. 431696

This is Exhibit "E" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "C Foster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Diveco [diveco13@gmail.com]
Sent: January-12-15 10:53 AM
To: Angela D. Kennedy
Cc: diveco13@gmail.com
Subject: Fwd: Ref: SM003440-6

Begin forwarded message:

From: Diveco <diveco13@gmail.com>
Subject: Ref: SM003440-6
Date: January 12, 2015 at 10:43:35 AM AST
To: tmcewan@stewartmckelvey

Dear Mr. Tipper McEwan:

I recently received a letter stating that I could be a **POTENTIAL** interest holder in the Expropriated land bearing PIDs 35044056 and 35214014.

Could I please have clarification as a **POTENTIAL** interests holder , as I would not consider myself a relative to the Fogarty family, thou Betty Dobson genealogical research states otherwise.

What is involved to prove her research on my behalf and the process involved to settle title.

I understand that there will be compensation for the Expropriation from the "MODG" , but this seems pretty far fetched that I could be a **POTENTIAL** inheritant of such property and would rather not waste my time to drive to Halifax if there is less than a chance of compensation?

What is the **POTENTIAL** ?

I appreciate your response and time in this matter that was presented to me.

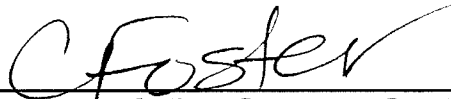
Yours Sincerely,

David A. Gormley
 41 Earl Drive
 Stratford, PE C1B 1K8

2014

Hfx No. 431696

This is Exhibit "F" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "C Foster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Robert Grant
Sent: January-12-15 11:42 AM
To: Diveco
Cc: Angela D. Kennedy
Subject: Municipality of the District of Guysborough re Black Point Expropriation: Fogarty's Cove Ref: SM003440-6
Attachments: SMSS_HFX-#2798689-v1-Fogarty_-_Affidavit_of_Betty_Dobson.pdf

Mr. Gormley:

I am responding on behalf of my colleague Tipper McEwan to your email to him.

We represent the Municipality of the District of Guysborough ("MODG") and cannot prove you with legal advice. I can advise you that it is not necessary for you to attend court in Halifax on later this week. It is a motion for directions at which the court will identify the procedures to be followed leading to a hearing to determine who the persons entitled to an interest in the property at the time it was expropriated. We will advise the court that you have contacted us and will provide you by way of email with a copy of the order setting out the steps to be taken from here on.

I attach for you information a copy of the affidavit of Betty Dobson. As I read the affidavit, you are a great grandson of Joseph Fogarty; your mother was Lena or Lorena Fogarty.

You should look at the affidavit of Frank Fogarty on the MODG website which is referred to in Mr. McEwan's letter. In this affidavit, Frank Fogarty sets out a claim for his branch of the Fogarty family descended from your Uncle Michael Vincent Fogarty.

When you receive the order directing the next steps in the proceeding you should seek your own legal advice as to whether to participate. You will need to consider whether you have a claim for an interest in the land. You should also consider what that entitlement might be. The property has been appraised at \$140,000 and the interests of individuals would likely be fractional. For instance, if Frank Fogarty's contention is correct, his father's surviving siblings would be entitled to a one-seventh interest. In Frank Fogarty's case, his father is deceased so he and his siblings would have to share his one-seventh interests equally amongst one another.

Unless we hear otherwise from you, we will be in touch with you following the motion for directions by providing you with a copy of the judge's order.

Regards,



Robert G. Grant, Q.C.
 Partner
stewartmckelvey.com/Halifax
 D: 902.420.3328
 C: 902.499.0685
rgrant@stewartmckelvey.com

From: Diveco [<mailto:diveco13@gmail.com>]
Sent: Monday, January 12, 2015 10:53 AM
To: Angela D. Kennedy
Cc: diveco13@gmail.com
Subject: Fwd: Ref: SM003440-6

Begin forwarded message:

From: Diveco <diveco13@gmail.com>
Subject: Ref: SM003440-6
Date: January 12, 2015 at 10:43:35 AM AST
To: tmcewan@stewartmckelvey

Dear Mr. Tipper McEwan:

I recently received a letter stating that I could be a **POTENTIAL** interest holder in the Expropriated land bearing PIDs 35044056 and 35214014.

Could I please have clarification as a **POTENTIAL** interests holder , as I would not consider myself a relative to the Fogarty family, thou Betty Dobson genealogical research states otherwise.

What is involved to prove her research on my behalf and the process involved to settle title.

I understand that there will be compensation for the Expropriation from the "MODG" , but this seems pretty far fetched that I could be a **POTENTIAL** inheritant of such property and would rather not waste my time to drive to Halifax if there is less than a chance of compensation?

What is the **POTENTIAL** ?

I appreciate your response and time in this matter that was presented to me.

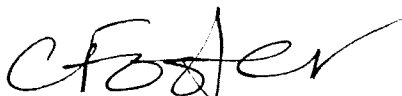
Yours Sincerely,

David A. Gormley
41 Earl Drive
Stratford, PE C1B 1K8

2014

Hfx No. 431696

This is Exhibit "G" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read 'C Foster', written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan
Sent: January-13-15 12:29 PM
To: Diveco
Cc: Robert Grant
Subject: Re: Ref: SM003440-6

Categories: Tipper

Mr Gormley

We represent the municipality and cannot advise you on how to prove your claim. We suggest you seek legal advice and if you wish to seek an interest you should appear in person at the next hearing or retain counsel to appear on your behalf.

I am currently out of the office with very limited email access so I have copied leading counsel, Robert Grant QC on this email.

Tippet

On Jan 12, 2015, at 10:51 AM, Diveco <diveco13@gmail.com> wrote:

Begin forwarded message:

From: Diveco <diveco13@gmail.com>
Subject: Fwd: Ref: SM003440-6
Date: January 12, 2015 at 10:46:48 AM AST
To: tmcewan@stewartmckelvey.com
Cc: diveco13@gmail.com

Begin forwarded message:

From: Diveco <diveco13@gmail.com>
Subject: Ref: SM003440-6
Date: January 12, 2015 at 10:43:35 AM AST
To: tmcewan@stewartmckelvey.com

Dear Mr. Tipper McEwan:

I recently received a letter stating that I could be a **POTENTIAL** interest holder in the Expropriated land bearing PIDs 35044056 and 35214014.

Could I please have clarification as a **POTENTIAL** interests holder , as I would not consider myself a relative to the Fogarty family, thou Betty Dobson genealogical research states otherwise.

What is involved to prove her research on my behalf and the process involved to settle title.

I understand that there will be compensation for the Expropriation from the "MODG" , but this seems pretty far fetched that I could be a **POTENTIAL** inheritant of such property and would rather not waste my time to drive to Halifax if there is less than a chance of compensation?

What is the **POTENTIAL** ?

I appreciate your response and time in this matter that was presented to me.

Yours Sincerely,

David A. Gormley
41 Earl Drive
Stratford, PE C1B 1K8

2014

Hfx No. 431696

This is Exhibit "H" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read 'CFoster', written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: paula [paula_fogarty@hotmail.com]
Sent: January-13-15 11:41 AM
To: Tipper McEwan

To: Tipper McEwan

My name is Ralph Christopher Fogarty and I am contacting you to let you know that I wish to claim an interest on the property located at Black Point, Nova Scotia; PIDS 35044056 and 35214014.

I will not be able to attend the proceedings at the Law Courts on January 15, 2015 due to work commitments, but wish to let you know that I am claiming an interest.

Sincerely,

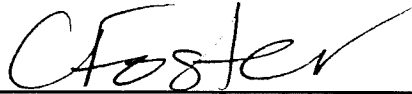
Ralph C. Fogarty

Home - (506) 622-3566

Cell - (506) 232-6497

2014**Hfx No. 431696**

This is Exhibit "I" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read "CFoster", written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Tipper McEwan [tippermcewan@gmail.com]
Sent: January-13-15 12:10 PM
To: paula
Cc: Robert Grant
Subject: Re:

Mr Fogarty

Thank you for advising us that you believe you are a potential heir of Joseph Fogarty.

We represent the municipality and therefore cannot represent you or give legal advice.

We encourage you to seek independent legal advice. If you wish to claim an interest in land you should retain counsel to appear on your behalf, or consider having another family member act as your agent.

I am currently out of the office with very limited email access, so I have copied leading counsel, Robert Grant, QC on this email.

Yours very truly,
Tipper McEwan

On Jan 13, 2015, at 11:41 AM, paula <paula_fogarty@hotmail.com> wrote:

To: Tipper McEwan

My name is Ralph Christopher Fogarty and I am contacting you to let you know that I wish to claim an interest on the property located at Black Point, Nova Scotia; PIDS 35044056 and 35214014.

I will not be able to attend the proceedings at the Law Courts on January 15, 2015 due to work commitments, but wish to let you know that I am claiming an interest.

Sincerely,

Ralph C. Fogarty

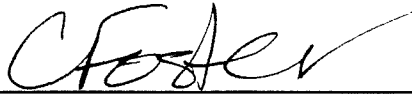
Home - (506) 622-3566

Cell - (506) 232-6497

2014

Hfx No. 431696

This is Exhibit "J" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read 'C Foster', written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia



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

VOICEMAIL MESSAGE

Date: January 14, 2015
To: Tipper McEwan
From: Mike Tobin
File Number: SM3440-6
MODG
Re: Black Point Expropriation

Hi Mike Tobin. I'm a lawyer in North Sydney. And I'm just calling for a client that has brought in it looks like a parcel of land that was expropriated and there's a hearing tomorrow about the expropriation in Halifax. So it's the Municipality of the District of Guysborough and the Heirs of Joseph Fogarty. So if you could give me a call I would really appreciate it just so I could go over with him what's involved and what's going on. My direct line is 794-4824 and the area code is 902. And if that's busy, my cell phone is 902-537-0376. Thank you.

/adk

2014

Hfx No. 431696

This is Exhibit "K" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.

A handwritten signature in black ink, appearing to read 'C Foster', written over a horizontal line.

A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia



January 14, 2015

Michael A. Tobin
Barrister, Solicitor, Notary

P.O. Box 1925, 254 Commercial St.
North Sydney, Nova Scotia B2A 3S9

Telephone: (902) 794-8803

Fax: (902) 794-9869

Email: miketobinlaw@syd.eastlink.ca

Stewart McKelvey
PO Box 997
Purdy's Wharf Tower
1959 Upper Water St.
Halifax, NS
B3J 2X2

ATTENTION: Mr. Tipper McEwan

Dear Mr. McEwan:

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

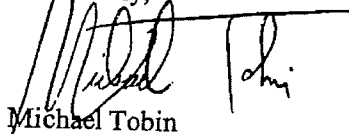
This letter is to confirm that James Hoare has contacted me relating to the Hearing scheduled for January 15, 2015. I understand that the purpose of this Hearing is to determine potential interest holders in the two properties known as PID 35044056 and PID 35214014.

James Hoare is the son of Douglas James Hoare and the grandson of Mabel Fogarty. I understand that Mabel Fogarty is the daughter of Joseph Fogarty who is the grantee on the last known deed to the properties.

The purpose of my correspondence is to confirm that James Hoare wishes to assert his claim to an interest in the lands in question as an heir of Joseph Fogarty.

Please contact me should you require any further information.

Yours truly,



Michael Tobin

/hmp

2014

Hfx No. 431696

This is Exhibit "L" to the Supplemental Affidavit of Angela Kennedy, sworn before me on the 14th day of January, 2015.



A Barrister of the Supreme Court of
Nova Scotia

CAMERON L. FOSTER
A Barrister of the Supreme
Court of Nova Scotia

Angela D. Kennedy

From: Robert Grant
Sent: January-14-15 12:35 PM
To: Angela D. Kennedy
Cc: Tipper McEwan
Subject: RE: this fax just came in from Mike Tobin also

Angela:

I spoke with Mike Tobin. I advised him that I would inform the court that he has been retained and that I would either write to him to let him know the outcome of tomorrow's motion for directions or I would provide him with a copy of the order setting out dates for claims to be put forward.

Rob



Robert G. Grant, Q.C.
Partner
stewartmckelvey.com/Halifax
D: 902.420.3328
C: 902.499.0685
rgrant@stewartmckelvey.com

From: Angela D. Kennedy
Sent: Wednesday, January 14, 2015 12:20 PM
To: Robert Grant
Cc: Tipper McEwan
Subject: this fax just came in from Mike Tobin also

I will include this with the Affidavit if you want.



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