

CANADA
PROVINCE OF SASKATCHEWAN

IN THE COURT OF QUEEN'S BENCH
JUDICIAL CENTRE OF SASKATOON

BETWEEN:

**CROWN INVESTMENTS CORPORATION
OF SASKATCHEWAN,**

APPLICANT

AND:

**THE BENEFICIARIES OF THE SURPLUS IN
THE RETIREMENT ANNUITY FUND OF THE
CAPITAL PENSION PLAN,**

RESPONDENTS

FOURTH SUPPLEMENTARY AFFIDAVIT OF KEN KLEIN

I, KEN KLEIN, of the City of Regina, in the Province of Saskatchewan, HEREBY
MAKE OATH AND SAY:

INTRODUCTION

1. That I am employed by the Applicant, the Crown Investments Corporation of Saskatchewan ("CIC"). I will be retiring effective July 10, 2015. I began my employment with CIC in April of 1994, in the position of Information Officer. In March of 2001, I became the Executive Director of the Capital Pension Plan, and have held that position to date. As Executive Director, my duties involved overseeing the day to day administration of the Capital Pension Plan, and its associated Retirement Annuity Fund. I have been involved in the within application since its commencement to distribute the RAF surplus

and the steps taken to distribute those monies as subsequently directed by the Court. As such, I have personal knowledge of the matters and facts hereinafter deposed to, except where stated to be on information and belief, and whereso stated I verily believe the same to be true.

2. This Affidavit is filed to advise the Court of the events which have occurred since the Court's Order was issued on August 31, 2009.

SUMMARY

3. Since the date of the Court Order providing directions on August 31, 2009, CIC has been successful in distributing the vast majority of the surplus monies of the Retirement Annuity Fund. The total amount available for distribution was \$7,038,873.00, for 2,793 eligible beneficiaries. As of April 30, 2015, CIC had distributed \$6,673,471.00 (or 94.8%) of those funds to 2,509 (or 89.8%) of those individuals. CIC has experienced difficulty in locating the balance of the eligible individuals, and that is the purpose of this application seeking further directions.

LOCATING INDIVIDUALS AND PROVIDING OPTIONS

4. Following the Court's Order, a review of the Plan's electronic and paper records was conducted to determine the list of eligible individuals. In March 2013, a letter was sent to the most recent address on file for each eligible individual. This letter requested that individual to complete a short form to confirm his/her mailing address (or provide an alternate address), and return the form in the postage paid, self-addressed envelope provided. A record of confirmed and unconfirmed addresses for eligible individuals was maintained.

5. Once a confirmed address was received for an eligible individual, follow-up correspondence was sent requesting verification of the individual's identity to confirm eligibility for a portion of the surplus distribution. Eligible individuals had the option to receive their portion of the surplus distribution as:

- a lump sum cash payment, less applicable withholding tax; and/or
- a tax-deferred transfer to an RRSP, providing the individual presented evidence of adequate RRSP contribution room.

6. 2,139 individuals elected to receive the distribution in cash, and the other 370 individuals chose to elect a transfer to an RRSP. Numerous batches of payments have been made between May, 2013 and May, 2015.

PROBLEMS EXPERIENCED FOLLOWING THE MAIL-OUT

7. Some mail was returned, suggesting that the individual had moved, and CIC kept track of those situations.

8. In other cases, letters were not returned but CIC was not contacted by that individual, such that CIC does not know if they are deceased or simply did not respond, for whatever reason.

9. In several instances, CIC learned the eligible individuals were deceased. Where the estate provided the necessary documentation to permit payment, that payment was made. However, in several instances, family members were unable or unwilling to provide the required documentation, so no payment has been made.

STEPS TAKEN TO TRY AND LOCATE UNRESPONSIVE ELIGIBLE INDIVIDUALS

10. Where CIC had alternate address information following returned mail, follow up correspondence was sent, and some of these attempts were successful in permitting further payouts to occur.

11. Where alternate addresses could not be located, CIC utilized the services of the National Search Unit Division of Service Canada, a division of the federal government. The National Search Unit (NSU) required that Capital Pension Plan provide them with the

name, last known address, birth date and Social Insurance Number of the desired individual, and for a fee, they forwarded a letter to the most current address on their records (which was based on tax returns, Canada Pension Plan and Old Age Security information) to the individual. If the individual was deceased, the NSU forwarded the letter to the representative of the individual's estate, or the beneficiary on record. The NSU letter requested the individual contact the Capital Pension Plan directly for further information.

12. CIC has made two successful uses of the NSU. In June 2013, CIC requested the NSU send letters to 607 eligible individuals. This led to successfully locating and paying 270 more eligible individuals.

13. In May 2014, a second request was made of the NSU to send letters to 337 eligible individuals. This led to successfully locating and paying 53 more eligible individuals.

REMAINING FUNDS AND ELIGIBLE INDIVIDUALS

14. At present, the remaining funds available for distribution amount to \$455,402.00, to be distributed to 284 eligible individuals.

15. However, CIC learned in early 2015 that the NSU is no longer in existence or offering the services it previously did, and therefore this option is no longer available to attempt to locate this last group of individuals.

16. CIC has considered the issue of advertising in local newspapers as directed in the original directions from the Court, but has encountered two issues on which it seeks further directions.

17. First, using the eligible individuals' last-known address as a reference, advertising in newspapers would need to be done in such a fashion so as to attempt to capture

approximately 85 different localities. The breakdown of last known addresses is as follows:

CITY	PROVINCE	NUMBER
Unknown	unknown	1
Airdrie	AB	2
Beaumont	AB	1
Calgary	AB	6
Camrose	AB	1
Cochrane	AB	2
Edmonton	AB	1
Edson	AB	1
High River	AB	1
Medicine Hat	AB	1
Priddis	AB	1
Spruce Grove	AB	1
Wainwright	AB	1
Coquitlam	BC	1
Fort Nelson	BC	1
Kelowna	BC	1
Nanaimo	BC	1
Surrey	BC	1
Vancouver	BC	3
Victoria	BC	1
Winnipeg	MB	3
St. Stephen	NB	1
London	ON	1
Oakville	ON	1
Ottawa	ON	1
Uxbridge	ON	1
Charlottetown	PEI	1
Gatineau	QC	1
Pointe Claire	QC	1
Alameda	SK	1
Albertville	SK	1
Asquith	SK	1
Battleford	SK	1
Bienfait	SK	1
Birsay	SK	1
Candle Lake	SK	1
Carrot River	SK	11

Central Butte	SK	1
Chaplin	SK	1
Christopher Lake	SK	1
Clavet	SK	1
Creighton	SK	1
Dalmeny	SK	1
Davidson	SK	1
Estevan	SK	5
Grasswood	SK	1
Guernsey	SK	1
Hanley	SK	2
Hudson Bay	SK	16
Humboldt	SK	1
Indian Head	SK	1
Kindersley	SK	1
Kinistino	SK	1
Lanigan	SK	2
Laronge	SK	1
Lashburn	SK	2
Leroy	SK	1
Lumsden	SK	1
Macoun	SK	1
Martensville	SK	1
McLean	SK	1
Meadow Lake	SK	1
Melfort	SK	3
Mikado	SK	1
Mistatim	SK	2
Moose Jaw	SK	16
Neudorf	SK	1
North Battleford	SK	2
Pilot Butte	SK	4
Plunkett	SK	1
Porcupine Plain	SK	1
Prince Albert	SK	8
Radville	SK	1
Regina	SK	85
Riverhurst	SK	1
Saskatoon	SK	40
Shell Lake	SK	1
Swift Current	SK	2
Warman	SK	1

Watrous	SK	1
Weekes	SK	1
Weyburn	SK	3
Wilcox	SK	1
Yellow Quill	SK	1
Young	SK	1
Daphne, AL	United States	1

18. If advertising in newspapers is required, CIC seeks further directions on whether this is to be major newspapers only, or to include local publications where available.

19. Second, if advertising in newspapers is required, CIC seeks specific directions on whether individual names are to be listed in the advertisement – which will compromise privacy but potentially improve the likelihood of locating the individual – or whether the notice should simply be directed to “members or former members of the Capital Pension Plan” – which will protect the privacy of these individuals but may reduce the likelihood of being brought to the attention of the individual, as well as generating a large number of inquiries from ineligible individuals seeking information.

20. CIC takes no position on the desired approach, and will abide by the Court’s direction should advertising be directed.

DISPOSITION OF REMAINING FUNDS

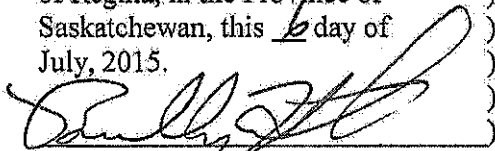
21. Even assuming that any further advertising leads to further eligible individuals being found and payments made, there will certainly be funds remaining at the end that cannot be distributed. For example, as noted above, CIC is aware that some eligible individuals have passed away, but their estate has not provided the documentation necessary to permit payment to be made. Further, CIC does not believe that even with advertising in the various newspapers, all remaining 284 individuals will be found.

22. This raises the question of what is to be done with the remaining funds once all further attempts to locate, as directed by the Court, are exhausted.

23. CIC takes no position on the desired disposition, but seeks directions so that it can finally conclude its distribution obligations as directed by the Court.

24. That I make this affidavit in support of an Order providing further directions to CIC in this matter.

SWORN BEFORE ME at the City)
of Regina, in the Province of)
Saskatchewan, this 6 day of)
July, 2015.)



A COMMISSIONER FOR OATHS
for Saskatchewan.

My Commission Expires: June 30, 2017

OR: Being a lawyer



KEN KLEIN

THIS AFFIDAVIT DELIVERED BY: BAINBRIDGE JODOUIN CHEECHAM

