



This is the 1st Affidavit of Gil Szabo in this case and was made on 14/FEB/2022

**NO. KEL-S-S-122417
KELOWNA REGISTRY**

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SATHER RANCH LTD.

PLAINTIFF

AND:

JOSEPH WAYNE PALMER SATHER

DEFENDANT

AFFIDAVIT

I, Gil Szabo, Realtor, of #111, 48 Industrial Avenue West, Penticton, British Columbia, **SWEAR (OR AFFIRM) THAT:**

1. I am a Realtor with Canada Flex Realty Inc. and Gil Szabo Personal Real Estate Corporation and I am familiar with the property of the 160 Acres that is the subject matter in this lawsuit and I have personal knowledge of the facts and matters hereinafter deposed to, except where they are stated to be based on information and belief and, where so stated, I verily believe the same to be true.
2. I personally knew the late Palmer Sather for approximately 50 years before his passing.
3. I have personally attended the Property located in Penticton, British Columbia and legally described as:
Parcel Identifier: 002-215-594
DISTRICT Lot 2514S Similkameen Division Yale District 54

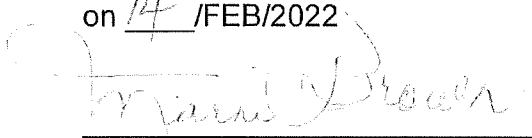
(the "160 Acres")

and many times over the years, I attended at the 160 Acres and I am familiar its use.

- 4. The 160 Acres is not fenced and does not have a sustainable water supply. Over the years very few animals have been on the 160 Acres and it has never been an integral part of the ranching operations of Palmer Sather, nor of Sather Ranch Ltd. The cattle would sometimes be brought down in the fall; however, the limited amount of grass on the 160 Acres would mostly have already been consumed by the wildlife that would graze there frequently throughout the year.

- 5. I make this Affidavit in support of Joseph Wayne Palmer Sather and for no improper purpose.

SWORN BEFORE ME at Penticton
 on 14 /FEB/2022



 A Commissioner for taking Affidavits
 within British Columbia

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GIL SZABO

MARGARET ANNE BROWN
 A Commissioner for Taking Affidavits
 for British Columbia
 Commission expires April 30, 2023



This is the 1st Affidavit of Carol Sather-Byman in this case and was made on 15/FEB/2022

NO. KEL-S-S-122417
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SATHER RANCH LTD.

PLAINTIFF

AND:

JOSEPH WAYNE PALMER SATHER

DEFENDANT

AFFIDAVIT

1. I am the Sister of Joe Sather and Daughter of Palmer Sather who operated Sather Ranch (proprietorship) from 1939 to 2013. From about 1973 to 2013 I worked for my Dad, Palmer Sather ("my Dad"), doing various administrative jobs, record keeping and bookkeeping and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where they are stated to be based on information and belief and, where so stated, I verily believe the same to be true.

2. From about 2012-2013, Mike Street would continually treat my Dad with disrespect including locking him out of the pasture that he rented from the Penticton Indian Band for the purpose of wintering his cattle. Mike Street was always complaining to my Brother Joe and I about my Dad "getting in his way" and leaving gates open, etc. This was at best an exaggeration and in most cases, a lie in an attempt to keep my Dad from attending at the pasture.

3. In about April 2017, Mike Street came to my house and delivered a copy of an Appraisal on 160 acres owned by my Dad, together with an Offer to Purchase for \$120,000.
4. I told Mike Street that I would look over this Offer and discuss it with my two sons, Darren and Derek Sather and my Brother, Joe Sather, prior to giving him a response. I was aware of a gravel resource on the property but not it's financial worth. I did not know the market value of the land at that time.
5. To the best of my knowledge and memory, this 160 acres was rarely grazed on by my Dad's cattle because of a lack of water. I did advise Mike Street that although I was personally not interested in purchasing the 160 acres from my Dad, his Grandchildren, including my two sons and my Brother Joe's three children and my Brother Joe, had the first right to purchase the 160 acres from my Dad.
6. Only if my Brother Joe and none of my Dad's Grandchildren wanted to purchase the land, then we would consider all Offers on the open market, including Mike Street's Offer.
7. There was no mention by Mike Street or anyone else to support Mike Streets claim that this land was integral to the operations of the ranch. Had it been so, my Dad would have told me; in fact this land was purchased by my Dad as an 'investment', separate from the ranch operations and because of its lack of water and poor grazing for cattle, it was not integral to the ranch operations. In fact, cattle had access to the land from mid-October to mid-November each year but would not stay on the land because of the lack of water and suitable grass.
8. Mike Street knew the property was worth many times what he had offered; I verily believe that this was another attempt by Mike Street to obtain assets undervalue from my Dad or his estate.

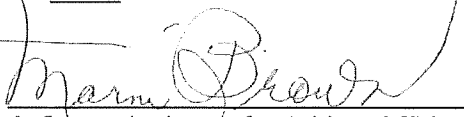
9. In July of 2017, my Brother Joe informed me that Mike Street was angry because of our decision to sell the property to Joe rather than to him or Sather Ranch Ltd. After discussions about this property with my family and considering Mike Street's actions since then, we, as a family, decided to refuse any future Offers from Mike Street or any corporation or person associated with him.
10. For several years prior to Mike Street being involved with the ranch business, my Dad came to not trust Mike Street, and verbally said to me believing him to be a liar and untrustworthy.
11. It was my Dad's desire, conveyed verbally to my Brother and I, that the 160 acres be kept in our family, with his grandchildren to have first right to purchase this property. Mike Street knew that my Dad (verbally) gave his grandchildren the first right to buy this property.
12. The only Grandchild interested and financially capable of acquiring this land at the time was his grandson, Daniel Sather, son of Joe Sather. However, Daniel Sather was discouraged by Mike Street from buying this land, telling Daniel that the land was basically worthless because it was "land locked" with no legal access, had no water or power and was not fenced.
13. After that, Daniel declined to purchase the land.
14. Furthermore, my Dad's lawyer, Bill Oliver, recommended that all real estate owned by my Dad be sold prior to my Dad passing away in order to reduce probate fees.
15. I decided to offer the land to my Brother Joe at the same price Mike Street had offered, providing it would not be sold to Mike Street or any person or corporation associated with him. My Brother Joe suggested that the property may, in the future, be sold to a Family Trust or to the City of

Penticton and/or the Province of British Columbia for use as a Park,
possibly with the name Palmer Sather attached to the Park.

16. I make this Affidavit in support of Joseph Wayne Palmer Sather and for no
improper purpose.

SWORN BEFORE ME at Penticton

on 15 /FEB/2022


A Commissioner for taking Affidavits
within British Columbia

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CAROL SATHER-BYMAN

MARGARET ANNE BROWN
A Commissioner for Taking Affidavits
for British Columbia
Commission expires April 30, 2023



This is the 1st Affidavit of Daniel Sather in this case and was made on ~~24 JUNE~~ 2020
July 28

NO. KEL-S-S-122417
KELOWNA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SATHER RANCH LTD.

PLAINTIFF

AND:

JOSEPH WAYNE PALMER SATHER

DEFENDANT

AFFIDAVIT

I, Daniel Sather, Businessman, of Nelson, British Columbia, **SWEAR (OR AFFIRM) THAT:**

1. I am the son of the Defendant, and as such I have personal knowledge of the facts and matters hereinafter deposed to, except where they are stated to be based on information and belief and, where so stated, I verily believe same to be true.
2. For most of my life growing up in Penticton, I accompanied my Father, Joseph W.P. Sather, ("my Father") and my Grandfather, Palmer E. Sather, ("my Grandfather") to land owned by my Grandfather, located on or near Campbell Mountain, Penticton, British Columbia, consisting of two parcels, one 80 acres and one 160 acres.
3. Over the many years, I became very familiar with both these parcels of land. My Grandfather told me that someday I may own the Property.

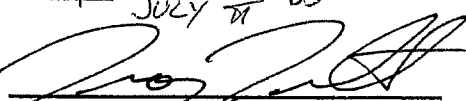
4. During the period from about 1983 to about 2017, every year I would attend the Spring Branding and Fall Round Up on my Grandfather's property, to help my Grandfather and my Father. I worked as an unpaid volunteer, similar to Mike Street and several other people.
5. On August 24, 2012, my Grandmother, Dorothy Sather, wife of Palmer Sather, died. After that event, it became more difficult for my Grandfather to manage his cattle ranch. My Father and Mike Street, a volunteer helper on the ranch for several years, decided to take over managing Sather Ranch and in March 2013 incorporated Sather Ranch Ltd. (in Alberta) ("Sather Ranch Ltd.") and started to take over managing the cattle.
6. Both Mike Street and my Father talked to me about becoming financially involved in Sather Ranch Ltd., however, because of other business commitments, I declined their offer to become an investor. However, I did express to both Mike Street and my Father, that I may be interested in purchasing one or both of the parcels of land.
7. In or around the beginning of 2017, my Father told me that Sather Ranch Ltd. was going to be purchasing the 80 acre parcel from my Grandfather (who owned 2/3rd of the Property) and from Connie Sather or the Estate of the Late Oscar Sather (my Grandfather's Brother who owned 1/3rd of the Property). Had I been given the opportunity to purchase the 80 acres prior to the purchase by Sather Ranch Ltd., I would have purchased it for its true market value
8. On or about late April 2017, I attended the Annual Branding event on the ranch and while there, I informed Mike Street that I was interested in acquiring the 160 acres parcel from my Grandfather. In that conversation with Mike Street, he advised me not to purchase the property because it had no water, no power and no access (it was landlocked), making it "worthless". Mike Street stated that the cattle rarely go on this land because there is no

water on it and poor quality feed. He suggested that I would not want that property at any price.

9. On or about May of 2017, my Aunt Carol Sather-Byman, daughter of Palmer Sather ("Aunt Carol") called and stated that several years prior, my Grandfather had made a verbal request that the 160 acres be offered for sale to his five (5) Grandchildren first, and secondly it would be offered for sale to his son Joseph WP Sather. She also informed me that my Grandfather had made it clear that the property not be sold to Mike Street or anyone connected to Mike Street.
10. On or about May or June of 2017, my Aunt Carol contacted all five (5) of my Grandfather's Grandchildren, including me, and asked each of us if we were interested in purchasing the 160 acres. I told her what Mike Street had said to me about the property, discouraging me from buying it. Although I had the financial capability of buying the property from my Grandfather, I declined purchasing the 160 acres in favour of my Father purchasing this property. My Aunt Carol told me that none of the other four (4) Grandchildren were financially capable of buying this property.
11. According to my Aunt Carol, my Grandfather's lawyer, Bill Oliver, had advised my Aunt Carol to sell the 160 acres as soon as possible to avoid having to pay large probate fees when my Grandfather passed away.
12. Mike Street failed to mention to me was the fact that these 160 acres may be worth a lot more than what Mike Street had offered to pay which I believe was about \$115,000 (One Hundred Fifteen Thousand Dollars). Mike Street failed to mention to me that the Province of British Columbia and the City of Penticton were considering buying this land to include it in Provincial Park that was being planned for the whole of Campbell Mountain. Mike Street failed to mention to me that there was a gravel resource on this land. Had I been told about the true value of this land, I would have purchased it from my Grandfather.

13. In or about July or August of 2017, my Father informed me that Mike Street was angry at him for agreeing to purchase the 160 acres from my Grandfather. My Father also told me that Mike Street and his common law wife, Marielle Brule, that in or around June of 2017, made an Offer to my Grandfather which was presented to my Aunt Carol, who was acting on behalf of my Grandfather as his Power of Attorney. I understand this offer was refused and Mike Street was told that that they would not sell this property to him, or anyone connected to him.
14. In about September of 2017, my Father advised me that he was purchasing the 160 acres from My Grandfather, as approved and accepted by his sister Carol Sather-Byman, Power of Attorney for her Father, Palmer Sather.
15. My Father also mentioned to me that the land may be put into a Family Trust for me and my two siblings, Joseph E.P. Sather and Julia Anna Sather.
16. At or around 11:00 p.m. on October 20, 2017 my Grandfather passed away.
17. I make this Affidavit in support of the application of Joseph Wayne Palmer Sather and for no improper purpose.

SWORN BEFORE ME at Nelson, BC
 on 24 JUNE 2020 ~~25~~


 A Commissioner for taking Affidavits
 within British Columbia


 DANIEL SATHER

TROY TRILLO
 Barrister & Solicitor
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 Nelson, B.C. V1L 4H7
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