

27-Jan-25

COURT OF APPEAL FILE NO. CA49175
Joseph Wayne Palmer Sather v. Sather Ranch Ltd.
Appellant's Appeal Book

COURT OF APPEAL

ON APPEAL FROM the orders of the Honourable Justice Elwood of the Supreme Court of British Columbia pronounced on the 1st day of June 2023 and the 11th day of April 2024

BETWEEN:

Joseph Wayne Palmer Sather

Appellant
Respondent by Cross Appeal
(Defendant)

AND:

Sather Ranch Ltd.

Respondent
Appellant by Cross Appeal
(Plaintiff)

APPEAL BOOK

Joseph Wayne Palmer Sather

Counsel for the Appellant, Joseph Wayne
Palmer Sather:

KALEIGH F. MILINAZZO

Fasken Martineau DuMoulin LLP
2900 - 550 Burrard Street
Vancouver, BC V6C 0A3

Phone: 604 631 3131

Email: kmilinazzo@fasken.com

Counsel for the Respondent, Sather
Ranch Ltd.:

SCOTT R. ANDERSEN

Lawson Lundell LLP
403 – 460 Doyle Avenue
Vancouver, BC V1Y 0C2

Phone: 604 631 9220

Email: scott.andersen@lawsonlundell.com

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This is the 1st Affidavit of Carol Sather-Byman
in this case and was made on 18/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.

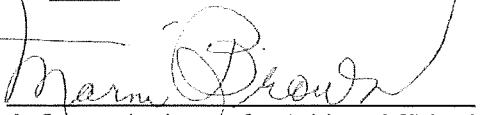
9. In July of 2017, my Brother Joe informed me that Mike Street was angry because of our decision to sell the property to Joe rather than to him or Sather Ranch Ltd. After discussions about this property with my family and considering Mike Street's actions since then, we, as a family, decided to refuse 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