



**Softball
Newfoundland
Labrador**

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CORRECTION

September 11, 2009

RE: Minor Softball Trust Account – 2007 Senior Men's Nationals

Dear Members;

As many of you are aware, particularly those who attended the Annual General Meeting (AGM) on 2009-05-31, we were advised by the former executive of Softball Newfoundland and Labrador (SNL) that the proceeds from the 2007 Senior Men's Nationals were put into a trust account for Minor softball. Further, the past president also announced the names of the trustees who would administer the trust account. This was accepted by the membership without question. It was the understanding by most in attendance, including the present executive, that this Trust would be under the control of that sub-committee of SNL and that any decisions by them would have to come before the board for ratification. In other words, SNL would have complete control. The reason I say most in attendance is because it has since become evident that Mr. Lloyd Power, Ms. Karen Whittle, Ms. Brenda Butt, and Mr. John Seay knew different.

We have since learned that the funds have been put into a registered trust, known as Newfoundland and Labrador Softball Development Trust, which falls outside of the control of SNL. Therefore, SNL has no say in the Trust account that holds the proceeds of the 2007 Senior Men's Nationals. This Deed of Settlement was made on 2009-05-26, just five days before our AGM. This is a very odd situation, given the fact that the 2007 Senior Nationals were an investment of the membership of SNL with the understanding that any profits derived from the tournament would be placed in trust for Minor softball and would come under the purview of SNL.

The current Board wrote Mr. Lloyd Power, past president, on 2009-08-12 and copied all members of the Trust asking that this situation be reversed. We pointed out that this Trust was set up without the consent of the membership and that control of these funds should rest with our Board who, in turn, are answerable to the membership. We also pointed out to Mr. Power that SNL is the Sports Governing Body who, under the direction of Government, decides what's best for our sport and that the previous Board has taken this authority away as it relates to the matter of this Trust. In that same letter we asked for an explanation for the difference between the \$77,997.00 in profits turned over by the host committee for the 2007 Senior Men's Nationals and the amount of \$55,000.00 that was shown in trust on 2009-05-26. We asked for a reply by 2009-08-22, however, to date, we have not received a response.





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We felt it necessary to advise you the membership of this situation because, as stated above and from subsequent communication with some of our members, it was not our understanding that these trust funds would be administered outside the control of our Sports Governing Body. It is the current Board's position that this Trust was set up by the former Board without going through the membership for approval and we intend to take whatever measures at our disposal to try and correct this situation. We will keep you advised about this matter as further information becomes available, hopefully from the "Trustees" of Newfoundland and Labrador Softball Development Trust.

Please note, the "Trustees" of Newfoundland and Labrador Softball Development Trust are as follows:

1. Lloyd Power
2. Ron Ellsworth
3. Karen M. Whittle
4. Cyril Mullaly
5. Steven D. Marshall, QC
6. Kevin Casey
7. Brenda Butt
8. Ward Gosse
9. John Seay

Since this letter was originally written, SNL's Board has learned that Stephen D. Marshall and Ward Gosse have resigned from the group of Trustees.

Yours truly,

Ross Crocker,
President, Softball Newfoundland Labrador

