



STATUTORY DECLARATION OF EXECUTOR OF A WILL OR ADMINISTRATOR OF AN ESTATE WHO IS ALSO THE SURVIVING SPOUSE OR COMMON-LAW PARTNER

Concerning the devise or descent of land under the *Indian Act* and the rights of Survivors under the Provisional Federal Rules of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*

Privacy Act Statement

This statement explains the purposes and use of your personal information. Only information needed to respond to program requirements will be requested. Collection and use of personal information is in accordance with the *Privacy Act*. In some cases, information may be disclosed without your consent pursuant to subsection 8(2) of the *Privacy Act*. The collection and use of your personal information for this Statutory Declaration is authorized by sections 42-50.1 of the *Indian Act* <http://laws-lois.justice.gc.ca/eng/acts/i-5/> and sections 21, 36, 38(1), 39 and 50 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* <http://laws-lois.justice.gc.ca/eng/acts/F-1.2/> and is required for your participation. We will use your personal information, your contact information, for the processing of the form. We share the personal information you give us with Bands (First Nation Governments) for whom Indigenous and Northern Affairs Canada (INAC) tracks this. The information collected is described in Personal Information Bank "Monitoring and Compliance of Reserve Land Instruments", INAC PPU 096, detailed at <http://www.aadnc-aandc.gc.ca/eng/1100100011039/1100100011040>, will be retained for a period of 30 years after the last administrative action and then transferred to Library and Archives Canada (LAC) as archival records. As stated in the *Privacy Act*, you have the right to access your personal information and request changes to incorrect information. Contact our office (toll-free) at 1-800-567-9604 to notify us about incorrect information. For more information on privacy issues and the *Privacy Act* in general, you can consult the Privacy Commissioner at 1 (800) 282-1376.

Important Note

DO NOT complete this form if the person whose estate you are administering died on or before December 15, 2014.

This form must be completed by the Executor or Administrator, who is also the surviving spouse or common-law partner, wanting to distribute the estate of a deceased individual who died after December 15, 2014 and held an interest on reserve, in order to demonstrate compliance with s. 38(1) of the *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)*.

Section A - Legal Land Description

| | |
|--------------------|--------------|
| Province/Territory | Reserve Name |
|--------------------|--------------|

Legal Land Description

Section B - Statutory Declaration (made pursuant to s. 41 of the *Canada Evidence Act*, R.S. 1985, c. C-5)

I, _____, of _____ in the Province or Territory of _____
(Name of Executor/Administrator) (Name of city, town, etc.)

SOLEMNLY DECLARE THAT:

- I am the Executor or Administrator of the estate of _____
(Name of Deceased and Indian Registration Number, if applicable)
- The deceased died on _____. A certified copy of the death certificate is attached, unless previously provided to _____
(Date (YYYYMMDD))

Indigenous and Northern Affairs. If you were appointed to the deceased's estate by Indigenous and Northern Affairs Canada, this document is not required.

- The deceased held the Property on the date of death.
- I am the _____ of the deceased.
(Surviving Spouse or Surviving Common-Law Partner)
- As the Executor or Administrator of the deceased's estate, I am applying to _____ the Property.
(Transfer, Lease, etc.)



▶ Check all that apply

6. To the best of my knowledge, information and belief, I am the only Survivor of the deceased.

Yes No. The other survivor must complete a *Statutory Declaration of Surviving Spouse or Common-Law Partner*.

7A. Consent of the Survivor is required under s. 38(1) of the *FHRMIRA*, and I hereby give my free and informed consent to the _____ of the Property.
(Transfer, lease, etc.)

7B. Consent of the Survivor is not required under s. 38(1) of the *FHRMIRA* because I made a court application under s. 36 of the *FHRMIRA* and that application has been finally disposed of. This transfer is consistent with that court resolution. A copy of the court order is attached.

8. A court order (other than a court order referred to above, if any) has been made under the *FHRMIRA* with respect to the Property.

Yes (attach a copy of the court order(s)) No (sign below)

AND I MAKE this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

DECLARED BEFORE ME at

_____ in the _____, this _____ of _____, _____.
(City, Town, etc.) (Province or Territory) (Day) (Month) (Year)

(Signature of Declarant)

A Commissioner, etc.