



# STATUTORY DECLARATION OF 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 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

You must complete this form if your consent is required under s. 38(1)(a) of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (FHRMIRA). Pursuant to s. 38(1) of the FHRMIRA, an Executor of a Will or an Administrator of an estate must not proceed with the distribution of the estate until one of the following occurs:

- (a) the survivor consents in writing to the proposed distribution;
- (b) the period of 10 months referred to in subsection 36(1) and any extended period the court may have granted under subsection 36(2) have expired and no application has been made under subsection 36(1) within those periods; or
- (c) an application made under subsection 36(1) is disposed of.

**This transaction may affect your legal rights. You may wish to obtain independent legal advice before making the Statutory Declaration.**

### Section A - Legal Land Description

Province or 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 \_\_\_\_\_,  
 (Name) (Indian Registration Number, if applicable)

of \_\_\_\_\_, in the Province or Territory of \_\_\_\_\_.  
 (Name of city, town, etc.)

#### SOLEMNLY DECLARE THAT:

1. I am the \_\_\_\_\_, of \_\_\_\_\_,  
 (Surviving Spouse or Common-Law Partner) (Name of Deceased and Indian Registration Number, if applicable)

who died on \_\_\_\_\_.  
 (Date (YYYYMMDD))



2. I am aware of the application by the Executor or Administrator of the estate of the deceased to \_\_\_\_\_ the Property.  
(Lease, Transfer, etc.)

3. I understand my rights under s. 38(1) of the FHRMIRA.

4. I have obtained a court order under the FHRMIRA with respect to the Property. (Check the applicable boxes)

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

5. I hereby give my free and informed consent to the \_\_\_\_\_ the Property.  
(Lease, Transfer, etc.)

**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.