



SUMMARY OF ISC ESTATE RELATED FORMS

Used for the Management of On-Reserve Estates

Abstract

This document lists Indigenous Services Canada's (ISC) forms that are used in the management of the estate by the Executor/Administrator and by ISC. Note that the forms may change as a result of the evolution of the department(s).

OALA Estates Unit

<https://oala-on.ca/about-oala/estates-unit/>

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(1) Request for a Consent to Assumption of Jurisdiction by Minister at request of Heir/Beneficiary

This 1-page form is used by an heir/beneficiary to request that the Minister assume jurisdiction over an estate where the deceased lived off reserve.

(2) Request for Consent to a Transfer of Jurisdiction

This 1-page form is used by an Executor/heir/beneficiary to request that the Minister transfer jurisdiction of an estate to the competent Court that would have jurisdiction if the deceased were not an Indian.

(3) Application for Approval of Will

This 2-page form is used to apply for approval of a Will that names an Executor.

- Parts 1 and 2 of the form are to be filled out by the named Executor.
- Part 2 must be sworn to by a Commissioner of Oaths.
- The last portion is to be filled out by INAC.

(4) Application for Administration with Will Annexed

This 3-page form is used to apply to be Administrator of an estate where no Executor was named or the Executor who was named is unable or unwilling to take on the role of Executor.

- Part 1 of the form is to be filled out by the person applying to be Administrator or who is nominating someone.
- Part 2 is to be filled out by a person applying personally to be Administrator, and this portion must be sworn to by a Commissioner of Oaths.
- Part 3 is to be filled out by the person who is nominating someone for the role of Administrator.
- Part 4 is to be filled out by a person who has been nominated (and agrees) to be Administrator, and this portion must be sworn to by a Commissioner of Oaths.

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- Part 5 is to be filled out by the prospective Administrator (either the person applying or the person nominated).
- The last portion is to be filled out by INAC.

(5) Application for Administration (where there is no Will)

This 3-page form is used to apply for an Administrator where there was no Will.

- Part 1 of the form is to be filled out by the person applying to be Administrator or who is nominating someone.
- Part 2 is to be filled out by a person applying personally to be Administrator, and this portion must be sworn to by a Commissioner of Oaths.
- Part 3 is to be filled out by the person who is nominating someone for the role of Administrator.
- Part 4 is to be filled out by a person who has been nominated (and agrees) to be Administrator, and this portion must be sworn to by a Commissioner of Oaths.
- Part 5 is to be filled out by the prospective Administrator (either the person applying or the person nominated).
- The last portion is to be filled out by INAC.

(6) Renunciation by Executor/Administrator

This 1-page form is used by an Executor/Administrator who wishes to renounce the right and title to administer an estate.

- Part 1 of the form is to be filled out by the named Executor who does not want to be appointed.
- Part 2 of the form is to be filled out by an appointed Executor/Administrator who wishes to renounce the right and title to administer an estate.



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(7) Common-Law Partner Statutory Declaration 1

This 1-page form is used by the person claiming to be the common-law partner of the deceased.

- In top portions of the form, the claimant makes the declaration.
- In the bottom part of the form, the declaration must be sworn to by a Commissioner of Oaths.

(8) Common-Law Partner - Declaration of Third Party

This 1-page form is a third-party confirmation of a common-law relationship

- In top portions of the form, the deponent (third-party person) makes the declaration.
- In the bottom part of the form, the declaration must be sworn to by a Commissioner of Oaths.

(9) Notice to Creditors, Heirs and Other Claimants

This 1-page form is used by the Executor/Administrator to give public notice to creditors, heirs, and any other claimants to make their claims.

(10) Statutory Declaration of Surviving Spouse or Common-Law Partner

This 2-page form is used by the survivor if consent is required before distribution of the estate can proceed, in compliance with *FHRMIRA*.

- Sections A and B of the form are to be filled out by the survivor.
- Section B must be sworn to by a Commissioner of Oaths.

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(11) Statutory Declaration of Executor of a Will or Administrator of an Estate Who Is also the Surviving Spouse or Common-Law Partner

This 2-page form is used by an Executor or Administrator who is also the survivor, and who wants to distribute the estate where that estate holds an interest on reserve land, in compliance with *FHRMIRA*.

- Sections A and B of the form are to be filled out by the named Executor or Administrator who is also the survivor.
- Section B must be sworn to by a Commissioner of Oaths.

(12) Statutory Declaration of Executor of a Will or Administrator of an Estate

This 2-page form is used by an Executor or Administrator who wants to distribute the estate where that estate holds an interest on reserve land, in compliance with *FHRMIRA*.

- Sections A and B of the form are to be filled out by the named Executor or Administrator who is not the survivor.
- Section B must be sworn to by a Commissioner of Oaths.
- Note that if there is a survivor, consent might be required depending on circumstances (as outlined in the form).

(13) Statutory Declaration (re Paternity Partner)

These two 1-page forms are used to confirm the paternity of a First Nation heir.

- One form is to be filled out by the biological father of the named heir, and the other form is to be filled out by the biological mother of the heir.
- Both declarations must be sworn to by a Commissioner of Oaths.

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(14) Absolute Disclaimer by Non-Band Member Heir/Beneficiary of Possessory Interest in Reserve Land

This 1-page form is used to disclaim any right or interest in reserve land thus nullifying the gift and where no alternate gift can be substituted.

- The form is to be filled out by a survivor, heir, or beneficiary who is NOT a Band member.
- The disclaimer declaration must be witnessed.

(15) Request for Transfer of Land by Executor/Administrator

This 2-page form is used when the Executor/Administrator is effecting a transfer of reserve land from the deceased member of a First Nation to another member of the same First Nation.

- The form is to be filled out by Executor or Administrator.
- The form must be submitted to a Regional Office of INAC.

(16) Transfer of a Right of Possession of Reserve Land by Court Order

This 1-page form is completed when a Court Order has been issued to transfer land from one member of a band to another member. A copy of the Court Order must accompany this form.