



COWICHAN TRIBES

Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)

Cowichan Tribes MRP 02 - Declaration Form

Nov 2019

PRIVACY ACT STATEMENT

The collection and use of personal information is in accordance with the *Privacy Act* and is required for the application of Sections 12 to 52 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act*. This Form is to be completed by applicants wanting to effect the following transactions in real property on Cowichan Tribes Tumuhw:

Leases, subleases, assignments, mortgages, permits, licenses and transfers.

DECLARATION

By my signature below, I hereby make this solemn declaration, and acknowledge that:

I am an Executor of Will, Administrator of an Estate, or a spouse or common-law partner as defined by the *Family Homes on Reserves and Matrimonial Interest or Rights Act* section 2, the *Indian Act* section 2, or as may be defined in community-specific legislation the Cowichan Tribes may have adopted pursuant to sections 7-11 of the *Family Homes on Reserves and Matrimonial Interest or Rights Act* or the *Framework Agreement on First Nation Land Management Act*.

I had the opportunity to apprise myself of the *Family Homes on Reserve and Matrimonial Interests or Rights Act* (S.C. 2013, c.20), or similar community-specific legislation the Cowichan Tribes may have adopted pursuant to sections 7-11 of the *Family Homes on Reserves and Matrimonial Interest or Rights Act* or the *Framework Agreement on First Nation Land Management Act*, and to seek independent legal advice.

I am aware that a spouse or common-law partner, pursuant to the *Family Homes on Reserve and Matrimonial Interests or Rights Act* (S.C. 2013, c.20), is required to consent to any transaction that transfers or encumbers their interest in matrimonial real property pertaining to the family home. Further, pursuant to this legislation, I am aware that a matrimonial interest or right means interests or rights other than interests or rights in or to the family home, held by at least one of the spouses or common-law partners that were acquired: a) during the conjugal relationship; b) before the conjugal relationship but in specific contemplation of the relationship; or c) before the conjugal relationship but not in specific contemplation of the relationship and that appreciated during the relationship. I am aware that it excludes interests or rights that were received from a person as a gift or legacy or on devise or descent, and interests or rights that can be traced to those interests or rights.

I am aware that the *Family Homes on Reserve and Matrimonial Interests or Rights Act*, or similar legislation the Cowichan Tribes may have adopted pursuant to sections 7-11 of the *Family Homes on Reserves and Matrimonial Interest or Rights Act* or the *Framework Agreement on First Nation Land Management Act*, may require consent of the spouse or common-law partner to effect an interest in matrimonial real property.

EXECUTION

Signed in the presence of:

Witness Signature(s)

DATE

Applicant

YYYY

MM

DD
