

ATTACHMENT E – REGISTRY FORMS

FORM-01 Transfer of Certificate of Possession

[FIRST NATION]

INSERT LOGO

[FIRST NATION] Lands Register
Form No. 01

APPROVED AS TO THE FORM BY THE
[LANDS TITLE] PURSUANT TO THE
[FIRST NATION] LAND CODE

Signature:

Date:

TRANSFER OF INTEREST IN ALLOTMENT OR CERTIFICATE OF POSSESSION

Page 1 of ____ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone:

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

PIN LEGAL DESCRIPTION
000000000 [LOT] [PLAN] [RESERVE NAME & NO.]

3. CONSIDERATION:

[DOLLAR VALUE]

4. TRANSFEROR(S):

[NAME]
[ADDRESS]
[FN] Membership No. _____
Certificate of Possession or Allotment No. _____

5. INSTRUMENT:

[] Agreement
[] Estate Transfer
[] Other (specify) _____

6. TRANSFEREE(S): including occupation(s), postal address(es) and postal code(s)

[NAME]
[ADDRESS]
[FN] Membership No. _____

7. EXECUTION(S): The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the Allotment or Certificate of Possession in the land described in Item 2 to the transferee(s).

Officer Signature(s)

EXECUTION DATE

Transferor(s) Signature(s)

Y	M	D
0000	00	00

As to the signature of the Transferor(s)

Transferor(s)

Transferor(s)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996 c 124 to take affidavits for use in British Columbia and certifies that there has been compliance with the [First Nation] Land Code.

FORM-02 General

INSERT
LOGO

[FIRST NATION]

[FIRST NATION] Lands Register
Form No. 02

APPROVED AS TO THE FORM BY THE
[LANDS TITLE] PURSUANT TO THE
[FIRST NATION] LAND CODE

Signature:

Date:

GENERAL INSTRUMENT - PART 1

(This area for [FN] Lands Office use)

Page 1 of Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone:

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

PIN LEGAL DESCRIPTION

000000000 [UNIT] [LOT] [PLAN] [RESERVE NAME & NO.]

3. NATURE OF INTEREST:
DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

[TYPE OF INTEREST & REG NO.]

4. TERMS: Part 2 of this instrument consists of (select one only)

☐ Lease
☐ Sublease
☐ Assignment of Lease
☐ Assignment of Sublease

☐ Agreement for Sale
☐ Assignment of Mortgage
☐ Discharge of Mortgage
☐ Permit

☐ Licence
☐ Easement
☐ Release
☐ Other: _____

Part 2 includes any additional or modified terms referred to in Item 7 or in a schedule attached to this instrument. If discharge of mortgage or release is selected, the interest described in Item 3 is released or discharged from the land described in Item 2.

5. TRANSFEROR(S):

[NAME]
[ADDRESS]

6. TRANSFEREE(S): Including occupation(s), postal address(es) and postal code(s)

[NAME]
[ADDRESS]

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the instrument described in Item 4.

Officer Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

Y	M	D
0000	00	00

Print Name:

Print Name:

As to the signature(s)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act, R.S.B.C. 1996 c 124*, to take affidavits for use in British Columbia and certifies that there has been compliance with the [First Nation] Land Code.

FORM-03 Mortgage

INSERT LOGO	[FIRST NATION] [FIRST NATION] Lands Register Form No. 03	<div>APPROVED AS TO THE FORM BY THE [LANDS TITLE] PURSUANT TO THE [FIRST NATION] LAND CODE</div> <div>Signature: _____</div> <div>Date: _____</div>
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MORTGAGE - PART 1	(This area for [FN] Lands Office use)	Page 1 of ____ Pages
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1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone: _____

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF THE MORTGAGED LAND:

PIN	LEGAL DESCRIPTION
000000000	[UNIT] [LOT] [PLAN] [RESERVE NAME & NO.]

3. BORROWER(S) [MORTGAGOR(S)]: including postal address(es) and postal code(s)

[NAME]
[ADDRESS]

4. LENDER(S) [MORTGAGEE(S)]: including occupation(s), postal address(es) and postal code(s)

[NAME]
[ADDRESS]

5. PAYMENT PROVISIONS:

(a) Principal Amount: \$	(b) Interest Rate: _____% per annum calculated ____	(c) Interest Adjustment Date: _____	Y	M	D
(d) Interest Calculation Period:	(e) Payment Dates:	(f) First Payment Date: _____			
(g) Amount of each periodic payment: \$	(h) Interest Act (Canada) Statement: The Equivalent rate of interest calculated half yearly not in advance is ____ % per annum	(i) Last Payment Date: _____			
(j) Assignment of Rents which the applicant wants registered? Yes [] No [] IF YES, page & paragraph no.:	(k) Place of payment: postal address in item 4	(l) Balance Due Date: _____			

MORTGAGE - PART 1

Page 2 of ____ Pages

6. MORTGAGE contains floating charge on land? Yes ☐ No ☐

7. MORTGAGE secures a current or running account? Yes ☐ No ☐

8. INTEREST MORTGAGED: (select one only)

- ☐ Lease No. _____
☐ Sublease No. _____
☐ Certificate of Possession or Allotment No. _____
☐ Licence No. _____

9. MORTGAGE TERMS:

Part 2 of this mortgage consists of the mortgage terms attached pages ____ to ____ and any additional or modified terms referred to in Item 10 or in a schedule annexed to this mortgage.

10. ADDITIONAL OR MODIFIED TERMS:

11. PRIOR ENCUMBRANCES PERMITTED BY LENDER:

12. EXECUTION(S): This mortgage charges the Borrower's interest in the interest mortgaged as security for payment of all money due and performance of all obligations in accordance with the mortgage terms referred to in Item 9 and the Borrower(s) and every other signatory agree(s) to be bound by, and acknowledge(s) receipt of a true copy of, those terms.

Officer Signature(s)

EXECUTION DATE

Mortgagor(s) Signature(s)

Y	M	D
0000	00	00

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act, R.S.B.C. 1996 c 124*, to take affidavits for use in British Columbia and certifies that there has been compliance with the [First Nation] Land Code.

FORM-04 Other

INSERT
LOGO

[FIRST NATION]

[FIRST NATION] Lands Register
Form No. 04

APPROVED AS TO THE FORM BY THE
[LANDS TITLE] PURSUANT TO THE
[FIRST NATION] LAND CODE

Signature: _____

Date: _____

OTHER REGISTERABLE INSTRUMENTS - PART 1

(This area for [FN] Lands Office use)

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

PIN LEGAL DESCRIPTION

000000000 [UNIT] [LOT] [PLAN] [RESERVE NAME & NO.]

3. NATURE OF INTEREST: (Describe and attach instrument or a certified copy)

[TYPE OF INTEREST]

4. TERMS: Part 2 of this instrument consists of: (select one only)

<input type="checkbox"/> Judgment	<input type="checkbox"/> Caveat	<input type="checkbox"/> Tax Certificate
<input type="checkbox"/> Court Order	<input type="checkbox"/> Builder's Lien	<input type="checkbox"/> Estate
<input type="checkbox"/> Right of First Refusal	<input type="checkbox"/> Assignment of Rent	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Certificate of Pending Litigation	<input type="checkbox"/> Option to Purchase	

Part 2 includes the instrument referred to in Item 3 and any additional or modified terms referred to in Item 5 or in a schedule attached to this instrument.

5. ADDITIONAL OR MODIFIED TERMS:

6. APPLICANT: (Full name and address of person who or on whose behalf the application is made if different than Item 1)

[NAME]

[ADDRESS]

DATE

Y	M	D
0000	00	00

Signature of Applicant, Applicant's Solicitor or Agent

Print Name: _____

FORM-05 Execution

INSERT
LOGO

[FIRST NATION]

[FIRST NATION] Lands Register
Form No. 01

EXECUTIONS CONTINUED

Page 2 of ____ Pages

Officer Signature(s)

EXECUTION DATE

Party(ies) Signature(s)

Y	M	D
0000	00	00

Print Name:

As to the signature(s)

Print Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act, R.S.B.C. 1996 c 124*, to take affidavits for use in British Columbia and certifies that there has been compliance with the [First Nation] Land Code.

FORM-06 Schedule

INSERT
LOGO

[FIRST NATION]

[FIRST NATION] Lands Register
Form No. 01

SCHEDULE

Page ____ of ____ Pages

[ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON FORMS 01, 02, 03, 04.]

FORM – Request for Replacement of Title

INSERT
LOGO

[FIRST NATION]

[FIRST NATION] Lands Register

APPROVED AS TO THE FORM BY THE
[LANDS TITLE] PURSUANT TO THE
[FIRST NATION] LAND CODE

Signature:

Date:

REQUEST FOR REPLACEMENT OF TITLE

Page 1 of 1 Pages

THE UNDERSIGNED, [NAME] (No. _____) a member of the [First Nation], registered in lawful possession of the land described below pursuant to [FN] Land Code or, prior to the date of the Land Code granted pursuant to section 20 of the *Indian Act* being issued as follows:

LOT ____ CLSR _____ RESERVE NAME & NO. ____

CP# ____

AND ACKNOWLEDGE that the above parcel of land is now shown as:

LOT ____ CLSR _____ RESERVE NAME & NO. ____

CP# ____

LOT ____ CLSR _____ RESERVE NAME & NO. ____

CP# ____

LOT ____ CLSR _____ RESERVE NAME & NO. ____

CP# ____

AND REQUEST that new evidence of titles be issued according to the new legal descriptions.

IN WITNESS WHEREOF, I have hereunto subscribed my name this

EXECUTION DATE

Y	M	D
0000	00	00

Witness(s) Name:

NAME (# _____)

NOTE: Where the Member signs by "mark" TWO witnesses are required, neither of whom may sign by "mark"

FORM – Admin Transfer by Executor of Estate

[FIRST NATION]

INSERT LOGO

[FIRST NATION] Lands Register
Form No. 01

APPROVED AS TO THE FORM BY THE
[LANDS TITLE] PURSUANT TO THE
[FIRST NATION] LAND CODE

Signature:

Date:

TRANSFER OF INTEREST IN ALLOTMENT OR CERTIFICATE OF POSSESSION

Page 1 of ____ Pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

[NAME]
[ADDRESS]
Phone:

Signature of Applicant, Applicant's Solicitor or Agent

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:

PIN LEGAL DESCRIPTION
000000000 [LOT] [PLAN] [RESERVE NAME & NO.]

3. CONSIDERATION:

[DOLLAR VALUE]

4. TRANSFEROR(S):

[NAME], DECEASED
[FN] Membership No. _____
Certificate of Possession or Allotment No. _____

5. INSTRUMENT:

[] Agreement
[X] Estate Transfer
[] Other (specify) _____

6. TRANSFEREE(S): including occupation(s), postal address(es) and postal code(s)

[NAME], [FN] Membership No. ____, [ADDRESS] as to [LIST INTEREST, e.g. an undivided % interest, as Joint Tenants]
[NAME], [FN] Membership No. ____, [ADDRESS] as to [LIST INTEREST, e.g. an undivided % interest, as Joint Tenants]

7. EXECUTION(S): The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to transfer the Allotment or Certificate of Possession in the land described in Item 2 to the transferee(s).

Officer Signature(s)

EXECUTION DATE

Transferor(s) Signature(s)

Y	M	D
0000	00	00

Executor(s) of the Estate of
[NAME OF DECEASED]

As to the signature of the Transferor(s)

NAME EXECUTOR(S)

NAME EXECUTOR(S)

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C. 1996 c 124 to take affidavits for use in British Columbia and certifies that there has been compliance with the [First Nation] Land Code.

NOTE: Attach WILL and PROBATE

FORM – Transfer of Land by Personal Representative

TRANSFER OF LAND BY PERSONAL REPRESENTATIVE

I, _____, the personal representative of the estate of the late _____, No. _____, of the [FIRST NATION], who died on or about _____, registered in lawful possession of land on the _____ Indian Reserve No. _____, in the Province of British Columbia, more particularly described as:
(Provide ONLY the legal description of the parcel of land that is the subject of this transfer. Do not list any other land owned by the deceased)

DO, SUBJECT TO THE APPROVAL OF THE ____ (YOUR SIGNING AUTHORITY) ____ PURSUANT TO SECTION ____ (SECTION OF YOUR LAND CODE) ____ OF THE ____ (ACTUAL NAME OF LAND CODE) ____, HEREBY TRANSFER THE ABOVE INTEREST AS FOLLOWS:

[State the names, relationship to deceased and band numbers of the person(s) to whom the land is being transferred]

If the people to whom the land is being transferred will each own equal shares of the land, just list their names and membership numbers, and the Indian Land Registry will automatically transfer the land in equal shares. If the people to whom the land is being transferred will own unequal shares of the land, specify each share as an undivided fractional interest [for example: 1/3] not as a percentage interest [for example: 33.33%].

Date

Signature of personal representative

SUPPORTING DOCUMENTATION:

You must attach the *Approval of Will* with attached certified copy of will, or the *Appointment of Administrator* [if there was no Will].

The Supporting documentation attached is:

Declaration of personal representative

Choose ONLY ONE of the following statements, by selecting the appropriate checkbox.

- ☐ 1. The deceased left a valid Will. OR
- ☐ 2. a) The deceased did not leave a valid Will, or the deceased's Will did not dispose of the land that is the subject of this transfer; and
- b) I have not transferred land to next-of-kin more remote than the brothers and sisters (or, if applicable, nieces and nephews) of the deceased in accordance with the prohibition contained in Subsection 48(8) of the *Indian Act*.

Date

Signature of personal representative

FOR OFFICE USE ONLY

Estate File Number:

Individual Land Holding File Number:

Dated at _____ in the Province of British Columbia on

Date:

For the [FIRST NATION]:
Manager, Lands

HOW TO COMPLETE THE “TRANSFER OF LAND BY PERSONAL REPRESENTATIVE” FORM

Please note that a separate form must be completed for each parcel of land being transferred

The numbers below refer to the **red, bolded numbers** on the previous page. If you do not already have a copy of the Parcel Abstract Report for the land from the First Nation Land Registry System, you should obtain it before you complete the *Transfer of Land* form. To request a Parcel Abstract Report, contact the Land Governance Officer at **[First Nation]** Land Governance office.

1. The full name(s) of the appointed personal representative(s) (= the executor(s) or administrator(s)) of the estate.
2. The full name of the deceased. The name must match the name of the deceased as shown in the First Nation Lands Registry. Contact the **[First Nation]** Land Governance office, if clarification is required.
3. The deceased's band membership number as stated in the First Nation Lands Registry.
4. The deceased's date of death (month, day and year).
5. The legal description of the land. Include the Lot number, Block number (if any), survey plan type if the land has been surveyed (e.g. “CLSR” or “RSBC”), and the name and number of the reserve.

TRANSFER OF LAND BY PERSONAL REPRESENTATIVE	
I, <u>1</u> , the personal representative of the estate of the late <u>2</u> , No. <u>3</u> , of the <u>4</u> First Nation, who died on or about <u>4</u> , registered in lawful possession of land on the <u>4</u> Indian Reserve No. <u>4</u> in the Province of British Columbia, more particularly described as: (Provide ONLY the legal description of the parcel of land that is the subject of this transfer. Do not list any other land owned by the deceased)	
<u>5</u>	
DO, SUBJECT TO THE APPROVAL OF THE <u>7</u> (YOUR SIGNING AUTHORITY) PURSUANT TO SECTION <u>7</u> (SECTION OF YOUR LAND CODE) OF THE <u>8</u> (ACTUAL NAME OF LAND CODE), HEREBY TRANSFER THE ABOVE INTEREST AS FOLLOWS:	
(State the names, relationship to deceased and band numbers of the person(s) to whom the land is being transferred)	
If the people to whom the land is being transferred will each own <u>equal shares</u> of the land, just list their names and membership numbers, and the Indian Land Registry will automatically transfer the land in equal shares. If the people to whom the land is being transferred will own <u>unequal shares</u> of the land, specify each share as an undivided fractional interest [for example: 1/3] not as a percentage interest [for example: 33.33%]	
<u>6</u>	
<u>7</u> Date	<u>8</u> Signature of personal representative
SUPPORTING DOCUMENTATION: You must attach the <i>Approval of Will</i> with attached certified copy of will, or the <i>Appointment of Administrator</i> [if there was no Will]. The Supporting documentation attached is:	
<u>9</u>	
Declaration of personal representative Choose <u>ONLY ONE</u> of the following statements, by selecting the appropriate checkbox.	
<input type="checkbox"/> 1. The deceased left a valid Will. <u>OR</u> <u>10</u>	
<input type="checkbox"/> 2. a) The deceased did not leave a valid Will, or the deceased's Will did not dispose of the land that is the subject of this transfer; <u>and</u>	
c) I have not transferred land to next-of-kin more remote than the brothers and sisters (or, if applicable, nieces and nephews) of the deceased in accordance with the prohibition contained in Subsection 48(8) of the Indian Act. <u>11</u>	
<u>12</u> Date	<u>13</u> Signature of personal representative
FOR OFFICE USE ONLY	
Estate File Number: Dated at Chilliwack in the Province of British Columbia on	Individual Land Holding File Number: For the <u>14</u> First Nation: Manager, Lands

For example:

- “Lot 5-3 Plan 79221 CLSR, Tzeachten Indian Reserve # 13”.

If the description of the land is not based on a survey plan, then state the description of the land that was used in the original allotment of the land by Band Council Resolution (“BCR”), and refer to any applicable sketch (e.g. “Fry sketch”).

For example:

- “The land as described on the BCR dated October 14, 1956 which is registered under number 12345 in the First Nation Lands Registry.”
- “The land as shown on the sketch attached to the BCR dated July 16, 1972 which is registered under number 456789 in the First Nation Lands Registry.”
- “10 acres more or less, as described in the BCR dated November 3, 1949 which is registered under number 567890 in the First Nation Lands Registry.”

6. The full name(s) and band membership number(s) of the person(s) to whom the land is being transferred (called the “transferee(s)”). If the land is being transferred to more than one person in unequal shares, state the fractional share of the land that each transferee is to receive.

For example:

- “An undivided $\frac{1}{2}$ interest to Jane Jack, No. 123(02), an undivided $\frac{1}{4}$ interest to Joseph Jim, No. 345(01), and an undivided $\frac{1}{4}$ interest to Thomas Jim, No. 678(01), as tenants in common.”

If you do not specify the share that each person is to receive, the First Nation Lands Registry will assume that each person you name is to receive an equal share. For example:

- If you say: “Jane Jack, No. 123(02), Joseph Jim, No. 345(01), and Thomas Jim, No. 678(01), as tenants in common.” Result is: Jane Jack, Joseph Jim, and Thomas Jim each get an undivided $\frac{1}{3}$ interest in the land as tenants in common. (And if you name 4 people, they’ll each get a $\frac{1}{4}$ interest ... etc.).

Note to First Nations in Quebec

The legal principles of tenant in common and joint tenancy do not exist in Quebec Civil Law. Please see the explanation provided in the Definitions section above in Attachment B.

7. The date (month, day and year) that the *Transfer of Land* form was completed and signed.
8. The signature(s) of the appointed personal representative(s) of the estate.
9. Supporting documentation: You must list and attach a copy of the *Approval of Will* that has a copy of the Will attached to it [the Will does not get registered in the First Nation Lands Registry and cannot be viewed by the public]. If there was no Will, you must list and attach a copy of your *Appointment as Administrator* of the estate.

10. Declaration: choose ONLY ONE of the 2 options. If the deceased left a valid Will, choose the first option. If the deceased did not leave a valid Will, or the Will did not deal with the land you are transferring here, review Instruction #11 below, then select the second option.

NOTE: If the land transfer is not in accordance with the terms of the Will (if the deceased left a valid Will), or with section 48 of the *Indian Act* (if there was no Will or the Will did not dispose of this parcel of land), you must provide documentation showing that all heirs/beneficiaries consent to the proposed land transfer (for example, an *Heirs/Beneficiaries Agreement* – this form may be obtained from INAC's Estates Unit by calling 604.775.5100 or (toll free) 1.888.917.9977, or emailing BCestates@INAC-aadnc.gc.ca).

DO NOT LIST THIS ADDITIONAL SUPPORTING DOCUMENTATION ON THE TRANSFER FORM

(This is to maintain the privacy of your estate documents)

11. If the deceased did not leave a valid Will, or the Will did not dispose of the land that is the subject of this transfer, **AND** the deceased's closest surviving relatives were niece(s)/nephew(s), then the deceased's land must be returned to the Band (see section 48(8) of the *Indian Act*). However, if the deceased's closest surviving relatives included at least one brother or sister, as well as one or more niece(s)/nephew(s), the land may be transferred to the niece(s)/nephew(s), as well as to the brother(s)/sister(s), in shares as determined by section 48(6) of the *Indian Act*. Please call an Estates Officer at (toll free) 1.888.917.9977 for additional explanation if required.
12. The date (day, month and year) that the Declaration was signed by the Personal Representative.
13. The signature of the Personal Representative.

Please include a separate piece of paper on which you have written your name and mailing address, so that we can send you the new Certificate(s) of Possession (or other confirmation of the land transfer, in the case of the transfer of a parcel of land that has not been surveyed) to give to the transferees once the land transfer has been processed by the First Nation Lands Registry.

Note regarding terminology

The First Nations Land Management Regime does not provide for individual ownership of land, but rather the acquisition of an interest or land right in the land that provides for possession, occupation and the use of the specific parcel of land.