



?aqam Lands Department

TRANSFER OF INTEREST IN ALLOTMENT

Form No. 3-2-01

Approved as to form by the ?aqam Lands
Department pursuant to the *?aqam Amended
Land Code*

Signature

Date

ATTENTION APPLICANT: You must complete two copies of this application form and submit both copies and any required documentation, to the ?aqam Lands Department for registration in the First Nation Land Register. Unless you are a member of ?aqam you must also present two pieces of government issued identification at the time you submit this request.

?aqam makes no representations or warranties regarding:

- the condition of the land transferred using this form; or
- the validity or enforceability of any agreement, contract, or other instrument that sets out the terms related to a transfer of an interest in an allotment that is executed using this form.

?aqam will not assume any liability for any claims, losses, or damages arising out of the use of this form. All parties to a transfer of an allotment are responsible for seeking independent legal advice regarding their transaction.

All owners of an allotment are responsible for:

- insurance and maintenance of the parcel of land that is described in the Certificate of Possession;
- insurance, maintenance and repairs for structures and buildings on the parcel of land that is described in the Certificate of Possession;
- managing and monitoring any interests, licences or permits granted over the parcel of land that is subject to the Certificate of Possession;
- registering any changes to ownership of the Certificate of Possession with the First Nations Land Register; and
- ensuring all uses of the parcel of land that is subject to the Certificate of Possession comply with ?aqam laws and any applicable laws or regulations of Canada or the Province.

Applicant:

Full Legal Name: _____

Address: _____

Phone: _____

Transferor(s):

Full Legal Name: _____

Address: _____

SMIB Membership No: _____

Certificate of Possession or Allotment No: _____

Transferee(s):

Full Legal Name: _____

Address: _____

?aqam Membership No: _____

***Proof of the transferee(s) membership MUST be attached to this form (Example – letter from membership clerk or photocopy of status card)**

Details of Land Being Transferred:

Name of First Nation: _____

Name of Reserve: _____

Province where Land is located: _____

Parcel Identifier Number(s): _____

Legal Description: _____

Consideration:

In the consideration of: _____

Instrument:

- [] This is a transfer by Contract / Agreement
**If the transferor has a spouse, you MUST attach Form 4-2-03: Consent of Spouse of Common Law Partner*
- [] This is a transfer pursuant to subsection 50(2) of the *Indian Act*
**Form 4-2-02: Declaration of Superintendent must be attached to this form.*
**An original Band Council Resolution consenting to this transfer must be attached to this form.*
- [] This is a reversion to the band pursuant to subsection 50(3) of the *Indian Act*
**Form 4-2-02: Declaration of Superintendent must be attached to this form.*
- [] This is a transfer where the transferor is a deceased member and this transfer of their allotment is a testamentary disposition being conducted in accordance with their will
**If the transferor ordinarily resided on ?aqam lands and the transferor's will is either approved in whole by the Minister, or the part of the transferor's will addressing the transfer of this allotment is approved by the Minister, under section 45 of the Indian Act, this form must be executed by either the executor who is approved by the Minister or if no executor is named in the transferor's will, by the administrator who is appointed by the Minister. A copy of such approval and appointment, certified by the person who has custody of the original approval or appointment, must be attached to this form. A copy of the transferor's will, certified by the person who has custody of the original will, must be attached to this form.*
**If the transferor did not ordinarily reside on ?aqam lands and the transferor's will is approved by a court, this form must be executed by the person named in the court order as the executor or administrator of the transferor's estate. A copy of the transferor's will, certified by the person who has custody of the original will, must be attached to this form.*
**If the transferor did not ordinarily reside on ?aqam lands and the Minister has assumed jurisdiction under sections 4(3) and 43 of the Indian Act over the management of the transferor's estate, this form must be executed by the person who is appointed by the Minister to be the administrator of the transferor's estate. A copy of such appointment, certified by the person who has custody of the original appointment, must be attached to this form. A copy of the transferor's will, certified by the person who has custody of the original will, must be attached to this form.*

** Transferee(s) signature(s) are not required under this transfer. Appointed executor or administrator is liable for conducting testamentary disposition in accordance with the approved will.*
- [] This is a transfer where the transferor is a deceased member and this transfer of their allotment is being conducted pursuant to the rules of intestacy

**If the transferor ordinarily resided on ?aqam lands this form must be executed on behalf of the transferor by the person who is appointed by the Minister under section 43 of the Indian Act to be the administrator of that Member's estate. A copy of such appointment, certified by the person who has custody of the original, must be attached to this form.*

**If the transferor did not ordinarily reside on ?aqam lands and the Minister has assumed jurisdiction under sections 4(3) and 43 of the Indian Act, this form must be executed on behalf of the transferor by the person who is appointed by the Minister under section 43 of the Indian Act to be the administrator of that Member's estate. A copy of such appointment, certified by the person who has custody of the original, must be attached to this form.*

**If the transferor did not ordinarily reside on ?aqam lands, the Minister has not assumed jurisdiction under section 4(3) and 43 of the Indian Act, and a court has made an order regarding the transferor's estate, this form must be executed by the person who is named in the court order as the administrator of the transferor's estate and a copy of that court order, certified by the court, must be attached to this form.*

* Transferee(s) signature(s) are not required under this transfer. Appointed administrator is liable for conducting the transfer pursuant to rules of intestacy.

[] This is a transfer of an allotment that belongs to a member who has been declared mentally incompetent by either a health authority or a court

**If the transferor ordinarily resided on ʔaąam lands, this form must be executed on behalf of the transferor by either the Minister or a person appointed by the Minister pursuant to section 51(2)(a) of the Indian Act. If this form is executed by the latter, a copy of such appointment, certified by the person who has custody of the original, must be attached to this form.*

** If the transferor ordinarily did not reside on ʔaąam lands, this form must be executed on behalf of the transferor by either the person who is named in the transferor's power of attorney or the person named in an order from the court to be that member's committee. If the person executing this form is named in that member's power of attorney, a copy of that power of attorney document, certified by the person who has custody of the original, must be attached to this form. If the person executing this form is named in a court order to be the transferor's committee, a copy of that court order, certified by the court, must be attached to this form.*

[] This is a transfer of interest to surviving joint tenant(s)

[] Other (specify): _____

Execution(s):

The transferor(s) accept(s) the above consideration and understand(s) that this instrument operates to register the transfer of lawful possession of the land described herein to the transferee(s).

Officer Signature(s)*

EXECUTION DATE

Transferor(s) Signature(s)

[Name]

Y	M	D
yyyy	mm	dd

[Name]

Officer Signature(s)*

EXECUTION DATE

Transferee(s) Signature(s)

[Name]

Y	M	D
yyyy	mm	dd

[Name]

* OFFICER SIGNATURES: 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.