

**Questionnaire
Wills & Estates**

M_____ F _____

Age _____

Band Member_____ Non-Band Member _____

A person's estate includes all property and debts, which the person possesses at the time of his or her death. Estates law is concerned with the distribution of the person's property after death.

The estates of registered Indians who are not ordinarily resident on reserve and the estates of Aboriginal people (Innu & Inuit) who are registered Indians are treated the same as estates of non-Aboriginal people. Provincial laws govern their estates.

With registered Indians who are ordinarily resident on reserve, the **Indian Act** and the Indian Estates Regulations provisions related to the making of wills and the distribution of estates will apply.

1. Do you wish Miawpukek First Nation to develop a law(s) in the area of making wills and the distribution of estates for band members?

Yes_____ No_____

Comments:

2. Would you want Miawpukek First Nation law to include: (*check all that you want to apply*)

(a) The will must be in writing. _____

(b) The testator must sign the will at the end._____

(c)This signing must be done in the presence of two witnesses who also sign the will in the presence of the testator and witnessed by someone other than a family member and other than someone benefiting from the will or even the spouse of a beneficiary. _____

(d) Verbal Wills (Non written) _____

(e) Will should have each page initialed by the testator. _____

3. Should there be a governing body to administer the estates and wills of Miawpukek First Nation members resident on reserve?

_____ Yes _____ No

(a)If yes, would you like this governing body to be:

Independent Board _____

Miawpukek First Nation Court _____

Provincial Court _____

4. If you die intestate (without a will), would you want a MFN law to determine how the estate is distributed?

Yes _____ No _____

Comments: _____

5. Currently, the Minister of Indian Affairs can accept or reject any band members Will. MFN law can replace or improve on what is current. Who would determine if a will is valid?

(a) Department of Indian Affairs _____

(b) MFN Law _____

(c) MFN Courts _____

(d) Provincial Courts _____

(e) All of the above _____

6. Any other comments or suggestions?
