

# Heiltsuk Communication - SOK Settlement Agreement

## Re: Eligible Members who Died WITH a Will

*This Heiltsuk Communication is for family and heirs of a Heiltsuk member who was entitled to get a payment under the Garmyn Settlement Agreement who has died with a will. We refer to these members as “Entitled Members” in this communication.*

### 1. When to Use this Communication

Use this Communication for information on how to request payment if the all of the following are true:

- Eligible Member died WITH a will.
- Eligible Member dies on or after July 16, 2019.
- Eligible Member was on the Heiltsuk band list on July 16, 2019, or was entitled to automatic registration on the Heiltsuk band list as of July 16, 2019.

### 2. Documents Needed

HTC will need proof of who is authorized to receive the deceased Eligible Member’s payment. There are three options. HTC will require the documents(s) listed under ONLY ONE of the following options.

#### Document Option 1

#### Appointment of Executor from Indigenous Services Canada

If the Eligible Member who died was ordinarily living on reserve at the time of death and that person had a will, HTC will accept the following document to show who the payment should be sent to:

- ☐ Appointment of Executor from Indigenous Services Canada

You must contact Indigenous Services Canada to obtain the Appointment of Executor or to learn if the Eligible member was “ordinarily living on reserve” when they passed away. Contact:

Heiltsuk Estates Officer  
Indigenous Services Canada, BC Regional Office, Estates Unit  
1138 Melville Street, Suite 600, Vancouver, BC V6E 4S3  
Phone: (local) 604-775-5100. Phone: (toll-free) 1-800-567-9604

## **Document Option 2**

### **Grant of Probate from the Court**

If the Eligible Member who died was ordinarily living off reserve at the time of death and that person had a will, HTC will accept the following document to show who the payment should be sent to:

- ☐ Grant of Probate Issued by the Court

The document required in Option 2 may (or may not) require you to work with an independent lawyer. Attached on page 3 is a list of potential lawyers that you may wish to use. Otherwise, contact any British Columbia Supreme Court Probate Registry directly. The BC registries are listed online at: [www.bccourts.ca/supreme\\_court/court\\_locations\\_and\\_contacts.aspx#](http://www.bccourts.ca/supreme_court/court_locations_and_contacts.aspx#)  
In Vancouver, you can contact the Vancouver Supreme Court Probate Registry at:

800 Smithe Street  
Vancouver, BC V6Z 2E1  
Tel.: 604-660-2876

## **Document Option 3**

### **Release and Legal Opinion**

If you cannot get an Appointment of Executor from Indigenous Services Canada and you do not want to apply to get a Grant of Probate issued by the Court, HTC may be willing to accept a legal opinion from a lawyer that you are the person with authority to receive the payment. HTC will assess each of these situations and will require at least the following:

- ☐ Legal opinion listing potential heirs (form available from HTC) AND
- ☐ Release, signed by all potential heirs (form available from HTC)

The documents required in Option 3 will require you to hire an independent lawyer. Attached on page 3 is a list of potential lawyers that you may wish to use. If you wish to apply to HTC for this option, please have your lawyer contact Councillor Louisa Jones Housty (address below) to get the form of legal opinion and release required.

### **3. General Information**

For general information, contact:

Councillor Louisa Jones Housty  
Heiltsuk Tribal Council Administration Office  
Tel.: (250) 957-2381 and Email: [Louisa.Jones@heiltsuk.ca](mailto:Louisa.Jones@heiltsuk.ca)

## Law Firms

*The following are a list of law firms that provide legal services regarding wills and estates. **This is not a recommendation** it is meant for your consideration only. HTC has not used any of these firms and cannot be held responsible for the service they provide. Each person using a lawyer will be responsible for their own legal fees.*

### Vancouver

1. Munro & Crawford, 5670 Yew Street, Phone: (604) 266-7174, Email: [abeesley@munrocrawford.ca](mailto:abeesley@munrocrawford.ca)
2. SheBeare Law, 400-1681 Chestnut Street, Phone: (778) 331-8868, Email: [Monique@shebearelaw.com](mailto:Monique@shebearelaw.com)

### Victoria

1. Mullen DeMeo Wirk, 1626 Garnet Rd, Phone: (250) 477-3327, Website: <https://www.realestatelawvictoria.com/>, Email: [paul@mdlawcorp.com](mailto:paul@mdlawcorp.com)

### Nanaimo

1. Merrill Long & Co, 201 Milton Street, Phone: (250) 754-4441, Email: [Phillip@merrill-long.com](mailto:Phillip@merrill-long.com)

### Prince Rupert

1. Johnston Law, # 7 222 3 Ave W, Phone: (250) 6224-2106

### For Low-Income Seniors:

1. Low-income seniors in BC may contact Seniors First BC to see if they qualify for free legal services, Phone: (local) 604-437-1940, Phone: (toll-free) 1-866-437-19940, Website: <http://seniorsfirstbc.ca/programs/legal-programs/>

### General Referral Service in BC:

1. Any British Columbian may use Access Pro Bono's Lawyer Referral Service by calling 1-800-663-1919 or (604) 687-3221 (in Metro Vancouver) from Monday to Friday–8:30am to 5:00pm. They may also email [lawyerreferral@accessprobono.ca](mailto:lawyerreferral@accessprobono.ca)