

Statutory Declaration & Indemnification Agreement in the Absence of a Probated Will



A. Declaration of Executor/Administrator

Caution: It is a criminal offence to knowingly make a false declaration.

I, _____, solemnly swear, I am the

- executor
- administrator
- disposer* of the estate

*If disposer, indicate the reason you are entitled to dispose of the assets of the deceased:

Note: If more space is needed for your explanation, write it on another piece of paper and attach the document(s) to this form.

of _____ who died at _____ on _____.

(name of deceased) (place of death) (date of death)

He/She owned a _____ (year) _____ (make) _____ (model)

bearing Vehicle Identification Number _____.

I declare that: (Select those that apply)

- I have made a search, or had the search made, of all the places where the deceased may have left a will and cannot find any.
- The deceased died without a will.
- There are no other beneficiaries pursuant to *The Intestate Succession Act* who would be entitled to this vehicle.
- There are no other rightful beneficiaries to the vehicle.

I am hereby authorizing transfer of ownership of the above noted vehicle to:

_____ of _____

(name of beneficiary) (beneficiary's address)

by virtue of (Select those that apply)

- Last Will and Testament
- Letters of Administration
- The Intestate Succession Act*
- Beneficiary's Relationship to Deceased _____
- Purchase from Estate
- Gift
- Other (explain) _____

I, _____ solemnly swear that the information in this declaration is true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

SWORN before me at the City of _____

in the province of _____

this _____ of _____, _____

Signature of Executor/Administrator/Disposer*

A Commissioner for Oaths in the Province of Manitoba

My commission expires _____

B. Indemnification by an Applicant/Registrant

In consideration to Manitoba Public Insurance agreeing to comply with my request for registration of the above vehicle, the undersigned, the heirs, executors and/or administrators will save harmless and keep indemnified Manitoba Public Insurance Corporation and the Government of Manitoba and its Ministers and their respective officers, employees and agents, successors and assigns, from all claims, liabilities and demands respecting personal injuries (including death) damage or loss of property, economic loss or infringement of rights caused by the vehicle and its registration in the name of the applicant, including any legal costs and/or judgment arising out of any suit brought against or defended by Manitoba Public Insurance related to this request for registration.

By signing this document, I declare that I have carefully read and fully understand the obligations contained in this agreement.

Signed this _____ of _____, _____

Registrant/Applicant

Witness

A person, who is applying to transfer ownership of a vehicle from a deceased person as part of an estate, may require a Statutory Declaration form.

In the event of a dispute of ownership, it is strongly suggested that the applicant seek legal advice.

A Statutory Declaration and Indemnification Agreement **is** required, as well as the other documents listed, in the following situations:

Situation #1: Where there is a will that has not been probated

- a) Copy of will
- b) Copy of death certificate
- c) Statutory Declaration and Indemnification Agreement

Situation #2: Where there is no will and Letters of Administration have not been obtained

- a) Copy of death certificate
- b) Statutory Declaration and Indemnification Agreement
- c) Documentation, if available, indicating that the person disposing of the deceased's assets has the right to do so (for example, court order, bankruptcy proceeding order)

A Statutory Declaration and Indemnification Agreement is **not** required in the following situations:

Situation #3: Where there is a probated will

- a) Copy of will
- b) Notarized copy of Letters Probate
- c) Copy of death certificate

Note: Even when a will is probated, unless the registrant/applicant is a joint owner or specifically identified as beneficiary, the registrant/applicant may not be entitled to the vehicle. It is the executor/administrator who determines how assets will be dispersed.

Situation #4: Where there is no will but Letters of Administration have been obtained

- a) Copy of Letters of Administration
- b) Copy of death certificate

Situation #5: Joint ownership

Jointly owned vehicles do not fall into the estate of the deceased person, but pass automatically to the surviving joint owner(s). The documents required to have a vehicle registered solely in the name of the surviving joint owner(s) are:

- a) Copy of death certificate
- b) Proof of joint ownership (TOD or other proof of ownership documents acceptable to the Registrar of Motor Vehicles)