

SCHEDULE D

ESTATE CLAIMS PROCESS FOR DAY SCHOLAR COMPENSATION PAYMENT

Where There is an Executor/Administrator/Trustee/Liquidator

1. The Claimant shall:
 - a. complete the appropriate Claim Form;
 - b. provide evidence that the Day Scholar is deceased;
 - c. provide evidence of when the Day Scholar died; and
 - d. provide evidence that they have been appointed as the executor, administrator, trustee, or liquidator.
2. The Claim Form will contain release, indemnity, and hold harmless provisions in favour of Canada, the representative plaintiffs, Class Counsel, the Claims Administrator, and the Independent Reviewer.
3. The Claims Administrator will assess the Claim in accordance with the Claims Process.
4. Payment of any approved Claim will be made payable to “the estate of” the deceased Day Scholar.

Where There is no Executor/Administrator/Trustee/Liquidator

5. The Claimant shall:
 - a. complete the appropriate Claim Form;
 - b. provide evidence that the Day Scholar is deceased;
 - c. provide evidence of when the Day Scholar died;
 - d. provide an attestation/declaration that the Day Scholar did not have a will and that no executor, administrator, trustee, or liquidator has been appointed by the court;

- e. provide proof of their relationship to the Day Scholar, which may take the form of an attestation/declaration from a third party;
 - f. provide an attestation/declaration from the Claimant that there is/are no higher priority heir(s);
 - g. list all individuals (if any) at the same priority level of heirs as the Claimant; and
 - h. provide the written consent of all individuals (if any) at the same priority level of heirs as the Claimant for the Claimant to submit a claim on behalf of the deceased Day Scholar.
6. The Claim Form will contain release, indemnity, and hold harmless provisions in favour of Canada, the representative plaintiffs, class counsel, the Claims Administrator, and the Independent Reviewer.
7. The Claims Administrator will assess the Claim in accordance with the Claims Process but will only make a payment for an approved Claim or communicate a dismissed Claim with a right of reconsideration in accordance with the provisions below. In cases where the Claim is dismissed with no right of reconsideration, the Claims Administrator will inform the Claimant in accordance with the Claims Administrator's normal process.
8. If no additional Claims with respect to the same deceased Day Scholar are received by the Claims Administrator before the Ultimate Claims Deadline, the Claims Administrator shall:
 - a. in the case of a Claim that is approved, pay the Claimant; and
 - b. in the case of a Claim that is dismissed, advise the Claimant of the dismissal in accordance with paragraph 17 of the Claims Process. The Claimant is able to seek reconsideration in accordance with the Claims Process.

9. If the Claims Administrator receives another Claim with respect to the same deceased Day Scholar before the Ultimate Claims Deadline, where the Claimant is the estate executor, administrator, trustee, or liquidator, the Claims Administrator shall dismiss the Claim from the non-executor, administrator, trustee, or liquidator Claimant, without any right of reconsideration.
10. If any additional Claim(s) with respect to the same deceased Day Scholar is/are received by the Claims Administrator before the Ultimate Claims Deadline, from a Claimant who is not the estate executor, administrator, trustee, or liquidator, and who is of a different priority level of heirs than the previous Claimant(s), the Claims Administrator shall contact the Claimant with the lower priority to inquire as to whether that Claimant disputes the existence of the higher priority level heir. If the existence of a higher priority level heir is disputed, the matter shall be referred to the Independent Reviewer for a determination regarding which Claimant has the highest valid priority level and deem them to be the Designated Representative of the deceased Day Scholar. The decision of the Independent Reviewer is final without any right of appeal or judicial review. The Independent Reviewer shall inform the Claims Administrator of their decision, and the Claims Administrator shall:
 - a. in the case of a Claim that is approved, pay the Designated Representative; and
 - b. in the case of a Claim that is dismissed, advise the Claimant of the dismissal in accordance with paragraph 17 of the Claims Process. The Designated Representative is able to seek reconsideration in accordance with the Claims Process.
11. If any additional Claim(s) with respect to the same deceased Day Scholar is/are received by the Claims Administrator before the Ultimate Claims Deadline, from a Claimant who is not the estate executor, administrator, trustee, or liquidator and who is of the same priority level of heirs as the previous Claimant(s), the Claims Administrator shall reject all of the Claims and notify each Claimant accordingly.

Notwithstanding the Ultimate Claims Deadline, the Claimants who submitted competing Claims will then have three months to submit one new Claim signed by all previously competing Claimants designating one Designated Representative on behalf of all of them and any other heirs. Upon receipt of the new Claim, the Claims Administrator shall:

- a. in the case of a Claim that is approved, pay the Designated Representative;
- b. in the case of a Claim that is dismissed, advise the Claimant of the dismissal in accordance with paragraph 17 of the Claims Process. The Designated Representative is able to seek reconsideration in accordance with the Claims Process.

Priority Level of Heirs

12. The priority level of heirs follows the distribution of property intestacy provisions of the *Indian Act* and all terms have the definitions as set out in the *Indian Act*.
13. The priority level of heirs from highest to lowest priority are as follows:
 - a. surviving spouse or common-law partner;
 - b. children;
 - c. grandchildren;
 - d. parents;
 - e. siblings; and
 - f. children of siblings.