

# Requirements for Dealing with Shares of a Deceased Estate

## – Individual Shareholding



PO Box 454  
Bendigo VIC 3552

03 5443 0344

shareregistry@afsbendigo.com.au

afsbendigo.com.au/shareholders

These notes have been prepared to assist you when dealing with the shares held by an individual deceased shareholder. They outline the requirements of the registry and are in no way to be regarded as legal advice. **Separate procedures apply for the death of a shareholder who holds the shares jointly.**

All relevant forms are available on our website <http://www.afsbendigo.com.au/share-registry-guides-and-forms/>. We may ask you to provide additional documents arising from your individual circumstances.

The registry does not handle sale of shares. If you wish to sell the shares, contact a stockbroker for their requirements (Transmission/Transfer is not required prior to sale) or contact the company if it is not listed on a Stock Exchange.

If the shares to be transferred are not listed on an Australian Stock Exchange, stamp duty may be payable in New South Wales and South Australia. Shareholders are advised to seek their own legal advice prior to sending the completed forms to AFS.

Select the relevant section below:

1. where probate/letters of administration have been received
2. there is a will but no application for probate will be made
3. there is no will and letters of administration will not be obtained.

### 1. Requirements for an Estate Where Probate/Letters of Administration Has Been Received

The shares can be transmitted to the executor(s)/administrator(s) following receipt by the registry of a completed Transmission Application form along with the other necessary documentation. Alternatively the shares can be transferred directly to the beneficiaries/another party by completing a Transfer Form(s) and if applicable bearing evidence that stamp duty obligations have been met.

Please provide the following documentation to the registry:

- a. Certified copy of death certificate
- b. Certified copy of the probate or letters of administration
- c. Where probate has been granted in a state or territory other than that where the shares are registered, a statement as prescribed by Section 1071B of the Corporations Act 2001 must be lodged with the registry within three months of the statement being made. Any Transfer Form(s) or payment instructions must be lodged with the same three month period
- d. Confirmation of the Deceased Holder's Identity form (if the deceased shareholder's name on the register does not exactly match the death certificate, will or probate)
- e. Transmission Application form or Transfer Form(s) and if applicable bearing evidence that stamp duty obligations have been met
- f. Original share certificate(s).

#### **Note: Grant in South Australia**

If the probate or letters of administration has been granted in South Australia after 1 July 1987, a certified copy of the registrar's Certificate of Disclosure to the Supreme Court of South Australia (in compliance with Section 121A of the *Administration and Probate Act 1919*) must be provided to the registry.

## 2. Requirements for an Estate Where There is a Will but No Application for Probate Will Be Made

If a will exists and the estate is under the value threshold deeming it not necessary to obtain probate, the shares can be transmitted to the executor(s) upon provision of a Transmission Application form along with the other necessary documentation. Alternatively the shares can be transferred directly to the beneficiaries/another party by completing a Transfer Form(s) and if applicable bearing evidence that stamp duty obligations have been met.

Please provide the following documentation to the registry:

- a. Certified copy of the will
- b. Certified copy of death certificate
- c. Small Estate Indemnity form
- d. Confirmation of the Deceased Holder's Identity form (if the deceased shareholder's name on the register does not exactly match the death certificate, will or probate)
- e. Transmission Application form or Transfer Form(s) and if applicable bearing evidence that stamp duty obligations have been met
- f. Original share certificate(s).

## 3. Requirements for an Estate Where There is No Will

If letters of administration has been granted please refer to the requirements above.

Upon provision of the necessary documentation the shares can be transferred to the beneficiaries/another party by completing a Transfer Form(s) and if applicable bearing evidence that stamp duty obligations have been met.

Please provide the following documentation to the registry:

- a. Certified copy of death certificate
- b. Intestacy Statement and Indemnity form completed by the next of kin
- c. Small Estate Indemnity form
- d. Confirmation of the Deceased Holder's Identity form (if the deceased shareholder's name on the register does not exactly match the death certificate)
- e. Transfer form(s) and if applicable bearing evidence that stamp duty obligations have been met
- f. Original share certificate(s).

## Certification of Documents

Documents purported to be certified shall only be accepted by AFS & Associates Pty Ltd if all the following requirements are met:

- a. the person certifying the document is generally a person that under state or federal legislation can certify documents as being true and correct copy (eg: Justice of the Peace, Chemist, Police Officer, Chartered Accountant)
- b. all pages of the document are certified
- c. the stamp and/or statement and signature of the authorised person is original. No photocopies or faxes of the certification will be accepted for processing
- d. the certification contains a statement to the effect that the document is a 'true and correct copy' of the original.

**Privacy Clause:** AFS & Associates Pty Ltd advises that Chapter 2C of the *Corporations Act 2001* requires information about you as a shareholder (including your name, address and details of the shares you hold) to be included in the public register of the entity in which you hold shares. Information is collected to administer your shareholding and if some or all of the information is not collected then it might not be possible to administer your shareholding. Your personal information may be disclosed to the entity which you hold shares. You can obtain access to your personal information by contacting us at the address or telephone number shown on this form. Our privacy policy is available on our website ([www.afsbendigo.com.au](http://www.afsbendigo.com.au)).