

# Requirements for Dealing with Shares of a Deceased Estate



## – Joint Shareholdings

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These notes have been prepared to assist you when dealing with the shares held by joint shareholders in the instance of the death of one of the shareholders. 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 individually.**

The surviving shareholder(s) of a joint holding may deal with the holding upon production of a certified copy of the shareholder's death certificate. If all the joint shareholders are deceased, the executor(s) or administrator(s) of the last holder to die may deal with the holding.

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. register the surviving holder(s)
2. transfer shareholding

### 1. Requirements to Register the Surviving Holder(s)

To register the surviving shareholder(s) on the register please provide the following to the registry:

- a. Certified copy of death certificate
- b. Confirmation of the Deceased Holders' Identity form (if the deceased shareholder's name on the register does not exactly match the death certificate)
- c. Request to Register Surviving Holder form
- d. Original share certificate(s).

## 2. Requirements to Transfer a Shareholding Where a Joint Holder is Deceased

Transfers may be processed direct from the joint holding if the shares are to be transferred to a shareholder other than the existing joint holder(s) or they have been sold. Transfers directly to the beneficiaries of the deceased or other party are notified by completing a Transfer Form(s).

Please provide the following documentation to the registry:

- a. Certified copy of probate
- b. 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
- c. Certified copy of death certificate
- 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. Transfer Form 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 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.

### **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)).