



**Member of Securities Registrars Association of Australia Inc.**

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## Share Registry Requirements For Deceased Estates – Australian

### CHES Holdings

When securities are held on the CHES subregister under a sponsorship agreement, the executor(s) or administrator(s) of the estate must deal with the holding through the Sponsoring Broker and consult the sponsor regarding their requirements.

Alternatively, the executor(s) or administrator(s) may instruct the Sponsoring Broker to remove the securities from CHES and deal with the holding through the Share Registry following the procedures as listed below:

### Issuer Sponsored or Certificated Holdings

#### Joint Holdings

The survivor(s) of a joint holding of securities may deal with the holding upon production of the following:

- a certified copy of the *Death Certificate* of the deceased.
- (a) Securities may be transmitted to the survivor(s) by completing the enclosed *Survivorship Form* or by the production of a written request signed by the surviving holder(s). **OR**
- (b) *Off Market Transfers* may be processed directly from the joint holding if the securities are to be sold or transferred, normal stamp duty requirements would apply if the securities in question are not listed on the ASX.

together with any relevant Securityholder Reference Number (SRN) or Securities certificate(s)

#### Transmission or Transfer

Securities can be transmitted to the executor(s) or administrator(s) or transferred to the beneficiary(s) upon receipt of the following:

- (a) a certified copy of *Probate or Letters of Administration*; **OR**

#### Probate or Letters of Administration granted in another State or Territory

Where Probate or Letters of Administration have not been granted in the State or Territory in which the securities are registered, a Statement pursuant to *Section 1071B* of the Corporations Act 2001 must be lodged together with the transmission(s) or transfer(s), within three months of being completed.

#### South Australian Grants of Probate

In the case of South Australian Grants of Probate and the date of death was after 1st July 1987 the original *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 lodged.

- (b) Dispensing with the Need for Probate

When it is not intended to apply for Probate or Letters of Administration because of the small value of the estate, consideration will be given to waiving the requirement when the market value of the securities is A\$15,000 or less as at date of death or current market value whichever is greater. The executor(s), or administrator(s) or solicitors would need to produce the following documents:

- Certified copy of the *Death Certificate*;
- Certified copy of the *Will* (If there is no Will and Letters of Administration will not be granted, a Small Estate Indemnity and an Intestate Statement and Indemnity duly completed by the next of Kin is required)
- *Small Estates Indemnity* - Australian Estates duly completed

Where the holding is to be:

- (a) Transmitted to the Executor(s) or Administrator(s), a completed *Transmission Application* is required. **OR**
- (b) Transferred to the beneficiary(s) or other persons, a completed *Australian Standard Transfer form* is required

together with any relevant Securityholder Reference Number (SRN) or Securities certificate(s).

### Note :

It should be noted that the Probate or Letters of Administration and any subsequent Section 1071B Statement, relate to the State or Territory Register on which the Securities are held, whereas, the stamp duty on any transfer relate to the State or Territory in which the Company is incorporated.

The movement of securities from the deceased s name into the name of the executor who is also the beneficiary should be effected by way of a proper instrument of off-market transfer and not by transmission.

Separate transmission applications or transfers are required for each class of security.

The requirements of the registry are in no way to be regarded as legal advice, Executors and Administrators should obtain their own legal advice regarding their obligation.