

REQUIRED DOCUMENTATION FOR AN ESTATE TRANSFER

Transmission on Death of Joint Tenant

- 1) Where the registered owners of a brand are registered as owning the brand in joint tenancy and one of the registered owners dies, on receipt of:
 - (a) an application,
 - (b) an original death certificate for the deceased registered owner,
 - (c) the former certificate, and
 - (d) the appropriate fee.

OII will:

- (e) enter on the register as registered owner of the brand the name and address of the surviving registered owner or owners,
- (f) issue a new certificate, and
- (g) cancel the former certificate.

Transfer on Death Where Owners are Not Joint Tenants

- 2) In all of the following cases, the person applying to transfer a brand as a result of the death of a registered owner shall complete an application for transfer and submit the transfer fee.
- 3) Where the person applying for transfer provides a statutory declaration:
 - (a) attaching a copy of the last will (if there is one) of the deceased registered owner,
 - (b) verifying that the deceased registered owner left an estate not exceeding \$5,000.00 in value, and
 - (c) identifying all of the persons entitled to share in the estate of the deceased registered owner and verifying to OII's satisfaction that they have consented in writing to the transfer applied for in the application

OII may transfer the brand in accordance with the application and issue a new certificate.

- 4) Unless the foregoing subsection (3) applies, and where either letters probate or letters of administration are obtained from the Supreme Court, the personal representative applying for transfer of a brand as a result of the death of the registered owner shall provide the following:
 - (a) a copy of letters probate, with the will attached (where there is a will) or a copy of letters of administration (with will attached if any) certified as a true copy either by the issuing court or by a lawyer or notary public, and
 - (b) a copy of that part of the "statement of assets, liabilities and distribution" attached to the affidavit of executor or administrator, as sworn and filed with the Supreme Court, which lists the distribution of the estate to the beneficiaries.
- 5) Unless the foregoing subsections (3) and (4) apply, and where no letters probate or letters of administration has been or will be obtained from the Supreme Court, the personal representative applying for transfer of a brand as a result of the death of the registered owner shall provide the following:
 - (a) a copy of the last will of the deceased registered owner (if there is one),
 - (b) an original death certificate,
 - (c) a statutory declaration or affidavit sworn before a lawyer or notary public which:
 - (i) lists all the beneficiaries entitled to an interest in the estate of the deceased registered owner,
 - (ii) verifies that the will presented (if any) is the last will of the deceased registered owner, and
 - (iii) confirms that all debts of the deceased registered owner have been paid, and
 - (d) an agreement to indemnify OII against any claims whatsoever arising against OII as a result of the transfer being made in accordance with the application.
- 6) When OII receives the documents required under the foregoing subsection (2) and either subsection (4) or (5), OII will transfer the brand in accordance with the application and issue a new certificate in the name of the personal representative or the beneficiary of the deceased registered owner's estate, as chosen in the application form.