

RIGHT OF BURIAL TRANSFER APPLICATION

Applies to all Armidale Regional Council cemeteries

When do you need to transfer ownership?

- When an application is made for burial in a grave but the Registered Owner is already deceased.
- When an application is made for a memorial or inscription on the grave, but the registered owner is deceased.
- When the Registered Owner has died, and a new owner would like to be registered.
- Where the Registered Owner wishes to transfer Right of Burial Ownership to another person.

Why do you need to transfer ownership?

- Current NSW Legislation entitles only the Registered Owner of the Right of Burial to:
- Direct who may be interred in their grave/crypt/vault etc. (This control is almost absolute and family members, apart from the registered owner and their spouse cannot be interred without written authority of the owner.
- Designate individual burial spaces to particular people Transfer their Right of Burial to another person
- Erect or alter a memorial or inscription
- Upon death of an owner, a legal transfer of ownership is necessary in order to transfer the Right of Burial to a living person(s).
- Upon receipt of the completed transfer form the register is updated with the new owner's details. It is important in the interest of the family to resolve ownership issues as soon as possible rather than wait until you need to arrange a funeral or memorial, as the process may take some time.

PLEASE NOTE: It is not possible to place a new memorial (even if the memorial relates to the previous registered owner), alter an existing memorial or open a grave for the interment of a deceased person without the written instruction and permission of the current Right of Burial owner.

Proof of Ownership and Identification

You will need to provide copies of identification with this transfer request to prove you are the person to whom the Right of Burial should be transferred to.

Acceptable documentation – At least one of the following current documents:

- Drivers licence
- Birth certificate or birth extract
- Passport
- Citizenship certificate
- Pension card

Step by Step Guide to the transfer process

Where a Registered Owner (living) wishes to transfer ownership to a New Owner

- Complete the attached form – The form MUST be signed by both the Registered Owner and the New Owner
- Attach copies of identification for both the registered owner and the new owner
- Submit the completed form to Council for processing
- The cemetery register will be updated with the new owners' details and a letter of confirmation will be sent to the new owner.

Where a Registered Owner is deceased

Next of kin or other blood relatives do not necessarily inherit the rights of the Registered Owner of the Right of Burial. The Crown Lands Act determines that if the Registered Owner is deceased, the Right of Burial becomes part of the deceased's estate and may be left in a Will to the executor/beneficiary of the Registered Owner. Whoever inherits the rights will need to complete the application to transfer ownership.

If the deceased left a Will –

- Complete the attached form – The form MUST be signed by the new owner(s)
- Attach copies of identification for the new owner(s)
- Attach copy of the complete Will
- Return completed form along with the above documentation to the cemetery office
- The cemetery register will be updated with the new owners' details and a letter of confirmation will be sent to the new owner(s).

When there is no Will – Intestacy

If there is no will or the will is not valid and the estate requires the grant of letters of administration, the following documentation is required:

- Complete the attached form – The form MUST be signed by the new owner(s)
- Attach copies of identification for the new owner(s)
- Attach a copy of Letters of Administration – Copies of letters of administration can be obtained from the **Probate Division, Laws Courts Building, Queens Square, 184 Phillip Street, SYDNEY NSW 2000 PH: (02) 9230 8133 or Postal address GPO BOX 3, SYDNEY NSW 2001.**
- A letter from the Administrator(s) assigning the Right of Burial to the new owner(s)
- Return completed form along with the above documentation to the cemetery office
- The cemetery register will be updated with the new owners' details and a letter of confirmation will be sent to the new owner(s).

If the estate is of insufficient value to merit application for Letter for Letters of Administration, the Right of Burial will be assigned to beneficiaries in the manner determined by the Probate and Administration Act. Should this situation apply to you, please contact Council on 1300 136 833 to make an appointment to discuss the process of transfer.

PLEASE NOTE: The new owner does not take possession of the Right of Burial UNTIL all of the above requirements are met and the cemetery register is updated.

1. DETAILS OF REGISTERED OWNER OF RIGHT OF BURIAL

Surname:	First Name:	Title:
Residential Address:		
Suburb/Town/State:		Postcode:
Email:		
Phone:	Mobile:	

1. LOCATION DETAILS

Cemetery:	Denomination:	
Section:	Row no:	Lot no:

2. DETAILS OF NEW OWNER(S)

If more than 2 owners please attach additional pages with the below details for each new owner

Owner 1

Surname:	First Name(s):	Title:
Residential Address:		
Suburb/Town/State:		Postcode:
Email:		
Phone:	Mobile:	

Owner 2

Surname	First Name(s):	Title:
Residential Address:		
Suburb/Town/State:		Postcode
Email:		
Phone:	Mobile:	

To be completed where a Living owner is transferring the Right of Burial to a New Owner

Registered Owner(s) Transfer Acknowledgement

I/we understand as registered owners of the burial rights do hereby transfer all my/our interest and title in the Right of Burial described in the register as..... In the cemetery.

I/we hereby request that you transfer and re-register the Right of Burial in the name of listed above.

Signature:	Date:
Owners name:	

New Owner(s) Acceptance Acknowledgement

I/we, the undersigned accept the transfer of the Right of Burial of In the Cemetery. I/we, acknowledge that the transfer will not take effect until the transfer fee and stamp duty have been paid and the Cemetery Register has been updated.

Signature:	Date:
New owners name:	
Signature:	Date:
New owners name:	

To be completed where the Registered Owner is deceased

I/we, the undersigned being *(a) the executor/s of the Will, (b) the beneficiaries of the Will, or (c) Administrator of the Estate of the Late..... The Registered Owner of the Right of Burial in..... in the Cemetery, do hereby request that you transfer and re-register the Right of Burial in the above mentioned name(s). If more than 2 new owners please attach additional pages with the signature of acceptance for each new owner.

Signature:	Date:
New owners name:	
Signature:	Date:
New owners name:	

Office Use Only

Received Time:	Received Date:	Received by:
Approved:	Officer:	Date:

Privacy Information

Any personal information that you have supplied to or have been collected by Council will only be stored and processed by Council for lawful purposes directly related to the functions and activities of Council. Any personal information supplied will only be disclosed to a third party for the purpose of performing a lawful function and for no other purpose.

