

## Burial Licence Transfer Application

**Please read the attached information prior to completing application.**

Details of Registered Owner(s) of Burial Licence (if more than 1 owner attach additional page)

Mr                      Mrs                      Miss                      Ms                      Other .....

Given Name.....Middle Name.....Surname.....

Address.....

Suburb.....State.....Postcode.....

Email.....

Phone-Home..... Work.....

Mobile.....

Date of Birth...../...../..... Date of Death (if applicable) ...../...../.....

Burial Licence location details

Cemetery Name .....

Monumental/General       Lawn       Garden       Columbarium

Denomination/Section.....Row.....Plot.....

**Details of New Owner(s)**

*Owner 1*

Mr                      Mrs                      Miss                      Ms                      Other .....

Given Name.....Middle Name.....Surname.....

Address.....

Suburb.....State.....Postcode.....

Email.....

Phone-Home..... Work.....

Mobile.....

*Owner 2*

Mr                      Mrs                      Miss                      Ms                      Other .....

Given Name.....Middle Name.....

Surname.....

Address.....

Suburb.....State.....Postcode.....

Email.....

Phone-Home..... Work.....

Mobile.....



**To be completed where a living owner is transferring the Burial Licence to a new owner**

*Registered Owner(s) Transfer Acknowledgement*

I/we the undersigned as registered owners of the burial licence do hereby transfer all my/our interest and title in the Burial Licence described in the register as ..... in the..... Cemetery.

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

Signed.....Date .....

Owners Name.....

Signed.....Date .....

Owners Name.....

*New Owner(s) Acceptance Acknowledgement*

I/we the undersigned accept the transfer of the Burial Licence of ..... in the..... Cemetery. I/we acknowledge that the transfer will not take effect until the transfer fee and stamp duty (where applicable) have been paid and the Cemetery Register has been updated.

Signed.....Date .....

New Owners Name.....

Signed.....Date .....

New Owners Name.....

**To be completed where the Registered Owner is deceased**

I/we the undersigned being:  Executor/s of the will OR  Beneficiaries of the will OR  
 Administrator of the Estate of the Late ..... who was the  
Registered Owner of the Burial Licence in row.....plot.....in  
the.....Cemetery, do hereby request that you transfer and re-register  
Burial Licence 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.

Signed..... Date .....

Name.....

Signed..... Date .....

Name.....

**Burial Licence Transfer Information**

**IMPORTANT:** Please use BLOCK LETTERS when completing this form and ensure it is signed and dated. Please read the instructions carefully before completing the form. The form should be returned with the transfer fee (if applicable) and appropriate documents to Hilltops Council offices at either Boorowa, Harden or Young or emailed to [mail@hilltops.nsw.gov.au](mailto:mail@hilltops.nsw.gov.au)

If you have any questions about this form, please contact Hilltops Council on 1300 445 586. Council will endeavour to transfer the ownership quickly, but on occasion further investigation may be required if the form is incomplete or the appropriate documentation is not attached

**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 Burial Licence ownership to another person

### Why do you need to transfer ownership?

Upon the death of an owner, a legal transfer of ownership is necessary in order to transfer the Burial Licence to a living person. Upon receipt of the completed transfer form, the register is updated with the new owner's details. It is important in the interests 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.

Current NSW Legislation entitles **ONLY** the Registered Owner of the Burial Licence 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 the written authority of the owner)
- Designate individual burial spaces to particular people
- Transfer their Burial Licence to another person
- Erect or alter a memorial or inscription.

*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 unless you have the written instruction and permission of the current owner.*

### Proof of ownership and identification

You will need to provide copies of identification of both the current Burial Licence holder and the new owner with this transfer request.

*ACCEPTABLE DOCUMENTS* – The following documents may be used for identification purposes.

- Driver's licence
- Passport
- Medicare Card
- Birth certificate or birth extract
- Citizenship certificate
- Pension card
- Proof of age card

### Step by Step Guide of the Transfer Process

#### 1. Transfer ownership from a living Registered Owner 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 Hilltops Council office 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(s) **(please ensure you supply a current email address)**

## 2. Transfer ownership when the Registered Owner is deceased

Next of kin or other blood relatives do not necessarily inherit the rights of the Registered Owner of a Burial Licence. The Crown Lands Act determines that if the Registered Owner is deceased, the Burial Licence 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.

### 3. If the deceased left a will

- Complete the transfer application form – the form **MUST** be signed by the new owner(s)
- Attach copies of identification for the new owner(s)
- Attach copy of the deceased's complete will
- Returned completed form along with the above documentation to Hilltops Council 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) **(please ensure you supply a current email address)**

### 4. 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 transfer application 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 **Supreme Court of New South Wales-Probate Division, Law Courts Building, 184 Phillip Street SYDNEY NSW 2000 Ph: 1300 679 272**

**Postal Address: Supreme Court of NSW GPO BOX 3, SYDNEY NSW 2001**

- Details on how to apply for Letters of Administration and online downloads can be found on the Supreme Court of New South Wales website at [http://www.supremecourt.justice.nsw.gov.au/Pages/sco2\\_probate/sco2\\_filing\\_instructions/apply\\_for\\_letters\\_of\\_administration.aspx](http://www.supremecourt.justice.nsw.gov.au/Pages/sco2_probate/sco2_filing_instructions/apply_for_letters_of_administration.aspx)
- A letter from the Administrator(s) assigning the Burial Licence to the new owner(s)
- Return completed form along with the above documentation to Hilltops Council 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) **(please ensure you supply a current email address)**

If the estate is of insufficient value to merit application for Letters of Administration, the Burial Licence will be assigned to beneficiaries in the manner determined by the Probate and Administration Act. Should this situation apply to you, please contact Hilltops Council on 1300 445 586 to discuss the process of transfer.

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