

How to lodge a Notice of Death

This information is provided to help people who hold land as **joint tenants** to lodge a *Notice of Death* (form 02ND) with the relevant forms, instructions and requirements listed below.

A Notice of Death form may only be used where the land is held as joint tenancy. This applies regardless of two or more joint tenants.

The *Notice of Death* (form 2ND) and instructions for completion can be obtained from our website at www.lpi.nsw.gov.au/land_titles/dealing_forms or by calling our Customer Service Centre T: 1300 052 637.

Joint tenancy

Where land is held in joint tenancy, the surviving joint tenant may be registered as the sole proprietor of the land upon notification of the death of a joint tenant. If there are more than two joint tenants the surviving joint tenants will maintain their joint tenancy upon registration of a Notice of Death removing the deceased joint tenant from the title.

To determine whether the land is held in joint tenancy, the Certificate of Title (the title deed) must be examined. It will record either 'joint tenants' or 'tenants in common' directly beneath the names of the owners. If the words 'tenants in common.....' are shown this form is not appropriate.

If there are more than two owners the land may be held in both capacities and this form may or may not be appropriate. Please contact the Customer Service Centre on T: 1300 052 637 for further advice if this form is applicable.

Fees payable

To find out the current lodgment fee for registration of a Notice of Death, call T: 1300 052 637 or check our website at www.lpi.nsw.gov.au.

The prescribed fee must be paid at lodgment.

Requirements

1. *Notice of Death* (form 02ND) to be completed. Please note that the surviving joint tenant(s) signature(s) need to be witnessed by an adult who knows them.
2. A Notice of Sale or Transfer of Land form, either hard copy or online version (eNOS), is to be completed as regards panels 1, 2, 3B and 5. See *Electronic Notice of Sale (eNOS)* fact sheet for more information www.lpi.nsw.gov.au.
3. The original Certificate of Title is required to be lodged and the new edition of the Certificate of Title will be returned by registered mail following registration of the document.

If the title is held by a mortgagee (bank, credit union etc.) as security, arrangements will have to be made with that mortgagee to 'produce' the title at the Land and Property Information, Queens Square, Sydney office. This must be done prior to the lodgment of the other Notice of Death documents. The Certificate of Title will be returned to the producing authority, for example if the title is subject to a mortgage it will be returned to the mortgagee after registration of the Notice of Death.

Any non computer title lodged is cancelled and returned to the lodging party immediately.

4. The Death Certificate of the deceased owner or a copy is required. An original Death Certificate is only required as evidence and will be sighted and returned after lodgment of the above documents.
5. Where the name of the deceased on the Death Certificate differs from that on the affected title, a statutory declaration will be required to explain the discrepancy.

All documents must be presented for lodgment at the Land and Property Information, Queens Square, Sydney office.

Disclaimer

This fact sheet must not be relied on as legal advice. For more information about this topic, refer to the appropriate legislation.

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