

HOW TO TRANSFER OR UPDATE A RIGHT OF INTERMENT



As required by NSW Legislation, Rookwood General Cemetery keeps a Cemetery Register which records the licence holder(s) for allotments within our grounds.

The register can record up to two joint holders per allotment; however, under special circumstances an applicant may request for more than two joint holders to be registered on one allotment.

Only a registered and living holder(s) have authority of the allotment.

If the registered holder(s) is/are deceased, all rights of the allotment cease until the allotment is transferred.

Why Transfer?

- To allow an interred into an allotment (e.g. grave/crypt/vault/niche)
- Erect or alter a memorial or inscription
- Transfer their Right of Interment to another person
- Add another person as a joint holder

Who Can Transfer?

- **Current Licence Holder(s):** as indicated in our Cemetery Register
- **Descendent:** as recorded on a Registered Death Certificate issued by the Registry of Births Deaths and Marriages
- **Executor(s):** as recorded on a Probated Will (with Supreme Court Seal) issued by the Supreme Court
- **Administrator:** as recorded on a Letter of Administration (with Supreme Court Seal) issued by the Supreme Court

What Documents are Required to Transfer?

- **Registered Death Certificate:** to establish who the next of kin is/are
- **Probated Will with Supreme Court Seal:** to establish who the executor is/are
- **Letters of Administration:** to establish who the administrator(s) is/are

Please be aware that other paper work maybe required from time to time. Our Client Services team will provide further detail in these situations.

How to Transfer?

- Complete and sign the **Application to Update or Transfer a Perpetual Interment Right** (if you are the legal Next of Kin, Executor or Administrator and nominate yourself to be a new licence holder)
- Complete and sign the **Relinquish Right of Burial Form** (if you are not a nominated new licence holder)
- Sign the **Terms and Conditions** of Perpetual Interment Licence, if you are to become the new licence holder
- Provide a copy of **Probated Will** or **Letters of Administration**, if these documents are unavailable, provide a copy of the **Registered Death Certificate**
- Provide a copy of Registered Marriage Certificate or Change of Name by Deed Poll (if name has changed)
- Provide a copy of **proof of ID** for new holders, applicant and any person who relinquishes, such as current Driver's License, RMS Photo Card or Government issued Pension Card
- Make payment of the Transfer Fee (non-refundable and paid at the completion of the transfer, as per our current price list)

When to Transfer?

- If a holder is deceased, the cemetery will waive the Transfer Fee in instances where the Transfer Application is **received within 3 months** of a registered holder's passing.
- When a registered holder no longer wishes to be a registered holder and either transfers the allotment to another person or refunds the allotment back to the cemetery, conditions apply and transfer/administration fees may be applicable.



Where to Transfer

- **By email:** transfers@rookwoodcemetery.com.au this is our preferred method
- **Via the Rookwood Cemetery website:** www.rookwoodcemetery.com.au/transfers
- **In person:** Rookwood General Cemetery, 1 Hawthorne Ave, Rookwood
- **By phone:** 02 8575 8100

For more information or to pay a Transfer Fee, call the Rookwood General Cemetery office on 02 8575 8100.

Understanding Title by Descent on Registered Death Certificate

Title by descent is the title by which a person, upon the death of another, acquires the assets of the latter as an heir(s) at law when the deceased died without a Will.

If the next of kin is a **spouse**, that is the deceased was **married or separated (but not divorced), or de-facto** at the time of death, then the spouse is permitted to complete the Application to Update or Transfer a Perpetual Interment Right.

If the next of kin is an **only child**, because the deceased was **never married, divorced or was a widow / widower** at the time of death, then the only child is permitted to complete the Application to Update or Transfer a Perpetual Interment Right.

If the next of kin are **children**, because the deceased was **never married, divorced or was a widow / widower** at the time of death, then up to two of these children need to establish which of them are to become the new holder(s). The children who become the new holder(s) are permitted to complete the Application to Update or Transfer a Perpetual Interment Right. The remainder of the children who do not become new holders will need to relinquish their interment rights in writing by completing the Relinquishing Right of Burial Form.

If the next of kin is a **parent**, because the deceased was **never married and had no children** at the time of death, then the parent(s) is/are permitted to complete the Application to Update or Transfer a Perpetual Interment Right.

Rank of Surviving Next of Kin

- 1st** Spouses
- 2nd** Children
- 3rd** Parents
- 4th** Siblings
- 5th** Grandparents
- 6th** Aunts and Uncles
- 7th** Cousins

Understanding Probate

A grant of probate is a legal document that authorises an executor(s) to manage the estate of a deceased



person in accordance with the provisions of the deceased's will. The executor can transfer the assets to the executor (or to such other persons as the executor may nominate in accordance with the will).

If a **Probated Will with Supreme Court Seal** has been granted, then the **executor(s)** are permitted to complete the Application to Update or Transfer a Perpetual Interment Right.

Understanding Letters of Administration

A grant of Letters of Administration is a legal document issued by the Supreme Court, which allows the administrator(s) to manage and distribute the deceased's assets.

There are two distinct types of applications for Letters of Administration:

1. Letters of Administration – the deceased passed away without leaving a will (for example, intestate)
2. Letters of Administration with the Will annexed – the deceased left a Will, but there is no executor available to apply for a grant of probate. For example, if the Will did not name an executor or the sole executor has passed away or is otherwise unwilling or unable to act.

If a **Letter(s) of Administration with Supreme Court Seal** has been granted, then the **administrators(s)** are permitted to complete the Application to Update or Transfer a Perpetual Interment Right.

How to Transfer an Interment Right

If the holder of the Perpetual Interment Right is deceased, Rookwood General Cemetery will need to establish a living holder. A living holder is required to allow an interment and for memorialisation.

