Service New Brunswick Services Nouveau-Brunswick **DIRECTIVE** **Real Property Registry**	**SECTION:** Applications for First Registration
	NUMBER: 3900-007
	SUBJECT: Intestate Owner – Estate – Names

PURPOSE This directive defines the process to deal with AFR submissions reflecting intestacy situations when there is no administrator or personal representative appointed to act for the deceased.

REFERENCE Sections 22 to 31, *Devolution of Estates Act*

DIRECTIVE

When an owner dies intestate (without a will) with no personal representative, there are 2 options on how to submit the AFR:

- An exemption can be sought from Corporate Counsel in order to allow a Deed to a third party to be registered under the *Registry Act,* with an undertaking to convert the parcel to Land Titles within a reasonable amount of time;

or

- the AFR should reflect the deceased owner as “Estate”, and all of the heirs of the deceased as owners. The deceased owner and the heirs will all be enabled by the title deed.

NOTE:

- The deceased owner’s name will be reflected as it appears on the title deed and the names of the heirs will be reflected according to the naming convention.
- Make a note in the AFR comment field that the address of the deceased owner is the address of one of the heirs.
- Make a note in the AFR comment field that the deceased owner died intestate and that proof of death and proof of sole heirship will be reflected by a Statutory Declaration in the subsequent transfer.
- The CRO will reflect the deceased owner as “Estate” and the heirs as owners.

On the subsequent transfer:

- Form 13 will reflect the deceased owner as “Estate” and the heirs of the deceased will sign as owners.

- A Statutory Declaration will be included with Form 13, establishing the date of the death of the deceased and also indicating that the signatories are all the heirs of the deceased.