

TRANSFER OF RIGHT OF BURIAL 2021-22

Site Number	
Current Right of Burial Holder	
Name	_____
Address	_____
Phone	_____
Email	_____
Signature (if applicable)	_____
Date	_____
Notes Regarding Transfer of Right of Burial	
<p>There are numerous circumstances in which a Transfer of Right of Burial can occur. Please complete page 1 + the page relevant to your situation + pages 7 & 8. The reasons surrounding the transfer will affect the type of supporting documentation that is required. Refer page 6 for documentation required.</p> <p>Where a licence holder is still alive and in sound health, the fee to transfer the right of burial is \$110. If the transfer is due to death or ill health of the current licence holder, there is no fee.</p> <p>When transferring a Right of Burial, it is a legislative requirement to follow a hierarchy of who has the right to take over the licence. The connection we must establish is between the person applying for the transfer and their connection to person currently named as the licence holder ie not the deceased person(s) in the site.</p> <p>The hierarchy is as follows – please circle what is appropriate to your request:</p> <ol style="list-style-type: none"> 1. The sole executor or administrator of the holder of burial rights 2. A joint executor or administrator (with the permission of all others) of the holder of burial rights. 3. The spouse of the holder of burial rights (including a putative or common law spouse) 4. The eldest living and legally capable child of the holder of burial rights 5. The eldest living and legally capable grandchild of the holder of burial rights 6. The eldest living and legally capable sibling of the holder of burial rights 7. The eldest living and legally capable blood relative of the holder of burial rights 	
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Payment methods: Cash, cheque or credit card in person at 34 Church Street, Salisbury
 Cheque posted to PO Box 8, Salisbury, SA, 5108
 Credit card over the phone call 8406 8222
 Cheques payable to City of Salisbury

All fees include GST

Transfer Declaration – Option 1 – Executor / Joint Executors

As Executor / Joint Executor of the current right of burial holder listed on page 1, I / we, apply for the transfer of right of burial for Site _____ at Salisbury Memorial Park.

I / We request the right of burial be transferred into my / our names *:

* If Joint Executors agree to the licence being transferred to one Executor only a separate statement showing this agreement must be attached.

Licence Holder # 1

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____
 Witness Signature _____

Licence Holder #2 if applicable

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____
 Witness Name _____

OR I / We agree to transfer the right of burial to the third party nominated below. I / we understand that if I / we nominate a third party, I /we relinquish any rights or responsibilities for the right of burial.

Name(s) of Executor(s): _____
 Address of Executor(s) _____

 Phone _____
 Name _____ Signature _____ Date _____
 Name _____ Signature _____ Date _____

Right of Burial to be transferred into the name of:

Name _____
 Address _____
 Phone _____ Email _____
 Relationship to Original Licence Holder _____
 Signature (of new licence holder) _____ Date _____
 Witness Signature _____ Witness Name _____

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Transfer Declaration - Option 2 – Next of Kin (no Will or Will no longer accessible)

As Next of Kin of the current right of burial holder listed on page 1, I declare (circle appropriate):
 they had no Will at the time of their death / the Will is no longer accessible
 and I apply for the transfer of right of burial for Site _____ at Salisbury Memorial Park.

I request the right of burial be transferred into my / our names:

Right of Burial Holder # 1	Right of Burial Holder #2 if applicable
Name _____	Name _____
Address _____	Address _____
Phone _____	Phone _____
Email _____	Email _____
Relationship to _____	Relationship to _____
Original Licence Holder _____	Original Licence Holder _____
Signature _____	Signature _____
Date _____	Date _____
Witness Signature _____	Witness Name _____

OR I agree to transfer the right of burial to the third party nominated below. I understand that if I nominate a third party, I relinquish any rights or responsibilities for the right of burial.

Signature _____	Date _____
Signature _____	Date _____

Right of Burial to be transferred into the name of:

Name _____

Address _____

Phone _____ Email _____

Relationship to Original Licence Holder _____

Signature (of new licence holder) _____ Date _____

Witness Signature _____ Witness Name _____

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Transfer Declaration – Option 3 – Acting Under Power of Attorney

With regard to Site _____ at Salisbury Memorial Park, I declare I am acting under Power of Attorney for the current right of burial holder listed on page 1 as they are incapacitated and currently in the care of:

Name of Provider _____
 Address of Provider _____
 Phone _____

I request the right of burial be transferred into my / our name(s):

Licence Holder # 1		Licence Holder #2 if applicable	
Name _____		Name _____	
Address _____		Address _____	
Phone _____		Phone _____	
Email _____		Email _____	
Relationship to Original Licence Holder _____		Relationship to Original Licence Holder _____	
Signature _____		Signature _____	
Date _____		Date _____	
_____		_____	
Witness Signature		Witness Name	Date

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Transfer Declaration – Option 4 – Transfer From Living Right of Burial Holder to Another Party

With regard to Site _____ at Salisbury Memorial Park, I /we agree to transfer the right of burial to the person(s) nominated below. I understand that by transferring the Right of Burial, I relinquish any rights or responsibilities for the right of burial.

I / we request the right of burial be transferred into the name(s) shown below:

Existing Right of Burial Holder # 1

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____

Existing Right of Burial Holder #2 if applicable

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____

Witness Signature

Witness Name

New Right of Burial Holder #1

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____

New Right of Burial Holder #2 (if applicable)

Name _____
 Address _____
 Phone _____
 Email _____
 Relationship to
 Original Licence Holder _____
 Signature _____
 Date _____

Witness Signature

Witness Name

Payment

Transfer fee _____ CMLT \$ 110
 Receipt Number _____ Date _____

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Notes / Supporting Documentation Required

Transfer Declaration – Option 1 – Executor / Joint Executor

- Proof of death of currently listed licence holder is required; for example death certificate, funeral notice/card, details of cemetery location (unless this is accompanying an inurnment of ashes request)
- Copy of the page of the Will stating name(s) of Executor(s) + copy of identification
- In addition to the above, if Joint Executors and only one Executor is taking over the licence + signed notification from the second Executor stating their agreement + copy of their identification.
- If transferring to a third party; identification of third party also required.

Transfer Declaration - Option 2 – Next of Kin (no Will or Will no longer accessible)

- Proof of death of currently listed licence holder is required; for example death certificate, funeral notice/card, details of cemetery location (unless this is accompanying an inurnment of ashes request)
- Declaration stating no Will or Will is no longer accessible + documentation to prove relationship to deceased licence holder such as marriage certificate or birth certificate (eg proof of mother / child relationship) and if any name changes have occurred since birth (ie due to marriage) copy of marriage certificate.
- If transferring to a child who is not the eldest, living and legally capable; proof of death of older sibling(s) is required or if older siblings are non-contactable a statutory declaration must be signed.
- If transferring to a third party; identification of third party also required.

Transfer Declaration – Option 3 – Acting Under Power of Attorney

- Copy of Power of Attorney + identification + confirmation of incapacitation of existing licence holder

Transfer Declaration – Option 4 – Living Right of Burial Holder to Another Party

- Copy of identification of both existing right of burial holder(s) and the new right of burial holder(s)

In all instances, the new right of burial holder(s) are to sign Burial and Memorial Sites Licence Rights and Responsibilities form.

In all instances **certified** copies are required, unless the original document(s) are presented to council staff in which case they will take photocopies.

Return Paperwork To

Cemetery Assistant:
 34 Church Street, Salisbury or
 PO Box 8, Salisbury, SA, 5108 or
 cemetery@salisbury.sa.gov.au

Office Use Only

CemeteryData Entered DataWorks No: _____
 Certificate -Date Posted _____
 DataWorks No: _____ Noted

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Cemetery: Spains Road, Salisbury Downs, SA, 5108
 Office: Salisbury Community Hub
 34 Church Street, Salisbury, SA, 5108
 Postal: PO Box 8, Salisbury, SA, 5108
 Telephone: 08 8406 8317
 TTY: 08 8406 8596 (for hearing impaired)
 Email: cemetery@salisbury.sa.gov.au
 Website: www.salisbury.sa.gov.au
 ABN: 82 615 416 895

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BURIAL AND MEMORIAL SITES
LICENCE RIGHTS & RESPONSIBILITIES

The following Plain English Statement is required by law (*Local Government Cemetery Regulations 2010*). It is an important document. Please keep it with the original licence.

This statement describes the terms and conditions for buying grave and memorial (ashes site) rights at the Cemetery noted below. This form must be completed and a signed copy of this document must be received by the cemetery before a grave or memorial can be used.

*Name of the Licence Holder(s): (Up to two people **may** be named as the Licence Holders)*

The person/people named above has/have the sole right (licence) to decide and advise the cemetery about who may be buried, have ashes placed or be memorialised in the following site.

Salisbury Memorial Park
Name of Cemetery

Section (ie., Catholic, Orthodox, General).

The path & site number will be confirmed by the cemetery on the licence.

A licence will be issued for this site. The licence does not mean that the buyer owns the land.

The cost of the licence is \$..... (incl. GST)

The licence is issued for years.

Not Applicable
Transfer of Right of Burial occurring

The licence starts on The licence expires on
 (Date) (Date)

The licence will be issued to the Licence Holder(s) by the cemetery after payment of the relevant fees. The licence may be sent via your funeral director who will pass it on to the licence holder.

The licence cost does not cover other services such as grave digging, burial, chapel, funeral director, headstone or memorial expenses.

Burial and memorial licences are subject to the conditions noted in this statement, the cemetery's Operating Policy and any cemetery rules or laws in force during the term of the licence.

Please note that the cemetery's *Operating Policy*, licence conditions, policies and rules may change over time. Updated versions of the cemetery's *Operating Policy* are available from the cemetery or on their website.

Please turn over

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LICENCE CONDITIONS

The following points are part of the Licence Conditions.

1. Options for periodic payments (cash, credit card, and lay-by options) may be available for the purchase of a burial or memorial licence. Please check with the cemetery.
2. A licence may **only** be cancelled or transferred as per the cemetery's *Operating Policy*.
3. A licence may be renewed, transferred, extended or cancelled upon application to the cemetery, in accordance with the cemetery's *Operating Policy*.
4. The rights granted to the licensee may be exercised upon the death or legal incapacity of the Licence Holder by any one of the following people in descending order of entitlement:
 - 1st. the executor or administrator of the Licensee
 - 2nd. a joint executor or administrator (with permission from all others) of the Licensee
 - 3rd. the legally married spouse of the Licensee
 - 4th. the domestic partner of the Licensee
 - 5th. the eldest living and legally capable child of the Licensee
 - 6th. the eldest living and legally capable grandchild of the Licensee
 - 7th. the eldest living and legally capable sibling of the Licensee
 - 8th. the eldest living and legally capable blood relative of the Licensee
5. A licence may be extended by anyone anytime in accordance with the cemetery's *Operating Policy* or any rules the cemetery in force from time to time.
6. The licence holder is responsible for maintaining headstones and memorials in a safe and proper condition. This is not the cemetery's responsibility.
7. Under the *Cemetery Regulations 2010*, if it has been two years or more since the licence for a site has expired, the cemetery may dispose of unclaimed headstones or memorials. **Before disposing of a monument, the cemetery will attempt to contact the licence holder for the site.**
8. At the end of the licence period, if the licence is not renewed or extended, the cemetery may reuse the grave or memorial site.
9. Cemeteries have specific requirements regarding the design of headstones and memorials which will require authorisation prior to installation. Some cemeteries are listed on the State Heritage Register and require headstones and monuments and alteration work to be approved by an appointed Heritage Advisor. This approval process will take time.

Please let the cemetery know if you change your address or contact details.

I have read & understand this form.

Signature _____

Signature _____

Name in full _____

Name in full _____

Date / /2021

Date / /2021

Witness Signature

Name In Full

Date

END OF STATEMENT

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