

Intestate Declaration and Claim/Indemnity Form*

*This form applies when a person has died intestate (without a valid will) and letters of administration are not being applied for. It may be used for claims up to but not exceeding the value of \$15,000. Please note in some cases Ngāti Whātua Ōrākei Whai Rawa Limited will request additional information before releasing a Toi Tupu deposit.

Section A: Deceased's Details and Checklist

Full name of Deceased

Date of Death

 / /

Documentation Checklist: (please tick)

- Certified copy of the Death Certificate or Medical Cause of Death Certificate
- Certified copy of valid photo ID for the Declarant
- Certified copy of proof of relationship to deceased (for example, marriage certificate or birth certificate)

Section B: Declarant's Details

Name (in accordance with ID)

Date of Birth

Contact Phone Number

 / /

Home Address

Email

Relationship to deceased: (choose one)

- Husband or wife of the deceased
- De facto partner of the deceased
- A child of the deceased, or their guardian
- Parent or legal guardian of the deceased
- Sibling of the deceased
- Other person appearing to be entitled to obtain administration of the estate of the deceased in New Zealand*

*Please describe your relationship to the deceased in the space provided below:

Section C: Payment Details

I request Ngāti Whātua Ōrākei Whai Rawa Limited to close the deposit of the deceased and pay the funds to the account of:

Bank

Branch

Account Number

Suffix

*Any changes made to this form must be initialled by the declarant and the witness to the declarant's signature

Section D: Declaration & Indemnity

I of
(Name of Declarant) (Place of abode and occupation)

solemnly and sincerely declare that:

- To the best of my knowledge the deceased died without leaving a will.
- All the information provided above is true and correct and forms part of this declaration.
- To the best of my knowledge neither probate nor letters of administration have been applied for or obtained in New Zealand and I do not intend to nor will I apply for grant of probate or letters of administration of the estate of the said deceased, and to the best of my knowledge no other person intends to apply for probate or letters of administration of the estate of the deceased.
- I am entitled to obtain letters of administration of the estate of the deceased upon the grounds of my relationship to the deceased as detailed above.
- Under the laws of succession to real and personal estate on intestacy, I am entitled to the largest distribution of the estate of the deceased, or am acting on behalf of another person (or group of persons) who does.¹
- I claim vesting and payment of the moneys to which the deceased was entitled on the basis that I am entitled to obtain letters of administration of the estate of the deceased.
- I shall apply the said moneys in due course of administration and as the law requires. In consideration of Ngāti Whātua Ōrākei Whai Rawa Limited (Whai Rawa) releasing the funds in the deceased's account(s) I hereby agree to indemnify Whai Rawa against any claims, losses, damages, costs and/or expenses whatsoever (including its own legal costs on a solicitor/client basis,) which may arise in connection with the said account(s) or the payment of the balance(s) therefore and also against all amounts Whai Rawa may be called upon to pay and all costs (including its own legal costs on a solicitor/client basis) charges and expenses which Whai Rawa may incur in connection therewith.
- I acknowledge that Whai Rawa (and its related entities) is using the information set out on this form in order to deal with a deceased deposit request, and without this information Whai Rawa may not be able to do this. By making this declaration I acknowledge and authorise Whai Rawa (and its related entities) to collect, use, store and disclose my personal information for the administration and management of Whai Rawa and Toi Tupu (which may include making disclosures to another person who reasonably appears to be acting on behalf of the estate of the deceased, or entitled to obtain letters of administration of the estate of the deceased).
- I acknowledge and authorise that I am entitled to access or correct my personal information held by Whai Rawa by contacting wrl@ngatiwhatuaorakei.com.

I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Declared at on this day

Signature of Declarant Full name

Witnessed by: *(Must be a person authorised to witness a statutory declaration under the Oaths and Declarations Act 1957, e.g. a Justice of the Peace, notary public, or person enrolled as a barrister and solicitor of the High Court)*

Signature Name/Stamp

*****Any changes made to this form must be initialled by the declarant and the witness to the declarant's signature

¹ An extract from section 77 of the Administration Act has been provided below as background information. We recommend you seek out independent legal advice before making the declaration if you have any queries.

Section 77 of the Administration Act 1969

*Last updated 22 May 2019

77 Succession to real and personal estate on intestacy

If a person (the **intestate**) dies intestate as to any real or personal estate and leaves the other person or people referred to in column 1 of the following table, that estate must be distributed in the manner or held on the trusts set out in column 2 of that table opposite the reference to the other person or people:

Person or people intestate leaves

- 1 Husband, wife, civil union partner, or surviving de facto partner, but no issue and no parents

How estate to be distributed

Personal chattels (as defined in section 2(1)):

the husband, wife, civil union partner, or surviving de facto partner takes these absolutely, except that any that are subject to a hire purchase agreement, are taken subject to the vendor's rights under that agreement

Residue of the estate:

- this stands charged with the payment to the husband, wife, civil union partner, or surviving de facto partner of the prescribed amount, plus interest (at the rate prescribed by or under section 39) on that amount from the date of the death until that amount is paid or appropriated
- anything that remains of the residue is held in trust for the husband, wife, civil union partner, or surviving de facto partner absolutely

- 2 Husband, wife, civil union partner, or surviving de facto partner, and issue

Personal chattels (as defined in section 2(1)):

the husband, wife, civil union partner, or surviving de facto partner takes these absolutely, except that any that are subject to a hire purchase agreement, are taken subject to the vendor's rights under that agreement

Residue of the estate:

- this stands charged with the payment to the husband, wife, civil union partner, or surviving de facto partner of the prescribed amount, plus interest (at the rate prescribed by or under section 39) on that amount from the date of the death until that amount is paid or appropriated
- anything that remains of the residue is held in trust as follows:
 - a third for the husband, wife, civil union partner, or surviving de facto partner absolutely; and
 - two-thirds on the statutory trusts for the issue of the intestate

- 3 Husband, wife, civil union partner, or surviving de facto partner, no issue, but one or both parents

Personal chattels (as defined in section 2(1)):

the husband, wife, civil union partner, or surviving de facto partner takes these absolutely, except that any that are subject to a hire purchase agreement, are taken subject to the vendor's rights under that agreement

Residue of the estate:

- this stands charged with the payment to the husband, wife, civil union partner, or surviving de facto partner of the prescribed amount, plus interest (at the rate prescribed by or under section 39) on that amount from the date of the death until that amount is paid or appropriated
- anything that remains of the residue is held in trust as follows:
 - two-thirds for the husband, wife, civil union partner, or surviving de facto partner absolutely; and
 - a third for the father and mother in equal shares absolutely or, if the intestate leaves only one parent, for that parent absolutely

- | | | |
|---|---|---|
| 4 | Issue but no husband, wife, civil union partner, or surviving de facto partner | All of the estate is held on the statutory trusts for the issue of the intestate |
| 5 | No husband, wife, civil union partner, or surviving de facto partner, and no issue, but one or both parents | All of the estate is held in trust in equal shares for the parents, but if the intestate leaves only one parent, for that parent |
| 6 | No husband, wife, civil union partner, or surviving de facto partner, no issue, and no parents, but 1 or more brothers or sisters (whether of full or half blood) | All of the estate is held on the statutory trusts for the 1 or more brothers or sisters |
| 7 | No one who takes an absolutely vested interest under the trusts referred to in items 1 to 6, but one or both maternal or paternal grandparents, or 1 or more maternal or paternal uncles or aunts (whether of full or half blood) | <p>All of the estate is held in trust as follows:</p> <p>as to half:</p> <ul style="list-style-type: none"> • in equal shares for the maternal grandparents, but if the intestate leaves only one such grandparent, for that grandparent; or • if the intestate leaves no maternal grandparent, then on the statutory trusts for the maternal uncles and aunts; or • if no maternal grandparent or maternal uncle or aunt takes an absolutely vested interest under those trusts, then on the trusts on which the other half of the estate must be held <p>as to the other half:</p> <ul style="list-style-type: none"> • in equal shares for the paternal grandparents, but if the intestate leaves only one such grandparent, for that grandparent; or • if the intestate leaves no paternal grandparent, then on the statutory trusts for the paternal uncles and aunts; or • if no paternal grandparent or paternal uncle or aunt takes an absolutely vested interest under those trusts, then on the trusts on which the first half of the estate must be held |
| 8 | No one who takes an absolute interest under items 1 to 7 | <p>All of the estate belongs to the Crown as <i>bona vacantia</i>, and the Crown may (without prejudice to any other powers), out of all or any part of the estate, provide for—</p> <ul style="list-style-type: none"> • dependants (whether kindred or not) of the intestate; and • other persons for whom the intestate might reasonably have been expected to make provision. |