# Landonline Checklist

# Transmission

| 1 **Evidence to obtain** – select the appropriate type of transmission | Primary contact | Conveyancing professional |
|---|---|---|
| 1.1 **Transmission to Executor or Administrator**<br>• Authority & Instruction form(s) – completed by the applicant including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| • Statutory declaration must be completed by all applicants | ☐ | ☐ |
| • Certified copy of probate (for executor) or letters of administration (for administrator) | ☐ | ☐ |
| • The date acquired is the date probate or letters of administration issued. | ☐ | ☐ |

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**Points to note:**

1. The title(s) MUST be held in sole ownership or where the deceased is the sole owner of a share as tenants in common
2. An attorney CANNOT make an application for transmission on behalf of a personal representative
3. Any differences in name from the register, death certificate etc. should be reconciled in the statutory declaration
4. A caveat will not prevent registration of this type of transmission.

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| 1.2 **Transmission by Survivorship**<br>• Authority & Instruction form(s) – completed by the applicant including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| • Statutory declaration must be completed by all applicants.<br>- The forms are available at: Land registration forms | ☐ | ☐ |
| • Certified copy of the entry in the Register of Deaths (e.g. a death certificate) | ☐ | ☐ |
| • A copy of the Enduring Power of Attorney (EPA), if applicable | ☐ | ☐ |
| • The date acquired is the date of death. | ☐ | ☐ |

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**Points to note:**

1. An attorney CANNOT make an application for Transmission by Survivorship on behalf of a survivor unless:
   a. The attorney is appointed under an EPA in relation to property, and
   b. The donor (survivor) has become mentally incapable.
2. A statutory declaration under an EPA must be declared by the attorney in their own right to the best of their ability
3. A copy of the EPA and Certificate of Non-Revocation and Non-Suspension stating that the donor has become mentally incapable WILL be required IF the A&I Form has been executed by an attorney pursuant to an EPA
4. Any differences in name from the register, death certificate etc. should be reconciled in the statutory declaration
5. A caveat will not prevent registration of this type of transmission
6. Title must be held in a joint tenancy and all remaining survivors must apply
7. If there is a caveat, or pending Caveat against the title, LINZ will check to ensure that it is not a caveat pursuant to the Succession (Homicide) Act 2007.

| | | Primary contact | Conveyancing professional |
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| 1.3 | **Transmission by Survivorship under section 72 Property Law Act 2007**<br>• Authority & Instruction form(s) – completed by the applicant including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration must be completed by all applicants<br>- The forms are available at: Land registration forms | ☐ | ☐ |
| | • Certified copy of the notice of removal from the register under the Companies Act 1993 | ☐ | ☐ |
| | • The date acquired is the date of the notice of removal. | ☐ | ☐ |

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**Points to note:**

1. An attorney CANNOT make an application for Transmission by Survivorship on behalf of a survivor unless:
   a. The attorney is appointed under an EPA, and
   b. The donor (survivor) has become mentally incapable.
2. A statutory declaration under an EPA must be declared by the attorney in their own right to the best of their ability
3. A copy of the EPA and Certificate of Non-Revocation and Non-Suspension stating that the donor has become mentally incapable WILL be required IF the A&I Form has been executed by an attorney pursuant to an EPA
4. Any differences in name from the register, death certificate etc should be reconciled in the statutory declaration
5. A caveat will not prevent registration of this type of transmission
6. Title must be held in a joint tenancy and all remaining survivors must apply.

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| 1.4 | **Transmission on Death of Surviving Joint Tenant**<br>• Authority & Instruction form(s) – completed by the applicant including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration must be completed by the applicant(s) and must include a recital about the sequence of events for both the Transmission by Survivorship and the Transmission to the Executor/Administrator | ☐ | ☐ |
| | • A certified copy of the death certificate of the joint tenant | ☐ | ☐ |
| | • A certified copy of probate (for executor) or letters of administration (for administrator) of the last surviving joint tenant | ☐ | ☐ |
| | • The date acquired for the first Transmission is the date of death of the joint tenant | ☐ | ☐ |
| | • The date acquired for the second Transmission is the date probate or letters of administration issued. | ☐ | ☐ |

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**Points to note:**

1. If the last surviving joint tenant dies before the transmission by survivorship has been prepared and registered, two transmissions are required except if the estate is a life estate or lease for life
2. The first transmission should be a Transmission by Survivorship to the last surviving joint tenant
3. The second transmission should be a Transmission by Executor/Administrator from the executor/administrator of the last surviving joint tenant
4. Any differences in name from the register, death certificate etc. should be reconciled in the statutory declaration
5. A caveat will not prevent registration of this type of transmission.

| | | Primary contact | Conveyancing professional |
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| 1.5 | **Simultaneous Deaths**<br>• Authority & Instruction form(s) – completed by the applicant (for each share) including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declarations must be completed by the applicant(s) for each deceased | ☐ | ☐ |
| | • A certified copy of probate (for executor) or letters of administration (for administrator) to EACH applicant | ☐ | ☐ |
| | • The date acquired is the date probate or letters of administration issued. | ☐ | ☐ |

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**Points to note:**

1. The title(s) MUST be held as joint tenants. Where the joint tenants have died at the same time or there is doubt as to who died first, the title devolves as if it were held by the registered owners as tenants in common
2. The transmission MUST be a Transmission by Personal Representatives to each of the joint tenants' executor/administrator
3. Any differences in name from the register, death certificate etc. should be reconciled in the statutory declaration
4. A caveat will not prevent registration of this type of transmission.

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| 1.6 | **Transmission for Determination of Life Estates and Leases for Life upon the death of life tenants and lessees**<br>• Authority & Instruction form(s) – completed by the applicant including confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration must be completed by all applicants | ☐ | ☐ |
| | • Certified copy of the entry in the Register of Deaths (e.g. a death certificate) | ☐ | ☐ |
| | • In the case of a life estate: the Application for Transmission MUST be by the owner of the remainder or reversionary interest | ☐ | ☐ |
| | • In the case of a lease for life, the Application for Transmission may be by either the lessor of the lease for life or by the personal representatives of the lessee | ☐ | ☐ |
| | • The date acquired is the date of death of the life tenant/lessee | ☐ | ☐ |

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See related guidance - Transmission on death of surviving joint tenant incl. life estates and leases for life

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| 1.7 | **Transmission to Amalgamated Company under Part 13 Companies Act 1993**<br>• Authority & Instruction form(s) – a Private Corporate A&I form from the applicant with confirmation of identity of the authorised signatory as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration from the authorised signatory on behalf of applicant | ☐ | ☐ |
| | • Certified copy of the Certificate of Amalgamation and, where necessary, Certificate of Incorporation | ☐ | ☐ |
| | • The date acquired is the date of registration of the amalgamated company shown in the Certificate of Amalgamation. | ☐ | ☐ |

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**Points to note:**

1. The Applicant MUST be the name of the amalgamated company
2. A Statutory Declaration MUST be completed by a Director of the amalgamated company or other person authorised to execute on behalf of the amalgamated company
3. A caveator's name cannot be changed by transmission. For more information, see: Transmission Following Amalgamation of Companies Guideline 2018.
4. A caveat will not prevent registration of this type of transmission.

| | | Primary contact | Conveyancing professional |
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| 1.8 | **Transmission to Official Assignee**<br>• Authority & Instruction form(s) – a Public Corporate A&I form from the applicant as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration from the Official Assignee | ☐ | ☐ |
| | • Certified copy of the Court order adjudicating the person bankrupt | ☐ | ☐ |
| | • The date acquired is the date of the Court order adjudicating the person bankrupt. | ☐ | ☐ |

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**Points to note:**

1. The Official Assignee MUST be shown in the Applicant panel
2. If the property is held by two or more registered owners as joint tenants and only one of the registered owners is adjudicated bankrupt, the transmission to the Official Assignee will break the joint tenancy and the title will then be held by the Official Assignee and the remaining registered owner(s) as tenants in common (i.e., if three registered owners the Official Assignee would hold a 1/3 share and the two remaining registered owners would hold the remaining 2/3 share jointly)
3. A caveat will not prevent registration of this type of transmission.

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| 1.9 | **Transmission under s34 Building Societies Act 1965**<br>• Authority & Instruction form(s) – a Private Corporate A&I form completed by the applicant building society with confirmation of identity as required by Authority and Identity Requirements for E-Dealing Guideline 2024 | ☐ | ☐ |
| | • Statutory declaration must be completed by an authorised representative of the applicant building society | ☐ | ☐ |
| | • Certified copy of the certificate of notice of the union or transfer | ☐ | ☐ |
| | • The date acquired is the date of registration by Registrar of Building Societies of the notice of union or transfer. | ☐ | ☐ |

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**Points to note:**

1. Used when estates or interests in land have vested in a building society by s34 of the Building Societies Act 1965.

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| 1.10 | **Transmission under Grand, District or Provincial Lodges**<br>• Authority & Instruction form(s) – completed for all applicants and signed by the majority of the trustees (including confirmation of identity of applicants as required by Authority and Identity Requirements for E-Dealing Guideline 2024). | ☐ | ☐ |
| | • Statutory declaration must be completed by one of the applicant trustees | ☐ | ☐ |
| | • Certified copy of the Register of Trustees or a certificate under the relevant Act | ☐ | ☐ |
| | • The date acquired is the date of appointment of new trustees. | ☐ | ☐ |

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See related guidance - Vesting under 'Grand Lodge' statutes

| 2 | Landonline workspace | Primary contact | Conveyancing professional |
|---|---|---|---|
| 2.1 | Confirm the **Record(s) of Title** against the documentation and search records. | ☐ | ☐ |
| 2.2 | Ensure the applicant name is correctly recorded in Landonline.<br>• For transmission by survivorship, the applicant is the survivor<br>• For transmission to executor/administrator, the applicant is the executor or administrator as relevant | ☐ | ☐ |
| 2.3 | Ensure the applicant name matches the applicant's name on the A&I form and on their photo ID, where relevant. | ☐ | ☐ |
| 2.4 | Use 'Display Resulting Ownership' button to confirm you have the correct applicant. | ☐ | ☐ |
| 2.5 | Pre-validate the instrument. | ☐ | ☐ |

For customer support: **0800 665 463** or email customersupport@linz.govt.nz



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