

## Scope

The Deceased Claim process document describes the process that will be followed by the Bank for Release of Movable / Immovable Property Documents to the claimant/legal heirs/nominee/ survivor) upon receipt of information of death of an property owner / co-owner.

### **I. Process to be followed upon death of property owner/ co-owner.**

- A.** In case of death of property owner/co-owner, the following documents have to be obtained:
  - 1. The letter from the legal heirs of the property owner / co-owner informing the Bank about the death of the property owner / co-owner along with a certified copy of the death certificate.
  - 2. KYC proof and relationship proof from the legal heirs of the deceased property owner / co-owner, in order to establish relationship with the deceased.
  - 3. Succession Certificate / Letter of Administration / Probated Will of the deceased property owner/co-owner.
  - 4. In absence of the documents mentioned in point (3) above, the Bank can rely on the Legal heirship certificate issued by the competent/local authority, along with an Affidavit duly executed by all the legal heirs whose names are mentioned in the Legal heirship certificate. The Affidavit to be obtained in the prescribed format and to be stamped in accordance with the stamp duty tracker for the state of execution.
- B.** If the property is devolved to more than one person, then the title deeds have to be released to all the persons/legal heirs as mentioned in the Succession Certificate / Letter of Administration / Probated Will / Legal heirship certificate, as the case may be, jointly.
- C.** In case the property is jointly owned by two persons and one of the co-owner expires, then the title deeds to be handed over to the surviving co-owner and the legal heirs of the deceased co-owner ascertained after obtaining the documents mentioned in point (A) above.
- D.** If an insurance policy is taken for insuring the mortgaged property and assigned loss payee to the Bank, then the Bank to lodge a claim with the insurance company along with the nominee as mentioned in the insurance policy.
- E.** In any case, branch to ensure that appropriate claim settlement forms and necessary documents required for settlement of insurance claim are submitted to the Insurance Company within the stipulated time.
- F.** Insurance company checks the case and settles the amount to the extent of loan outstanding. Amount of insurance proceeds in excess of the loan account, if any will be transferred to nominee directly by the insurance company.
- G.** Once the loan account is closed the property documents will be handed over to the legal heirs of the property owner / co-owner.

## II. Process to be followed in case Property owner/s is/are unable to visit the branch in person for collecting the property documents

- i) In case the Property owner/co-owner/Legal heir(s) are available in India but unable to attend the branch office personally:
  - a) Property owner/co-owner/Legal heir(s) may appoint an attorney by executing a Specific Power of Attorney in the prescribed format (**POA**) to collect the original title deeds of the mortgaged property on their behalf from the Bank;
  - b) The POA to be stamped in accordance with the stamp duty tracker for the state of execution and to be notarized power by the Notary as “Before me” by giving the registered number.
  - c) Only the appropriately stamped and notarized POA can be relied upon for release of property documents.
  
- ii) In case the Property owner/co-owner/Legal heir(s) are not present in India:
  - a) Property owner/co-owner/Legal heir(s) may appoint an attorney by executing Specific Power of Attorney in the prescribed format (**POA**).
  - b) Since the POA is getting executed overseas/outside India, the same to be executed by the donor before an official of the Indian Embassy of the country where such power of attorney is being executed. The Indian Embassy affixes their stamp and issues an apostille certificate in this regard.
  - c) On receipt of the said POA in India, the same will have to be appropriately adjudicated and stamped in accordance with the stamp duty tracker as per the applicable state Stamp Act, within the three (3) months from date of its first receipt in India.
  - d) Only the adjudicated and appropriately stamped POA can be relied upon for release of property documents.

### A. Dispute between Co-Owners.

This scenario will have to be reviewed on case to case basis.

Any other deceased claim scenario which is not listed above to be referred to legal team for their guidance on case to case basis.

### Deceased claim handling in LAS cases

- Death Intimation to the Bank: Letter from the surviving or legal heirs of deceased Security Provider informing the bank about the death of the applicant/co-applicant or Security Provider.
- Upon receipt of death intimation, branch/sales/contact center/nodal officer /respective Dept to send mail to the CPU team attaching the letter received intimating the death with the concerned loan account no.

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- CPU to debit freeze the concerned loan account upon intimation of death of either applicant or co-applicant.
- Loan account Settlement and Closure: Branch /Sales / Customer to submit following documents for account settlement and closure:
  - Certified copy of the death certificate of the deceased applicant / co-applicant
  - Legal heir certificate issued by the competent/local authority to identify the legal heirs of the deceased. In order to establish relationship with the deceased property owner, KYC proof and relationship proof (Succession certificate) from the legal heirs to be collected.
  - Account closure letter duly signed by legal heirs of the deceased or surviving account holder (applicant or co-applicant), in the standard format by way of selling securities pledged in the account to settle the outstanding balance/dues. Securities sell off is not required where there is no outstanding loan amount in the account or loan outstanding is paid by the legal heirs/surviving applicant/co-applicant.
- Within 7 days post loan account settlement & closure, CPU to release the pledge on the securities after ensuring that required documents are in order

Transaction related items at account level or for any other issue/matter relating to death of the account holder/s, CPU to follow the existing process as per the below given circular revised from time to time.