



# Declaration of Deceased Estate

**When blank, this form is classed as OFFICIAL, when completed, this form is classed as OFFICIAL SENSITIVE**

Your personal driver's licence information, photograph, and vehicle licence information may be used, or disclosed to a third party, where authorised under 'road law' (as defined in the *Road Traffic (Administration) Act 2008*), or Commonwealth law or in compliance with a Court Order issued within Australia. Your personal details may also be disclosed to other driver licensing authorities to assess your declaration or verify any information you have provided.

## DECLARATION

GIVEN NAME/S OF DECLARANT

I,

SURNAME OF DECLARANT

ADDRESS

SUBURB

STATE

POST CODE

OCCUPATION

**sincerely declare as follows:**

I have been appointed the Executor

Probate reference number

I have been appointed the Administrator

Administration reference number

I am neither the Executor nor the Administrator

**of the estate of:**

NAME OF DECEASED

**and request that the vehicle described below**

MAKE

YEAR OF MANUFACTURE

MODEL

BODY TYPE

PLATE NUMBER

DUTIABLE VALUE

\$

PURCHASE PRICE (non-beneficiary)

\$

**be transferred to:**

FULL NAME

RESIDENTIAL ADDRESS

SUBURB

STATE

W A

POST CODE

WA DRIVER'S LICENCE NUMBER

## DECLARATION (CONTINUED)

**I declare the transferee:**

is a beneficiary of the deceased person's Will in respect of the vehicle;

is an entitled person under the *Administration Act 1903* (see overleaf for more information) where the deceased person does not have a Will, or has a Will that does not include the vehicle; or

is neither of the above.

**Note: Transfer fee and vehicle licence duty are payable. See overleaf for more information.**

**I declare that:**

- The information on this form is true and correct.
- I understand that under the provisions of the *Road Traffic (Administration) Act 2008*, it is an offence to provide false or misleading information.

DATE  /  /

DECLARED AT

SIGNATURE OF DECLARANT

## IMPORTANT INFORMATION

You may be required to apply to the Supreme Court to obtain a grant of Probate, Letters of Administration, or Letters of Administration (with the Will annexed). When granted, the reference number must be provided on this form prior to the transfer of a vehicle licence.

Where necessary you should seek legal advice about your individual situation.

### PROBATE

A grant of probate is an order, by the Supreme Court of WA, that gives an executor named in a Will the authority to administer the estate of a deceased person according to the terms of their Will.

### LETTERS OF ADMINISTRATION

If a person dies without leaving a valid Will, they are 'intestate'. In these cases, the Supreme Court of WA may grant Letters of Administration to an appropriate person(s), usually an entitled person of the deceased estate. The person(s) granted Letters of Administration becomes the 'administrator' of the deceased estate.

### LETTERS OF ADMINISTRATION (WITH THE WILL ANNEXED)

When a deceased person leaves a valid Will that:

- does not appoint an executor(s); or
- appoints an executor(s), but they are not willing or competent to take Probate, or they reside outside of WA

The Supreme Court of WA may grant Letters of Administration (with the Will annexed) to an appropriate person(s), usually a beneficiary named in the Will. The person(s) granted Letters of Administration (with the Will annexed) becomes the 'administrator' of the deceased estate.

### ENTITLED PERSON

For the purposes of this form, an 'entitled person' is a person entitled to the distribution of all or any property of a deceased estate where the deceased person is intestate. As defined by the *Administration Act 1903* an entitled person can include a:

- husband;
- wife;
- de facto partner (if no husband or wife) if they lived with the deceased person for at least two years immediately before their death;
- child;
- grandchild;
- parent;
- grandparent;
- brother;
- sister;
- child of a deceased brother or sister;
- uncle;
- aunt;
- child of a deceased uncle or aunt.

If a person dies intestate and leaves none of the above entitled persons, the whole of the deceased estate passes to the Crown.

### PAYMENT OF VEHICLE TRANSFER FEE AND VEHICLE LICENCE DUTY

A transfer fee is payable on all transactions when a vehicle is transferred from a deceased person to a new owner. A nominal amount of vehicle licence duty is payable when a vehicle is transferred to a beneficiary nominated in a Will or, where there is no valid Will, a person entitled to that vehicle under the *Administration Act 1903*. Full vehicle licence duty is payable in most other cases.

### DUTIABLE VALUE

The term "dutable value" is defined by the *Duties Act 2008*. The following interpretation is provided as a guide only.

### CERTAIN NEW VEHICLES

For new vehicles of a class prescribed in the *Duties Regulations 2008* with a price fixed by the manufacturer, importer or principal distributor as the retail selling price in WA of that make and model, the dutiable value will be:

- the price fixed and;
- for each optional feature in or of the vehicle - the additional amount fixed by the manufacturer, importer or principle distributor for the retail sale in WA of the optional feature. The price of other features or accessories that are not optional as defined (including, but not limited to, window tinting, DVD player, sound system speakers, mag wheels, paint, fabric and rust protection and rear spoilers) should not be added.

### CERTAIN OTHER VEHICLES

For other vehicles of a class not prescribed in the *Duties Regulations 2008* the dutiable value will be the amount for which the vehicle might reasonably be sold, free of encumbrances, in the open market.

**NOTE:** Vehicles which are transferred for no monetary gain need to have an amount declared for which the vehicle might reasonably be sold, free of encumbrances in the open market (i.e. its dutiable value).

**WARNING:** The *Duties Act 2008* requires the seller of a motor vehicle to make a declaration as to the purchase price and estimated dutiable value of the vehicle. Failure to comply with the requirement is an offence, for which a maximum penalty of \$20,000 is payable.

A seller who understates the purchase price or dutiable value of a vehicle also commits an offence for providing false and misleading information and is liable to a penalty. The seller would also be joint and severally liable with the purchaser for payment of the amount of any shortfall of duty to the extent of the amount understated, together with penalty tax of up to 100% of that duty.