

# Lost Certificate Replacements and Estate Transfers

## OVERVIEW

TSX Trust processes on average 35-40 requests related to an estate from a Brookfield shareholder on a monthly basis. Processing time is within 6-10 business days.

However, more time is required when documentation is insufficient.

The main requirements to replace a share certificate and/or transfer of securities from a deceased holder are as follows:

- A. Replacement of share certificates that have been reported lost, destroyed or stolen will be processed under a master lost instrument bond between TSX Trust and a surety company or a third party surety bond acceptable to TSX Trust.

**Note:** in the case of lost or misplaced DRS statements, TSX Trust will replace without the requirement of a surety bond.

- B. The transfer of shares registered in the name of a decedent will be under a master lost instrument bond and/or waiver of probate bond between TSX Trust and a surety company or third party surety bond acceptable to TSX Trust.

In the case of transmission of shares of a decedent where no administration is contemplated, TSX Trust will replace upon receipt of an indemnity agreement satisfactory to TSX Trust.

# LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

## LIST OF DOCUMENTS – ONTARIO

	LOST CERTIFICATES	TRANSFER WITH PROBATE	TRANSFER WITHOUT PROBATE
Share Certificate		●	●
Affidavit of Loss	●		
Surety Bond <sup>1</sup>	●		
Certificate of Appointment of Estate Trustee with a Will/without a Will (or other Proof of Appointment)		●	
Declaration of Transmission		●	●
Security Transfer Form		●	●
Signature Guarantee or Endorsement Guarantee stamp		●	●
Waiver of Probate Bond & Agreement of Indemnity <sup>1</sup>			●
Notarial certified copy, Certified True Court copy or Medallion copy of Death Certificate			●
Notarial certified copy, Certified True Court copy or Medallion copy of the Last Will and Testament		Only required if Probate does not specify Estate Trustee	
Representative letter from the estate			●
Processing Fee			●

<sup>1</sup> Currently the fee for the bond represents 3.5% of the market value of the shares represented, with a minimum fee of \$30. This payment secures an indemnity bond, which allows TSX TRUST and the Issuing Company to issue a replacement or transfer shares without Probate. For shares with a value in excess of \$250,000 CAD, or where TSX TRUST does not have an arrangement with the Client for this coverage, it is the responsibility of the shareholder or its representative(s) to obtain an open penalty bond.

# LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

## LIST OF DOCUMENTS – QUEBEC (where deceased resided)

	LOST CERTIFICATES	TRANSFER WITH PROBATE	TRANSFER WITHOUT PROBATE*
Share Certificate		●	
Affidavit of Loss	●		
Surety Bond <sup>2</sup>	●		
Certificate of Appointment of Estate Trustee with a Will/without a Will (or other Proof of Appointment)		●	
Declaration of Transmission		●	
Security Transfer Form		●	
Signature Guarantee or Endorsement Guarantee stamp		●	Please consult TSX Trust
Waiver of Probate Bond & Agreement of Indemnity <sup>2</sup>			
Notarial certified copy, Certified True Court copy or Medallion copy of Death Certificate			
Notarial certified copy, Certified True Court copy or Medallion copy of the Last Will and Testament			
Representative letter from the estate			
Processing Fee			
Certificat de Recherche		●	

<sup>2</sup> Currently the fee for the bond represents 3.5% of the market value of the shares represented, with a minimum fee of \$30. This payment secures an indemnity bond, which allows TSX TRUST and the Issuing Company to issue a replacement or transfer shares without Probate. For shares with a value in excess of \$250,000 CAD, or where TSX TRUST does not have an arrangement with the Client for this coverage, it is the responsibility of the shareholder or its representative(s) to obtain an open penalty bond.

\* To be established once considered if the Executor can obtain a Declaration of Heirship or obtain Court Probate\*\*

\*\* Subject to review under individual probate circumstances.

# LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

## LIST OF DOCUMENTS – US / INTERNATIONAL

	LOST CERTIFICATES	TRANSFER WITH PROBATE	TRANSFER WITHOUT PROBATE
Share Certificate		●	●
Affidavit of Loss	●		
Surety Bond <sup>3</sup>	●		
Certificate of Appointment of Estate Trustee with a Will/without a Will (or other Proof of Appointment)		●	
Declaration of Transmission		●	●
Security Transfer Form		●	●
Signature Guarantee or Endorsement Guarantee stamp		●	●
Waiver of Probate Bond & Agreement of Indemnity <sup>3</sup>			●
Notarial certified copy, Certified True Court copy or Medallion copy of Death Certificate			●
Notarial certified copy, Certified True Court copy or Medallion copy of the Last Will and Testament			●
Representative letter from the estate			●
Processing Fee			●

<sup>3</sup> Currently the fee for the bond represents 3.5% of the market value of the shares represented, with a minimum fee of \$30. This payment secures an indemnity bond, which allows TSX TRUST and the Issuing Company to issue a replacement or transfer shares without Probate. For shares with a value in excess of \$250,000 CAD, or where TSX TRUST does not have an arrangement with the Client for this coverage, it is the responsibility of the shareholder or its representative(s) to obtain an open penalty bond.

# LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

## DESCRIPTION OF DOCUMENTS

**NOTE:** All certifications of documents must be dated within 1 year of presentation. All legal documents should be original. Copies will be accepted if they are certified to be authentic by one of the following:

- A. Notary Public
- B. Medallion Imprint by a participant of the Medallion Program (Examples: a domestic bank or trust company, broker-dealer, clearing agency, savings association, or other financial institution.)
- C. Schedule 1 Canadian Chartered Bank

### 1. CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE WITH A WILL / WITHOUT A WILL OR OTHER PROOF OF APPOINTMENT.

If a Certificate of Appointment is not available, Letters of Probate, Letters Testamentary or Letters of Administration will also be accepted.

The document must be the original or a copy, which has been certified to be authentic by:

- Notary Public
- Schedule 1 Canadian Chartered Bank
- Medallion Stamp by a participant of the Medallion Program

Photocopies are not acceptable. If probate has not been obtained, kindly advise our offices for alternate transfer requirements.

### 2. DECLARATION OF TRANSMISSION

This form is used to set out certain facts relating to the estate. All sections are to be completed by the executor(s) or other personal representatives (in common law jurisdictions, a personal representative or legal personal representative is a person appointed by a court to administer the estate of another person.)

**NOTE:** Any number of certificate(s) can be listed on the same Declaration of Transmission Form if they are of the same company and class. Where different companies or classes are involved, a separate Declaration of Transmission Form **must be provided for each**.

All sections of the Declaration of Transmission must be completed by the executor(s) or other personal representative(s). It must be signed before either a Notary Public or Commissioner for Oaths and bear their stamp or seal.

*If the Notary or Commissioner does not have a stamp or seal, they must provide proof of their appointment.*

**NOTE:** If there is no Last Will & Testament, all surviving heirs at law or next of kin entitled to share in the estate must be listed and sign the Declaration of Transmission.

# LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

## 3. SECURITY TRANSFER FORM

For transfers of shares previously owned by a deceased holder, the Security Transfer Form is only required if the securities are being transferred beyond the estate.

If the securities are to be transferred to the estate, they will be registered in the name of the estate trustee:

**Example:** John Doe, Estate Trustee for the Estate of Jane Doe

The Security Transfer Form is not required if you send us a Letter of Direction requesting that the shares be transferred to the name of the estate in the executor's capacity as indicated above.

**NOTE:** If there is no Last Will & Testament, all surviving heirs at law or next of kin entitled to share in the estate must be listed and sign the Security Transfer Form.

## 4. SIGNATURE GUARANTEES

The signature guarantee must be that of a Canadian Schedule 1 Chartered Bank, namely Royal Bank of Canada, Toronto-Dominion Bank or ScotiaBank, or a Medallion Signature Guarantee from a member of the Medallion Program. The authorized officer of the bank providing the signature guarantee must clearly print their name and their location in the signing authority book (i.e. page or signing authority number). *The stamp itself must clearly read either Signature Guaranteed or Endorsement Guaranteed.*

**All other forms of signature guarantees are not acceptable and will result in the transfer being rejected.**

**NOTE:** The same Securities Transfer Form may cover any number of certificates provided they are of the same company and class. Where different companies or classes are being submitted, separate Securities Transfer Forms must be provided for each.

Additional documentation may be required for trusts, corporations, partnerships, etc. For more details, please contact TSX Trust.

## 5. WAIVER OF PROBATE AND AGREEMENT OF INDEMNITY

This form is used to apply for the Waiver of Probate Bond with the surety bonding company (currently Travelers Insurance Company of Canada). If the shares are not listed in the Will, all residual beneficiaries entitled to a share in the estate must be listed and all must sign the form before either a Notary Public or Commissioner for Oaths. The executor is not required to sign in their capacity as executor unless they are entitled to a share in the estate.

**NOTE:** If there is no Last Will & Testament, all surviving heirs at law or next of kin entitled to share in the estate must be listed and sign the Waiver of Probate and Agreement of Indemnity form.

## 6. DEATH CERTIFICATE &/OR LAST WILL AND TESTAMENT

A last will and testament is a legal document that outlines a person's final wishes regarding the distribution of their assets and property after death and may also address other matters, such as the guardianship of minor children.

## LOST CERTIFICATE REPLACEMENTS AND ESTATE TRANSFERS

A death certificate contains the details of a person's death. For more information on how you can order a copy of a death certificate, or multiple copies, in Ontario, see here:

<https://www.ontario.ca/page/how-get-copy-ontario-death-certificate-online>

For Quebec: <http://www.etatcivil.gouv.qc.ca/en/certificate-copy/certificate-copy.html>

### 7. REPRESENTATIVE LETTER FROM THE ESTATE

For non-probated estates, a letter from the executor(s) or other personal representative(s) of the estate is required to be provided, stating the reason(s) for not probating the Will.

The letter should include:

- A description of the individual's authority to act on behalf of the estate (e.g. whether as an executor appointed under the Will, as a beneficiary or an heir, or under any other capacity);
- A request that the shares be transferred or re-registered and in what name (with contact information including the address where future correspondence should be sent); and
- The reasons for not probating the Will or seeking a Letter of Administration or other certificate of appointment from the Court.

## SHAREHOLDER CONCERNS

In most cases, the replacement of lost certificates and estate transfers are processed without concern. However, the top reasons for further shareholder engagement are:

- Incomplete forms
- Obtaining Signature guarantees and/or Medallion signature guarantees
- Fees – cost for surety bond and/or to certify documentation

## FOR MORE INFORMATION

Our team leads in the estate processing area and call centre are here to help the estate with the documentation.

- Canada and United States (English & French): 1 (877) 715-0498
- Outside North America: 1 (416) 682-3860