



## **PROCEDURE IN EVENT OF DEMISE OF THE SOLE BORROWER OR JOINT BORROWERS AND HANDOVER OF ORIGINAL PROPERTY DOCUMENTS TO THE LEGAL HEIRS**

### **Introduction**

MS Fincap Private Limited (herein referred to as “MSFC”) is a Non-Banking Finance Company regulated by Reserve Bank of India (RBI) primarily engaged in the business of lending. This document has defined Procedure for return of original property documents to the legal heirs in event of demise of the sole borrower or joint borrowers (herein referred to as “deceased Borrower”) of MSFC. This procedure is based on RBI Circular No. RBI/2023-24/60 DoR.MCS.REC.38/01.01.001/2023-24 dated September 13, 2023 on Responsible Lending Conduct – Release of Movable / Immovable Property Documents on Repayment/ Settlement of Personal Loans. This document provided simplified Procedure for enabling speedy and hassle free return of original property documents to the legal heirs in event of demise of the sole borrower or joint borrowers.

### **Applicability**

This procedure shall be followed only in below conditions:

- A. Demise of Sole Borrower in loan account, or
- B. Demise of all Borrower/Co-Borrower in loan account

This procedure shall be followed only after full repayment/settlement of outstanding loan(s) provided by MSFC to deceased Borrower. The person repaying/settle the loan provided by MSFC, shall not made entitled to receive the original property documents. MSFC shall delivered original property papers to legal heirs of such deceased Borrower.

Delivery of original property papers to legal heirs shall be done as per procedure defined below only after closure of loan i.e. full repayment of outstanding amount(s).

### **Procedure for delivery of original property document**

1. To ensure against wrongful delivery of original property document, MSFC shall deliver original property document on production of Legal Representation.
2. For the purpose of this document, Legal Representation shall include **any of below documents** which empowered legal heir/s to collect the original property document kept with MSFC:

#### **A. Court order such as Probated Will:**

Copy of the will certified under the seal of the Court of competent jurisdiction confirming that the will has been duly executed and has the force to be acted upon. It is the legal process/court order administering the estate of a deceased borrower by resolving all claims and distributing the deceased borrower’s property under a valid will. MSFC shall act as per the probate/court order, upon submission of such copy.



## **B. Letter of Administration:**

Where deceased Borrower->

- i. Died interstate (not leaving behind any will); or
- ii. When a borrower dies leaving a will without appointing an Executor; or
- iii. When an Executor appointed by a will is legally incapable or refused to act or himself died;

In that case, an administrator can be appointed by a Competent Court as distinguished from an executor who can be appointed by a person by his will or codicil.

## **C. Succession Certificate:**

Certificate/order issued by a Court of competent jurisdiction declaring the name(s) of legal heir(s) of a deceased borrower and percentage of their share in the property of the deceased. A succession certificate is a document which empowered a person(s) as legal heir(s) and give authority to collect the original property document due to death of borrower(s).

3. Along with above mentioned Legal Representation, following documents have to be obtained from the legal heirs, when a claim for collection of original property document made by them:
  - i. Copy of Death Certificate and Original Death Certificate Issued by competent authority for verification along with Application;
  - ii. Photograph and self-certified copy of KYC document of legal heir(s);
  - iii. Duly executed Power of Attorney (PoA) by all such legal heir(s) who are not coming, in favour of legal heir(s) coming for handover of property/security documents;
  - iv. Indemnity Bond in favour of MSFC executed by the legal heir(s).
4. In case of any dispute among the Legal heirs, any claim made by legal heir/ heirs, any notice received objecting release the original property documents, then the documents will be handed over only after clear court order or all the legal heirs have jointly decided among themselves with respect to the original property document custody and such understanding is signed by all legal heirs.
5. MSFC shall reserves the right in sole discretion and without liability to take final decision on delivery of property documents.
6. The laws, rules of the respective states / jurisdiction will be applicable in case of any dispute.