

Operational Guidelines for release and handover of original property documents of borrower in the event of a single/joint borrower's demise:

As per the RBI circular dated September 13, 2023 with reference to Ref.No.RBI/2023-24/60 DoR. MCS.REC. 38/01.01.001/2023-24 on Responsible Lending Conduct - Release of Movable/Immovable Property Documents on Repayment/Settlement of Personal Loans, the procedure for handover of original property documents in case of demise of the sole borrower or joint borrower is defined below.

Applicant/co-applicant demise

In case of contingent event of demise of sole owner(applicant) or both joint owners (applicant & co-applicant) of the property, the following procedure shall be adhered to

Demise of applicant or co-applicant below process need to be adhere

- i. In case the deceased borrower(applicant or co-applicant) is sole owner property or joint owner along with other Co-owner (co-applicant or applicant), then the co-owners in deal are entitled to take delivery of original property documents along with the legal heir(s) of the deceased. S/he should produce original KYC documents and provide photo copy of the same to the branch. The branch team will collect the photocopy of KYC of co-owner and legal heir(s) and signature on customer acknowledge form before handover of property documents
- i. Death certificate of the deceased owner of the property must be collected
- ii. The legal heirship certificate or the succession certificate (issued by the competent civil court) or the family membership certificate issued by the competent/Tahsildar and identity proof which proves the relation with the owner/s must be collected

Demise of applicant and co-applicant below process need to be adhere

- i. Death certificate of the deceased owner of the property must be collected
- ii. The legal heirship certificate or the succession certificate (issued by the competent civil court) or the family membership certificate issued by the competent/Tahsildar and identity proof which proves the relation with the owner/s must be collected
- iii. The legal heirship certificate/ family membership certificate to contain all the names of the legal heirs of the deceased along with the relationship and shall be eligible legal heirs for succession as per the respective personal law/ succession laws
- iv. Post loan repayment / settlement & closure, all legal heirs shall be physically present for release of document. After complying all other procedures, original property documents will be handed over to legal heir/s under due acknowledgement
- v. If all legal heirs cannot visit the branch, then the legal heirs who are unable to come should give Letter of Authority/consent letter (Refer to Annexure -1) along with self-

attested KYC photocopy(mandatory PANCARD as proof of identity) in favour of legal heir(s) visiting the retail asset ISFL branch to collect the original property documents.

- vi. If any legal heir(s) is a minor, the individual collecting the original property documents on the behalf of the minor is required to provide an affidavit (Refer Annexure -2) and court appointed legal guardianship certificate. In absences of natural guardian the minor should not sign on any loan related documents. The affidavit is required to be notarised and adequately stamped as per the prescribed state stamp laws.
- vii.** In case of any dispute among the legal heirs, any claim made by legal heir/heirs, any notice received objecting release the original documents, then the documents will be handed over only after clear court order or all the legal hires have jointly decided among themselves with respect to the property document custody and such understanding is signed by all legal heirs in acknowledgement form (refer to Annexure 3) and delivered to our branch during document handover.
- viii.** Legal heirs, co-owners(co-applicants) visiting branch for collecting original property documents should produce original KYC documents and provide self-attested photo copy of the same to the branch. They shall have to sign a customer acknowledgement form at the branch while receiving the original documents

Note: Customer having more than one secured loan has to close all the secured loans with ISFL to raise the property documents release request.

Annexure 1: Letter of Authority/Consent Letter

Date :

From,
CUST_NAME
CUST_ID
ADDRESS_L1
ADDRESS_L2
CITY- ZIP_CODE
STATE

To,
The Branch Manager (IIFL Samasta Finance Limited),

.....(Branch Name)

SUBJECT : Letter of authority/Consent letter for account ID:

I/we writing this letter to inform you that Sri/Smt..... passed away on leaving behind him/her as his/her heir/s the under mentioned person/s.

I/We, the undersigned, who is/are legal heir/s of Late Sri/Smt..... do hereby authorize Sri/Smt..... (relation.....) of residing at who is also one of the legal heir/s of the said deceased, to receive the documents mortgaged by which is to be returned to me/us as legal heir/s of late Sri/Smt as detailed below.

List of Legal Heir/s

Name:

Age:

Relation of deceased:

Particulars of Account:

S.No	Borrower/co-borrower Name	Loan Account Number	Loan Account close date	Mortagage asset Particulars

The original property documents under the above account forms part of the assets of the deceased. I/We am/are entitled to a share in his/her assets. I/We hereby declare that I/We have no objection to hand over the original property documents mortgaged with IIFL Samasta Finance Limited by the deceased to Sri/Smt.....

I/We further state that the acknowledgement given by the said Sri/Smt in respect of the said mortgaged documents shall be effective as if the same is given by me/us and binding on me/us.

Handing over of the original property documents by IIFL Samasta Finance Limited shall be fully and completely binding on me/us and shall discharge the IIFL Samasta Finance Limited from any claim whatsoever from me/us and my/our legal heir/s, successors in-title, assigns, administrators, executors or any other person claiming through me/us or in trust for me/us.

Yours faithfully,

Signature

Name:

Witnesses:

1. Signature

Name

Occupation

Address

Annexure 2: Affidavit Cum Indemnity

(To be duly stamped as per the Stamp Act applicable to the State)

To
The Branch Manager
IIFL Samasta Finance Limited
_____ Branch

1. I/We,

i. Mr./Miss./Mrs. _____ S/o//W/o//D/o//H/o Late _____

Aged _____ years, residing at _____

ii. Mr./Miss./Mrs. _____ S/o//W/o//D/o//H/o Late _____

Aged _____ years, residing at _____

iii. Mr./Miss./Mrs. _____ S/o//W/o//D/o//H/o Late _____

Aged _____ years, residing at _____

iv. Mr./Miss./Mrs. _____ S/o//W/o//D/o//H/o Late _____

Aged _____ years, residing at _____

v. Mr./Miss./Mrs. _____ S/o//W/o//D/o//H/o Late _____

Aged _____ years, residing at _____ as
natural guardian and F/o/M/o _____ for and on behalf of the benefit of
the minor do solemnly affirm and state as follows.

2. I/We affirm herewith that I/we are the only legal heirs of the deceased Sri./Smt.
_____ We further state that _____ had on _____
mortgaged his/her property situated at _____ (Property) as
a security to secure the loan of Rs. _____ (Loan) sanctioned by you to
_____.

3. We advise the demise of Shri/Smt. _____ on
_____ (Death certificate is enclosed to this letter/indemnity).

4. We being the only legal heirs of the deceased wish to repay/have repaid the said loan
as per the loan agreement. Hence, we request you to release your charge on the said
Property on payment of dues/since the dues have been paid in full and release the title
deeds to us,
considering we being the only legal heirs of Late _____.

5. We state that _____ had not executed any 'Will' in favour of any
person.

6. We further state and confirm that we _____,
_____, _____ are the only legal heirs of the Late
_____. The minor legal heir is represented by the natural
guardian as sworn above and its affirmed that the proceeds will be used for the benefit
of the minor only.

7. We hereby solemnly affirm that the above statements are true and correct to the best
of my/our knowledge and belief.

IN CONSIDERATION of your handing over to us the original title deeds of the said
Property of the deceased mortgagor after payment of the entire dues/since the dues
have been paid in full, we:

- 1) _____
- 2) _____
- 3) _____
- 4) _____

hereby jointly and severally UNDERTAKE AND AGREE to indemnify IIFL Samasta Finance Limited, it's directors, it's employees it' successors and assigns against all claims, demands, proceedings, losses, damages, charges and expenses (including attorneys fees and expenses of litigation, if any) of whatsoever nature which may be raised against or incurred by you by reasons or in consequence of your having agreed to hand over the said title deeds to us.

SIGNED AND DELIVERED

By the above named on this _____ Day of _____ two thousand _____.

SIGNED AND DELIVERED by the above named ----- sign of all the legal heirs

1. _____ 2. _____ 3. _____

4. _____ 5. _____ 6. _____

(Deponents/heirs /claimants of the deceased)

In consideration of the loan, we the undersigned _____
[Name(s)]

_____ jointly and severally guarantee to you, IIFL Samasta Finance Ltd., the receipt of the original title deeds under the aforesaid indemnity by the executants thereof.

Signature _____

Name _____

Occupation _____

Address _____

Signature _____

Name _____

Occupation _____

Address _____

In the above captioned box the legal heir who have received the original title deeds will sign and it will be treated as SURETY.

Sl. No.

Name of legal heirs

Signature of legal heirs

1

2

3

4

5

ATTESSTED BY NOTARY PUBLIC

SEAL AND SIGNATURE

Annexure 3: Acknowledgement Form

Date :

To,
IIFL Samasta Finance Limited
House No. 110/3,
1st Floor, Lalbagh Main Road,
Krishnappa Layout
Bangalore-560076

From,
CUST_NAME
CUST_ID
ADDRESS_L1
ADDRESS_L2
CITY- ZIP_CODE
STATE

SUBJECT : Acknowledgement for property documents received for account ID:

I/we hereby acknowledge that I/we have received the property documents as listed below on date..... at (Branch Name). I further agree that no other property documents delivery is pending from IIFL Samasta Finance Limited.

The list of property documents are as given below:

SL NO	List Of Documents	Document Serial No.	Original / Copy
1			
2			
3			
4			
5			
6			
7			
8			
9			

	Name	Signature
Applicant		
Co-Applicant # 1		

Date:

Place:

Original seen and Verified (after checking original KYC of Applicant & Co-Applicant's) by Branch Staff

Branch Staff Name: _____

Emp ID: _____

Signature: _____