



REPLACING A LOST LAND TITLE

A guide to
preparing the documents

Preparing an **Application for a Replacement Land Title**

This step-by-step guide is designed to show you how to prepare and lodge an application for a new duplicate Certificate of Title for one that has been lost, destroyed or stolen.

If you are completing the forms yourself, we advise you to exercise great care as the documents involved are legally binding. A competent professional, such as a solicitor or settlement agent, should prepare any complex land transaction documents.

Duplicate Certificates of Title are not easily replaced. The strength of your application will decide whether a replacement will be granted or not.

What you should know about Certificates of Title

Certificates of Title, otherwise known as Title Deeds, are issued by Landgate with **one original and one duplicate copy**. The original is always kept at Landgate. The duplicate copy is normally held by the registered proprietor (owner) or by a lending institution as security for a loan.

The important difference between these two Title Deeds is that the duplicate Certificate of Title **does not include all encumbrances** such as caveats and property (seizure and sale) orders. They are, however, **always listed on the original Certificate of Title** that is kept at Landgate.

All encumbrances need to be included in most documents pertaining to land transactions. For this reason we strongly recommend that you gain a copy of the original Certificate of Title from Landgate when completing land transfer or application forms. We commonly refer to this as a 'Title Search'.

The replacement process

When the Commissioner of Titles is satisfied that the duplicate Certificate of Title has been lost, destroyed or stolen, then notice of intention to issue a new duplicate may be published in the **Public Notices** section of **The West Australian** or in a local newspaper pertaining to the land in question. By law, the minimum period of advertising is fourteen days.

After that time, a new edition of the duplicate Certificate of Title is created. The duplicate Certificate of Title is usually made available the first day after the end of the advertising period.

If a lost duplicate Certificate of Title is found after a replacement has been issued it should be returned to Landgate for cancellation. No fees or penalties will be charged.

SOME HELPFUL DEFINITIONS

Administrator:

A person appointed by the Supreme Court to collect and distribute a deceased person's estate when he died intestate or did not appoint an Executor or when the Executors refuse to act

Caveat:

A warning on the original

Certificate of Title that there is a claim lodged against the land

Caveator:

The person claiming a Caveat on a Certificate of Title

Certificate of Title:

The original title deed retained by Landgate that specifies

ownership of a defined parcel of land, and the lodged or registered interests or claims (encumbrances) against that ownership

Competent Witness:

Persons who may witness Statutory Declarations in Western Australia. Please note

that they are listed on the back of the Statutory Declaration for your information

Duplicate Certificate of Title:

Copy of the original Certificate of Title normally held by the registered proprietor (owner) or lending institution as security for a loan

What if the registered proprietor is deceased?

In this case, a **Transmission Application form (A1)** will first need to be lodged. Once this has been done, the replacement certificate application is made in the name of the executor/administrator.

Where one of two or more proprietors (owners) registered as joint tenants dies, a **Survivorship Application form (A2)** must first be made, and lodged with this application. A replacement certificate application is then made in the name of the survivor(s).

Customer Information Brochures on both of the abovementioned applications are available from Landgate or from our website. See contact details on back page.

What documents do I need for my application?

The documents you will need are:

- A copy of the original **Certificate of Title (Title Search)** from Landgate's Customer Contact Centre (Midland). A fee is payable for this service.
- A **Standard Application form (A5)** from either Landgate (Midland), the State Law Publisher, or any large stationery retailer.
- A **Statutory Declaration form (B3)** from either Landgate (Midland), the State Law Publisher, or any large stationery retailer.
- A current **land rates notice or letter** from the local shire or city council.
- Any **original notices or letters** referred to in the declaration(s).

4 steps to lodging an application

1. Complete the Application form by referring to the original Certificate of Title and typing or clearly handwriting in dark ink in the spaces provided. **Please refer to the sample form in this brochure to assist you.**
2. Complete the Statutory Declaration form. **Please refer to the sample form in this brochure to assist you.**
3. Collect evidence to support your application. This may consist of any **original notices or letters** referred to in the declaration(s).

NOTE: A current land rates notice from the local shire or city council *must* be included as evidence. It does not matter whether the rates have been paid or not. The notice simply helps us to ascertain ownership and occupation of the land in question.

4. Lodge the Application form, in person or by post, together with the **Statutory Declaration(s), supporting evidence and the required fees** at any of Landgate's three offices.

Encumbrance:

A lodged or registered interest in such as mortgages, lease agreements, caveats and easements

Executor:

A person appointed by a Will to administer the Testators estate

Fee Simple:

The greatest estate that can be held by a person without being the absolute owner

Joint Tenants:

The ownership of the land in common by more than one person where there is a right of survivorship,

ie. where on the death of one joint owner, the share of the interest of the deceased goes to the surviving owner(s)

Lien:

A right of a person to retain possession of goods or property until a debt due is discharged

Proprietor:

Holder or owner of property

Tenants in Common:

Where there is a desire of two or more people to hold the land in undivided shares. For example X has 1/3 share and Y has a 2/3 share of the land. Both X and Y can transfer their shares to

Completing the Statutory Declaration

A Statutory Declaration is required from each person making the application. It needs to detail the history of the duplicate Certificate of Title as far as it is known. The following should be included:

- Name of person(s) who currently owns the land;
- Identification of the land by the parcel identifier (eg. Lot 10 on Plan 6132), the volume/folio reference and duplicate edition number;
- Name of person(s) who currently occupy the land and the nature of the occupancy;
- Where the duplicate Certificate of Title was usually kept and who, apart from the applicant(s), had access to that place. Any other person(s) having access will also need to complete a Statutory Declaration providing their knowledge of the title and negate its deposit by way of a lien or security for any form of loan or business agreement;
- What investigations for the duplicate Certificate of Title were carried out and their results;
- What enquiries were made with banks, accountants or other institutions and their results. Original copies of any written replies received must be produced with the declaration as well as mention of any verbal replies;
- If the duplicate Certificate of Title was not in the applicant(s) possession, the name of the person (or entity) that did hold it and the reason why they cannot now produce it must be stated. The person, or an officer of the entity formerly in possession of the duplicate must complete a Statutory Declaration to confirm the facts given. They must also include any searches made for the title and negate its deposit for security.
- That the duplicate Certificate of Title had not been deposited with any bank, firm or person by way of security for any lien or loan or for any other purpose. Where the land has been sold or where money has been borrowed on its security and a Caveat exists on the Register protecting such sale or loan, a declaration from the Caveator is required outlining his/her knowledge of the duplicate;
- A current land rates notice or letter from the local shire or city council must be produced with the declaration which identifies the land and indicates in whose name the land is rated. If it is not rated in the name of the applicant(s), an explanation is required;
- Where the duplicate Certificate of Title has been destroyed by fire, a reference to a letter of confirmation from the relevant Fire Brigade as to the facts; and,
- Where the duplicate Certificate of Title has been stolen, the declaration should state the incidence number of the theft as recorded by the Police Department;
- A Statutory Declaration requires a qualified witness who must sign against each and every signature of Declarant(s).

NOTE: Please refer to the sample form in this brochure to assist you.

another or others. On the death of one party the land does not automatically go to the remaining partner unless stated in the will

Title Search:

Copy of the original Certificate of Title that always lists all encumbrances against

ownership.
A fee is payable for this service

Transfer of Land Act:
An Act of Parliament which set up a public register of title to land, maintained by the Registrar of Titles
Transferee:

The person(s) who is buying the property (Purchaser)

Transferor:
The person(s) who selling the property (Vendor)



Need more information?

Please contact one of Landgate's experienced Advice Officers at our Land Registration Centre. See contact details on back page.

25G

WESTERN AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

REGISTER NUMBER: **10/DP35004**

Duplicate Edition: **3** Date Duplicate Issued: **8/03/2001**

Volume: **2186** Folio: **690**

REGISTRAR OF TITLES

LAND DESCRIPTION:
LOT 10 ON DEPOSITED PLAN 35004

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
JOHN ALAN CITIZEN
MARY LOUISE CITIZEN
BOTH OF 2 HIGH ROAD, FREMANTLE
AS JOINT TENANTS
(T H711032) REGISTERED 8 MARCH 2001

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk do not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP35004.
PREVIOUS TITLE: NO PREVIOUS TITLE INFORMATION AVAILABLE.
PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.
LOCAL GOVERNMENT AREA: NO LOCAL GOVERNMENT AUTHORITY INFORMATION AVAILABLE.

- A** — To be copied from Certificate of Title
 - B** — To be copied from Certificate of Title
 - C** — To be copied from Certificate of Title
 - D** — To be copied from Certificate of Title
 - E** — Reason for application
 - F** — Date to be shown
 - G** — Usual signature of Applicants
 - H** — State full name, address and occupation of Declarant(s)
 - I** — Substitute relevant details as required
 - J** — Usual signatures of Declarants
 - K** — Usual signature of Witness
- (Check list of competent witnesses on back of Statutory Declaration form before signing.) Print name, address, occupation and / or competency of witness

FORM 5A
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

APPLICATION

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 10 on Deposited Plan 35004	Whole	2186	690

APPLICANT (Note 2)
John Alan Citizen of 2 High Road, Fremantle.

REASON FOR APPLICATION (Note 3)
THE APPLICANT HEREBY APPLIES
For the issue of a new edition of the duplicate Certificate of Title as the current duplicate Certificate of Title edition number 3 has been lost or destroyed

Dated this 25th day of May Year 2001

SIGNATURE OF APPLICANT/S (Note 4)
Signed: JAC [Signature] Signed: _____
In the presence of: _____ In the presence of: _____

Timothy James Watkins
20A Fuji Way
Subiaco WA 6008 - State Public Servant

FORM B3
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED
OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATION

I / WE, John Alan Citizen, School Teacher, of 2 High Road, Fremantle.

(Name address and occupation of person (s) making the declaration)
Sincerely declare as follows -

- I am the registered proprietor of all that piece of land being Lot 10 on Deposited Plan 35004 being the whole of the land contained in Certificate of Title Volume 2186 Folio 690, duplicate edition number 3.
- The duplicate Certificate of Title for the said land cannot be located by me. It was in my possession, but despite numerous searches and enquiries I am unable to ascertain its whereabouts. The duplicate Certificate of Title was usually kept in a filing cabinet located in the house. No other person other than myself had access to the same.
- On the land is a house which is occupied by myself.
- Following the purchase of the said land the duplicate Certificate of Title was forwarded to me by Acme Settlement Services. Produced with this declaration is a letter from the said Acme Settlement Services confirming that the duplicate Certificate of Title is not in their possession.
- The duplicate Certificate of Title was not deposited at our bank. Produced with this declaration is the original letter from XYZ Banking Corporation confirming this fact.
- Produced with this declaration is the current local council land rates notice assessed for the said property.
- The duplicate Certificate of Title was not deposited with any bank, firm nor person by way of security for any lien or loan or for any other purpose.
- There is no person known to have, nor likely to have the said duplicate Certificate of Title in their possession.
- I have made all reasonable searches and enquiries and now seek the issue of a new duplicate edition of the Certificate of Title.

This declaration is true and I / WE know that it is an offence to make a declaration knowing that it is false in a material particular.
This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at (place) Midland on 25th day of May 20 01 by -

Signature of person making the declaration (sign in the space above) JAC [Signature]

In the presence of - [Signature]

Signature of authorised witness (sign in the space above)
Timothy James Watkins
20A Fuji Way
Subiaco WA 6008 - State Public Servant
(Print the full name, Address and qualification of authorised witness in the space above)

CONTACT LIST

Landgate

Advice Officers - Land Registration Centre

Cnr Morrison Road & Great Northern Highway,
MIDLAND 6056

Postal Address: PO Box 2222, MIDLAND 6936

Tel: (08) 9273 7044

Fax: (08) 9273 7651

Email: lrc@landgate.wa.gov.au

Website: www.landgate.wa.gov.au

Perth Branch Office

(Lodgement centre only - no advice service)

Mt Newman House / Terrace Level

200 St Georges Terrace, PERTH

Bunbury Regional Office

(Lodgement centre only - no advice service)

61 Victoria Street, BUNBURY

Tel: (08) 9791 0834

Fax: (08) 9791 0838

State Law Publisher

10 William Street, PERTH

Tel: (08) 9321 7688

Website: www.slp.wa.gov.au

Office of State Revenue

(Revenue Services - Stamp Duties)

Mt Newman House / Plaza Level

200 St Georges Terrace, PERTH

Tel: (08) 9262 1100

Website: www.dtf.wa.gov.au

Probate Office

111 St Georges Terrace, PERTH

Tel: (08) 9421 5152

Website: www.justice.wa.gov.au

Registrar General

(Births / Deaths / Marriages)

141 St Georges Terrace, PERTH

Tel: (08) 9264 1555

Website: www.justice.wa.gov.au

Ministry for Planning

Albert Facey House

469-489 Wellington Street, PERTH

Tel: (08) 9264 7777

Website: www.wapc.wa.gov.au

Guardianship & Administration Board

Hyatt Centre / Level 1

20 Terrace Road, EAST PERTH

Tel: (08) 9278 7350

Website: www.justice.wa.gov.au

State Administrative Tribunal

(Direct General Enquiries to Landgate)

Level 4

12 St Georges Terrace, PERTH

Tel: 1300 306 017

(08) 9219 3111

Website: www.justice.wa.gov.au

4 ways to obtain a Title Search

1. Visit the Customer Contact Centre at Landgate's Head Office in Midland.
2. Phone Landgate's Customer Contact Centre on (08) 9273 7333 and request an order form to be sent to you via post, fax or email.
3. Visit our website www.landgate.wa.gov.au and click on **Title Searching**. Please select the order form you require, complete the details and fax or post to Landgate.
4. E-mail TISmail@landgate.wa.gov.au

PLEASE NOTE: Providing us with precise details about the land you are searching will ensure a fast, accurate and cost effective service. For more information about the details we require, please call our Customer Contact Centre on (08) 9273 7333.

