



SURVIVORSHIP APPLICATION UPON DEATH OF A JOINT TENANT

A guide to
preparing the documents

Preparing a **Survivorship Application**

This step-by-step guide is designed to show you how to prepare and lodge a survivorship application upon the death of one or more proprietors.

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.

This type of application should only be made:

1. Where the Certificate of Title states the proprietors as joint tenants; or
2. Where joint tenancy is deemed as no reference is given on the Certificate of Title.

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'.

What if all joint tenants have died?

In this case, the last joint tenant to have died is entitled to have the land pass through to his/her estate. A survivorship application needs to be made by the personal representative of the last deceased person enabling him/her to be registered as the survivor. **Please refer to the sample form in this brochure to assist you.**

A further application by the personal representative will also need to be lodged at the same time to record the death of the last deceased. If you require more details, please read our 'Transfer of Land by Personal Representative' brochure.

SOME HELPFUL DEFINITIONS

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

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

Encumbrance:

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

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

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.
- An **Application by Survivor form (A2)** from either Landgate (Midland), the State Law Publisher, or any larger stationary retailer.
- A **Statutory Declaration form (B3)** from either Landgate (Midland), the State Law Publisher, or any large stationary retailer.
- The **duplicate Certificate of Title**. (NOTE: If a lending institution or other third party holds the duplicate certificate, you must arrange to have it released to Landgate as survivorship applications can only be registered when this is received.) A fee is payable for this service.
- The **original Death Certificate** or a **certified copy of the original Death Certificate** issued by the Registrar's Office or alternatively the **original Probate** or **office copy Probate** issued by the Probate Office.

4 steps to lodging an application

1. Complete the Application by Survivor form by referring to the original Certificate of Title (Title Search) 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 will consist of an **original Death Certificate** or a **certified copy of the original Death Certificate** issued by the Registrar's Office or alternatively the **original Probate** or **office copy Probate** issued by the Probate Office. Landgate only needs to sight original copies, they will not be held. (NOTE: A copy certified by a Justice of the Peace or other statutory qualified person is **NOT** acceptable.)
4. Lodge the Application by Survivor form, in person or by post, together with the **Statutory Declaration**, **supporting evidence** and **duplicate Certificate of Title** and the **required fees** at any of Landgate's three offices.

NOTE: If a lending institution is sending the duplicate Certificate of Title to us, then please call our **Progress / Issuing Section** on **(08) 9273 7314** before lodging your forms. This way we can inform you whether we have received it so that the application can proceed upon lodgement.

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

Power of Attorney:

An authority given by one person to another to act on his behalf

Probate:

A certificate issued by the Supreme Court Probate Office on application

Survivorship:

The right of a joint owner to acquire absolute ownership of the property on the death of the other owner(s)

Title Search:

Copy of the original Certificate of Title that always lists all encumbrances against ownership. A fee is payable for this service

Completing the Statutory Declaration



A Statutory Declaration is required by any person making the application. Where there is more than one surviving joint tenant, the Statutory Declaration only needs to be completed by one of the survivors. The following should be included:

- Identification of the land by its volume / folio reference;
- Name of deceased tenant(s) and reference to proof of death supplied (ie: Death Certificate or Probate);
- Your entitlement to the land by survivorship.

- A** — Full name, address and occupation of Declarant/s
- B** — Substitute relevant details as required
- C** — State full name and address of deceased Proprietor as shown on the Certificate of Title and also include full name of deceased as shown on Death Certificate or Probate
- D** — Date to be shown
- E** — Usual signature of Declarant/s
- F** — 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 B3
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED
OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATION

A I / WE, Mary Louise Citizen of 14 South Street, Fremantle, Office Clerk
(name address and occupation of person (s) making the declaration)
Sincerely declare as follows -


B 1. I am one of the Registered Proprietors of the land contained in Certificate of Title Volume 2186 Folio 690, where I am described using my former address of 2 High Road, Fremantle.


2. On the 30th February 2000 my co-registered proprietor John Alan Citizen died, and produced herewith is a certified copy of his original Death Certificate.

C 3. The John Alan Citizen of 2 High Road, Fremantle, as described in the said Certificate of Title is one and the same person as John Alan Citizen as described on the Death Certificate.

4. I am now entitled to be registered as the sole proprietor of the land contained in the said Certificate of Title, by survivorship.

D 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 31st day of December 20 00 by -

E Signature of person making the declaration (sign in the space above) 

F In the presence of - 

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)



REGISTER NUMBER
10/DP35004

DUPLICATE EDITION
3

DATE DUPLICATE ISSUED
8/03/2001

VOLUME
2186

FOLIO
690

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

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

J. Apple
REGISTRAR OF TITLES

LAND DESCRIPTION:

A LOT 10 ON DEPOSITED PLAN 35004

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

E 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)

- H703194 MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD. REGISTERED 26.10.2000.
- H711032 RESTRICTIVE COVENANT BURDEN. REGISTERED 8.3.2001.

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 AVAIL.



Need more information?

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

FORM A2

APPROVAL NO
B1859

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED

APPLICATION BY SURVIVOR

TO BE THE REGISTERED PROPRIETOR OF LAND

DESCRIPTION OF LAND (Note 1)

	EXTENT	VOLUME	FOLIO
A Lot 10 on Deposited Plan 35004	WHOLE	B 2186	C 690

APPLICANT (Note 2)

D Mary Louise Citizen of 14 South Street, Fremantle

DECEASED PROPRIETOR (Note 3)

E John Alan Citizen of 2 High Road, Fremantle

DATE OF DEATH (Note 4)

F 30 February 2000

The APPLICANT as the surviving joint tenant HEREBY APPLIES to be registered as the proprietor by survivorship of the land above described by virtue of the death of the abovenamed deceased

G Dated this 31st day of DECEMBER Year 2000

SIGNATURE OF APPLICANT/S (Note 5)

H *Mary Louise Citizen*

Applicant/s Signature

- 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** — State full name and address of the Applicant
- E** — Name and address of the deceased as shown on the title
- F** — Date of death
- G** — Date application was signed
- H** — Usual signature of Applicant; No Witness required

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 Centre

(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.

