

TRANSFER OF LAND FOLLOWING DIVORCE



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A guide to
preparing the documents

Preparing a **Transfer of Land** document following divorce

This step-by-step guide is designed to show you how to prepare and lodge a Transfer of Land following a divorce settlement.

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.

A simple Transfer of Land occurs when there are no complicated conditions or circumstances involved in changing ownership.

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 documents do I need for my land transfer?

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 **Transfer of Land form (T1 or T2)** from either Landgate (Midland), the State Law Publisher, or any large stationery retailer.
- The **duplicate Certificate of Title**. (**NOTE:** If a lending institution or other third party holds the duplicate Certificate of Title, you must arrange to have it released to Landgate as transfers can only be lodged when this is received.) A fee is payable for this service.

3 steps to lodging the land transfer

1. Complete the Transfer of Land 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. When completed, take the form to the **Office of State Revenue** for stamp duty assessment, payment and notation of stamp duty. (**NOTE:** Please seek advice about whether you will be liable to pay stamp duty from the Stamp Duties Division of the Office of State Revenue. See contact details on back page.)
3. Lodge the Transfer of Land form, in person or by post, together with the **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 the duplicate title so that the transfer can proceed upon lodgement.

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

WESTERN



AUSTRALIA

REGISTER NUMBER
10/DP35004DUPLICATE
ENTRY
3DATE DUPLICATE ISSUED
8/03/2001VOLUME
2186FOLIO
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.


 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.
- D** 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 T1

APPROVAL NO
B1870WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893 AS AMENDED.

TRANSFER OF LAND

DESCRIPTION OF LAND (Note 1)

EXTENT

VOLUME

FOLIO

A Lot 10 on Deposited Plan 35004

WHOLE

B 2186**C** 690

ESTATE AND INTEREST (Note 2)

Fee Simple

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS (Note 3)

D H711032 Restrictive Covenant Burden

TRANSFEROR (Note 4)

E John Alan Citizen and Mary Louise Citizen

CONSIDERATION (Note 5)

F Pursuant to Section 12A Family Law Court consent order no. 121/2001

TRANSFeree (Note 6)

G Mary Louise Citizen of 2 High Road, Fremantle

THE TRANSFEROR for the consideration herein expressed HEREBY TRANSFERS TO THE TRANSFeree the estate and interest herein specified in the land above described, subject to the encumbrances as shown hereon.

H Dated this 31 day of December Year 2000

TRANSFEROR'S SIGN HERE (Note 7)

TRANSFeree'S SIGN HERE (Note 7)

I Signed *J. Citizen***J** Signed *Mary Citizen*

K In the presence of *Troy Smith*
Troy Smith
10 Style Court
Fremantle,
Engineer.

K In the presence of *Troy Smith*
Troy Smith
10 Style Court
Fremantle,
Engineer.

I Signed *Mary Citizen*

Signed

K In the presence of *Troy Smith*

In the presence of

Troy Smith
10 Style Court
Fremantle
Engineer

In the presence of

- 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** — To be copied from Certificate of Title
- F** — Show appropriate consideration
e.g. "Pursuant to Sec 12A Family Law Court consent order (insert no.) / (insert year)"
- G** — State full name(s) and address of Transferee(s)
- H** — Date to be shown
- I** — Usual signature of Transferor(s)
- J** — Usual signature of Transferee
- K** — Usual signature of Witness and print name, address and occupation

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 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. Fee 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 is selling the property (Vendor)

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.

