

ADDING A SPOUSE TO YOUR LAND TITLE



# ADDING A SPOUSE TO YOUR LAND TITLE

A guide to  
**preparing the documents**

# Preparing a Transfer of Land document for Adding a Spouse

This step-by-step guide is designed to show you how to prepare and lodge a Simple Transfer of Land where a single proprietor wishes to add a married or de facto spouse as joint tenant.

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.

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) order. 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)

**Spouse:** Husband or wife



### 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

REGISTER NUMBER  
**10/DP35004**

DUPLICATE EDITION: **4** 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 OF 2 HIGH ROAD, FREMANTLE  
(T H711033 ) 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 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 AV.

FORM T1

APPROVAL NO. B1870

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893 AS AMENDED.

## TRANSFER OF LAND

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
<b>A</b> Lot 10 on Deposited Plan 35004	WHOLE	<b>B</b> 2186	<b>C</b> 690

ESTATE AND INTEREST (Note 2)  
**E** Fee Simple

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS (Note 3)  
**D** H711032 Restrictive Covenant Burden

TRANSFEROR (Note 4)  
**E** John Alan Citizen

CONSIDERATION (Note 5)  
**F** Natural love and affection

TRANSFEEE (Note 6)  
**G** John Alan Citizen and Mary Louise Citizen both of 2 High Road, Fremantle as joint tenants

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

Dated this 31st day of December Year 2001

TRANSFEROR/S SIGN HERE (Note 7)	TRANSFEEE/S SIGN HERE (Note 7)
<b>I</b> Signed <i>J. Apple</i> <b>K</b> In the presence of <i>R. Rocket</i> Ray Rocket 10 Placid Way Fremantle, Scientist	<b>J</b> Signed <i>J. Citizen</i> <b>K</b> In the presence of <i>R. Rocket</i> Ray Rocket 10 Placid Way Fremantle, Scientist  <b>J</b> Signed <i>Mary Louise Citizen</i> <b>K</b> In the presence of <i>R. Rocket</i> Ray Rocket 10 Placid Way, Fremantle, Scientist.

- 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 (NIL is not acceptable)
- G** — State full name(s) and address(es) of Transferee(s) If more than one person, show 'joint tenants' or 'tenants in common'
- H** — Date to be shown
- I** — Usual signature of Transferor(s)
- J** — Usual signature of Transferee(s)
- 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](mailto:lrc@landgate.wa.gov.au)

Website: [www.landgate.wa.gov.au](http://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](http://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](http://www.dtf.wa.gov.au)

### Probate Office

111 St Georges Terrace, PERTH

Tel: (08) 9421 5152

Website: [www.justice.wa.gov.au](http://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](http://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](http://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](http://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](http://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](http://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](mailto: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.

