

# Separation and/or Divorce

A guide to preparing the documents

Last updated August 2023



## Preparing a Transfer of Land document following separation and/or divorce

This step-by-step guide is designed to show you how to prepare and lodge a **simple transfer of land document following a separation and/or divorce**.

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 always be considered when preparing any land transfer document.

It is important to read through the whole of this information guide. Being familiar with the information provided in the guide will assist if you need to contact Landgate to clarify any part of the process. Useful contact details are listed on the back page.

## What you should know about a Certificate of Title

Certificates of Title are created by Landgate, usually as a result of registration or approval of a subdivisional plan. Original titles are always kept at Landgate.

Some limitations or encumbrances may prevent the registration of a transfer of other interests on a Certificate of Title. For this reason, it is recommended that a copy of the original Certificate of Title be obtained from Landgate, to assist in completing the Transfer of Land form. We commonly refer to this as a 'title search'. A title search will show the spelling of the names of the registered proprietors/owners.

For a fee, you can conduct a title search and [obtain a copy of the Certificate of Title](#).

## What do I need for my land transfer?

- Verification of Identity (VOI) – the identity of the person(s) signing as transferors and transferees must be verified
- Title Search (recommended) – used to complete the transfer of land form
- Forms – Transfer of Land (T1 or T2)
- 'Certificate of Duty' or document stamped - Obtained from Revenue WA (OSR) for the assessment of (stamp) duty
- Mortgagee consent (if there is a registered mortgage)
- Registration Fees payable to Landgate

## Verification of Identity (VOI) – Identifying the transferors and transferees

Do you have a solicitor or licensed settlement agent preparing documents on your behalf? If you do, you should discuss the verification of identity requirements with your solicitor or licensed settlement agent.

If you do not have solicitor or licensed settlement agent acting on your behalf, you are referred to as a "self-represented party".

A self-represented party is responsible for ensuring their own identity has been independently verified and complies with Landgate's VOI practice. Self-represented parties can have their identity verified at a participating Australia Post office. Australia Post charges a fee for this service. For further information, please refer to: <https://auspost.com.au/id-and-document-services/identity-checks-for-property-transfers>

All natural persons signing the transfer document must be identified, this includes any person/s signing as an attorney or in any other capacity (e.g. as a company director).

### **Verification of Identity in a foreign country**

For further information on the verification of identity procedures in a foreign country for both electronic or paper-based transactions please refer to: [VOI-03 Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity and Authority. Paper Based Transactions – Foreign Countries.](#)

**Note: A self-represented party cannot have their identity verified overseas.**

Further information on the verification process is available on the Landgate website (click on the following link): [Landgate – Verification of Identity.](#)

### **Title Search – A copy of the current Certificate of Title**

A title search is optional, however highly recommended, as the search provides you with a complete up to date copy of the title at the date and time the title search is conducted.

For a fee, you can conduct a title search online using an address an [obtain a copy of a Certificate of Title.](#)

### **A Transfer of Land Form – (T1 or T2)**

A [Form T1](#) is a one-page form used when there are no more than two transferors and/or two transferees named in the document.

A [Form T2](#) is a two-page form that has larger information panels and can be used when there are more than two transferors and two transferees, or if more information is required in any panel on the transfer document.

Freehold land registration forms are available from a Landgate office or online from the [Landgate website.](#)

Please note that only original signed forms can be lodged for registration and all forms must be printed on white A4 size paper in duplex style, so both sides of the paper are printed upon.

### **Revenue WA (OSR) – For the assessment of (stamp) duty**

When the transfer form has been completed and signed, the original signed transfer form must be presented to State Revenue at the Department of Finance for (stamp) duty assessment.

NOTE: All transfers must be presented to Revenue WA for duty notation before the transfer can be lodged with Landgate. The transfer form will be either 'Stamped' or a 'Certificate of Duty' will be issued.

Contact details for Revenue WA are listed on the back page.

### **Registration Fees**

View the current [Registration and Search Fees](#) that can be paid by cash, credit card, EFTPOS, or by cheque/money order made payable to Landgate. Fees must be paid when lodging the document in person or included if posting the documents to Landgate.

## Further Reading

For further information on this transaction type and further document requirements, please see the following links:

- [Land Titles Registration Policy and Procedure Guides](#)
- A Guide to basic requirements for the preparation of paper documents "[Getting it Right - Reference Guide](#)"
- [Land Transaction Toolkit](#)

## Steps to lodging a transfer

1. Complete the transfer form by using the title search. Type or print legibly in dark ink (preferably black) to complete the panels in the transfer form, using examples in this guide to assist you.
2. Ensure the transfer has been assessed for duty by Revenue WA and a duty certificate is provided, or duty is noted on the original transfer form.
3. If the property is subject to a mortgage, ensure you have obtained a signed letter of consent from the financier.
4. Ensure there are original identity statements provided for each of the natural persons signing the transfer document. The VOI statements must be the original Verification of Identity letter issued by Australia Post and/or original VOI statements provided by a solicitor or settlement agent.
5. Lodge the original signed transfer form (together with any other evidence that may be required) with Landgate, ensuring the registration fee payment is enclosed if lodging by post.
  - a. In person at one of Landgate's lodgement offices. NOTE: Any person can lodge the transfer document with Landgate; the lodging party does not need to be one of the persons named in the transfer document.
  - b. By post to:  
Landgate Document Lodgement Section  
PO Box 2222  
MIDLAND WA 6936

*NOTE: Original evidence being returned by post will be posted in the normal mail. If you wish to have the original evidence returned by registered post, you will need to provide a self-addressed, pre-paid registered post envelope to Landgate with the transfer document.*

### **Terms of Use**

#### **Disclaimer of Liability**

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### **Important**

*The information contained in this document should not be regarded as legal advice. In all matter, users should seek legal advice from an independent legal practitioner.*

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY.

REGISTER NUMBER <b>1580/P22396</b>	
DUPLICATE EDITION <b>4</b>	DATE DUPLICATE ISSUED <b>NA</b>

WESTERN AUSTRALIA



**RECORD OF CERTIFICATE F 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 notifications shown in the second schedule.

<b>B</b>	<b>C</b>
VOLUME 3332	FOLIO 339

*[Signature]*  
REGISTRAR OF TITLES

**A** LOT 1580 ON DEPOSITED PLAN 22396

**LAND DESCRIPTION:**

**REGISTERED PROPRIETOR:**  
(FIRST SCHEDULE)

**F** PATRICK STEVEN BOUVIER  
SELMA BOUVIER  
BOTH OF 101 EVERGREEN TERRACE ELLENBROOK  
AS JOINT TENANTS

(T M149404) REGISTERED 28 AUGUST 2020

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

1. M149404 RESTRICTIVE COVENANT BURDEN, REGISTERED 28.8.2020.  
2. \*M149565 MORTGAGE TO STEALTH BANK LTD REGISTERED 28.8.2020

Warning: A current search of the sketch of the land should be obtained where detail of position, dimension or area of the lot is required.  
\*Any entries preceded by an asterisk may 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 -----

- 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** Insert the word "whole"
- E** Show "fee simple" (show shares and/or interest as joint tenant where applicable)
- F** To be copied from Certificate of Title (don't show address)
- G** To be stated in figures where a sum of money and/or words in other instances

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

SKETCH OF LAND: 3332-339  
PREVIOUS TITLE: 3332-000  
PROPERTY STREET ADDRESS: 101 EVERGREEN TCE, ELLENBROOK  
LOCAL GOVERNMENT AREA: CITY OF SWAN

NOTE 1: DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY D

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY.

FORM T1

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893

**TRANSFER OF LAND**

<b>A</b>	<b>B</b>	<b>C</b>
DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME
Lot 1580 on Deposited Plan 22396	Whole	3332
	<b>D</b>	FOLIO
		339

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

**F** TRANSFEROR (Note 3)  
Patrick Steven Bouvier  
Selma Bouvier

**G** CONSIDERATION (Note 4)  
Pursuant to Family Law Court consent order dated 31 April 2016 and numbered 181/2016

**H** TRANSFEREE (Note 5)  
Selma Bouvier of 101 Evergreen Terrace ELLENBROOK WA 6069

The TRANSFEROR for the consideration herein expressed transfers to the TRANSFEREE the estate and interest herein specified in the land herein described, subject to the Limitations, Interests, Encumbrances and Notifications as shown on the Certificate of Title and/or otherwise affect the land under the Transfer of Land Act 1893.

**I** Dated this \_\_\_\_\_ day of \_\_\_\_\_ Year

<b>J</b> TRANSFEROR/S SIGN HERE (Note 6)		<b>L</b> TRANSFEREE/S SIGN HERE (Note 6)	
<b>K</b>	<b>L</b>	<b>K</b>	<b>L</b>
Signed by	Signed by	Signed by	Signed by
In the presence of	In the presence of	In the presence of	In the presence of
<b>J</b>	<b>L</b>	<b>J</b>	<b>L</b>
Signed by	Signed by	Signed by	Signed by
In the presence of	In the presence of	In the presence of	In the presence of
<b>K</b>	<b>K</b>	<b>K</b>	<b>K</b>

- H** Show full names and address/s of Transferee/s. Addresses to be shown without punctuations and Suburb, State and Postcode must be shown in BLOCK CAPITALS. If more than one person show the tenancy as "joint tenants" or "tenants in common" with shares stated e.g.: "tenants in common in equal shares".
- I** Date to be shown
- J** Transferor/s sign their usual signature
- K** Witness signs under Transferor/ transferee. Witness must then print their full name, address and occupation
- L** Transferee/s sign their usual signature

## Contact List

### Landgate Contacts

**Landgate Office Hours 8.30am to 4.30pm  
(Lodgement Hours 8.30am to 4.30pm)**

**Landgate – Midland Head Office  
1 Midland Square  
MIDLAND WA 6056**

**TEL +61 (0)8 9273 7373**

**Email: [customerservice@landgate.wa.gov.au](mailto:customerservice@landgate.wa.gov.au)**

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

**Postal Address: PO box 2222, MIDLAND WA  
6936**

### Document Lodgement Sites

**Document lodgement hours strictly 8.30am to  
4.30pm**

**Landgate – Midland Head Office  
1 Midland Square  
MIDLAND WA 6056**

**Landgate – Perth Business Office  
200 St Georges Terrace  
PERTH WA 6000**

**Australia Post Verification of Identity  
Tel: 1300202287**



### Other Useful Contacts

**Department of Finance  
Revenue WA  
3<sup>rd</sup> Floor, 200 St George Terrace  
PERTH WA 6000  
Tel: +61 (0)8 9262 1100  
Website: [www.wa.gov.au](http://www.wa.gov.au)**

**Department of Planning  
140 William Street  
PERTH WA 6000  
Tel: +61 (0)8 6551 9000  
Website: [www.planning.wa.gov.au](http://www.planning.wa.gov.au)**

**Family Court  
150 Terrace Road  
PERTH WA 6000  
Tel: +61 (0)8 9224 8222  
Website: [www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)**

**Probate Office  
11<sup>th</sup> Floor, 28 Barrack Street  
PERTH WA 6000  
Tel: +61 (0)8 9421 5152  
Website: [www.supremecourt.wa.gov.au](http://www.supremecourt.wa.gov.au)**

**Registry of Births, Deaths and Marriages  
141 St Georges Terrace  
PERTH WA 6000  
Tel: +61 1300 305 021  
Website: [www.bdm.dotag.wa.gov.au](http://www.bdm.dotag.wa.gov.au)**

**State Administrative Tribunal  
6<sup>th</sup> Floor 565 Hay Street  
PERTH WA 6000  
Tel: +61(0)8 9219 3111  
Website: [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)**