



Removing a Caveat from a Property's Certificate of Title

A guide to preparing the documents

Last updated June 2020

landgate.wa.gov.au

This step-by-step guide provides general information relating to the **removal of a caveat from a property's Certificate of Title (title)**.

If you choose one of the options discussed in this brochure, advice from a qualified professional, such as a solicitor, should be considered. This will help to ensure the method chosen is appropriate to your circumstances.

If you are filling in the forms yourself, we advise you to exercise great care to complete forms correctly, as incorrectly completed forms may not be accepted when being lodged with Landgate.

It is important to read through the whole of this information guide. Being familiar with the information provided in the guide will assist you if you need to contact Landgate's information service to clarify any part of the document completion, or lodging, process.

Contact details are listed on the back page of this guide.

Searching for a Certificate of Title

As caveat details are only recorded on the original title held by Landgate, a title search is highly recommended. A title search provides you with the:

- caveat reference details;
- legal land description; and
- title reference volume and folio numbers.

All the above information is required to be inserted into the completed document(s) that will be lodged to remove a caveat.

For a fee, you can conduct an [online title search](#) using an address and order a copy of the relevant title. Alternatively, you can obtain a printed copy of a title from one of Landgate's offices. Contact details are located at the end of this document.

Methods available to remove caveats

There are various methods available to remove a caveat(s) from a title, including by:

- a Withdrawal of Caveat document (Form W1) (for standard caveat(s) – Form C1). Note: this method of removing a caveat is subject to Landgate's Verification of Identity (VOI) process
- an Application (21 days' notice) to remove caveat notice (e-Form available from Landgate's [Land Titling Forms](#) web page, or paper Form AW, available from a Landgate office) from the registered proprietor(s) - or the judgment creditor named in a property (seizure and sale) order registered in respect of the judgment debtor's saleable interest in such land – under section 138 of the *Transfer of Land Act 1893* (TLA)
- a Withdrawal of Caveat (Form W1) document (for caveat(s) lodged to prevent improper dealings - Form C4)
- lapse, under section 138 of the TLA (also known as a 14 days' notice)

- taking or acquisition
- Order of the Court
- Sale for Rates
- an Application e-Form (or paper Form A5) of the registered proprietor, or any person claiming an interest in the land, under section 141A of the TLA. Note: An application under s.141A of the TLA will not be considered where the same outcome can be achieved by making an application under s.138B of the TLA.
- sale under a Property Seizure and Sale Order.

The **Land Titles Registration policy and procedure guides** provide further information relating to all of the above processes. You can access the procedure guides via Landgate's website at **landgate.wa.gov.au**.

Commonly used methods to remove caveats

The three (3) most common methods used to remove a caveat from a property title are by completing either:

1. A Withdrawal of Caveat document (Form W1) (for standard caveat(s) – Form C1); Completion of this form also requires the natural person(s) signing the form to be identified pursuant to Landgate's Verification of Identity (VOI) requirements.
2. An Application (21 days' notice) to remove caveat (e-Form, or paper Form AW) from the registered proprietors—or the judgment creditor named in a property (seizure and sale) order registered in respect of the judgment debtor's saleable interest in such land – under section 138 of the TLA; or
3. A Withdrawal of Caveat document (Form W1) – (for caveat(s) lodged to prevent improper dealings— Form C4). Completion of this form also requires each of the caveators signing the withdrawal form to attend Landgate's Midland office (All caveators together at the same time) to be identified under the 100-point identification process before signing the withdrawal of caveat form. Completion of this form also required the natural person(s) signing the form to be identified pursuant to Landgate's Verification of Identity (VOI) requirements.

In all instances, you should consider seeking advice from a legal practitioner experienced in land transactions before lodging any documentation with Landgate to remove a caveat.

1. Withdrawal of Caveat (Form W1) (for standard caveat(s) – Form C1)

A caveat may be withdrawn by completing the Withdrawal of Caveat (Form W1), you can access via Landgate's **Land Titling Forms** page.

The Withdrawal of Caveat (Form W1) is a suitable method to remove a caveat where the caveator (person(s) or corporation who lodged the caveat) is prepared and available to sign a Withdrawal of Caveat document (see completed example in this brochure). Please note:

- This method of withdrawing a caveat is subject to VOI. This means the natural person/s who are signing the withdrawal of caveat as a caveator must be independently identified before submitting the withdrawal of caveat form to Landgate. Further information on the VOI requirements are provided in the VOI section of this brochure.
- This form must be signed by the caveator(s) named in the caveat.
- Where the caveator(s) are individual persons, the signature of each caveator must be independently witnessed by a person who is not a party named in the document.
- The witness is required to sign under the signature of the caveator they are witnessing and then they must clearly print their full name, address and occupation, directly below their signature.
- If the caveator is a corporation, the withdrawal should be signed in accordance with the execution provided in the Corporations Act 2001.

Note: there are registration fees payable when lodging the Withdrawal of Caveat document with Landgate. The current **search and lodgement fees** payable can be accessed via Landgate's website at **landgate.wa.gov.au**.

Death of a Caveator


Where there are two or more caveators, it is the responsibility of the remaining caveator(s) to establish how the interest or claim was held, i.e. jointly or in shares.

Where the interest and claim stated in the caveat was held jointly, the remaining caveator(s) may complete the withdrawal form and provide the appropriate evidence similar to a Survivorship Application (see also **Survivorship - Joint Tenants**.)

In the event of a Sole Caveator, The Executor(s)/Administrator(s) would need to provide the appropriate evidence similar to a Personal Representative (Transmission) Application (see also **Personal Representative**).

Example of a completed withdrawal of caveat form where the caveator is an individual person



THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY



WESTERN AUSTRALIA

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:

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

HOMER FRANK SIMPSON
MARJORIE BROOKE SIMPSON
BOTH OF 12 HICKS STREET, ELLENBROOK
AS JOINT TENANTS

(T M149404) REGISTERED 11 MARCH 2006

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

- RESTRICTIVE COVENANT BENEFIT - SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
- RESTRICTIVE COVENANT BURDEN - SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
- *Z0012458 - CAVEAT BY FREDERICK NEEL GOODS. LODGED 31.02.2015

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 -----

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: DP31675.
PREVIOUS TITLE: 498-133A.
PROPERTY STREET ADDRESS: 123 EVERGREEN TCE, ELLENBROOK
LOCAL GOVERNMENT AREA: CITY OF SWAN

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

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 To be copied from Certificate of Title

F To be copied from Certificate of Title

G Date to be shown

H Signature of Caveator

I Signature of witness, then print full name, address and occupation

FORM W1
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893
WITHDRAWAL OF CAVEAT

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 123 on Deposited Plan 889712	Whole	1234	1000

CAVEATOR (Note 2)

Frederick Neel Goods

CAVEAT NUMBER (Note 3)

Z0012458

STATE WHETHER WHOLE OR PART OF LAND IN CAVEAT

Whole

The CAVEATOR HEREBY WITHDRAWS the said Caveat from the Land above described

Dated this 31 day of September Year 2015

SIGNATURE OF CAVEATOR (Note 4)

Signed Freddy Goods

In the presence of

Rod Rocket

Rodney Rocket
10 Stylish Court, Midland WA
Retired

This example is for paper forms only.

Examples of how a corporation should sign a Withdrawal of Caveat document or an Application to remove a caveat

Where a company is signing a document to remove a caveat, the document should be signed in accordance with the *Corporations Act 2001*. The following examples demonstrate how a corporation would usually sign a withdrawal of caveat document or an application to remove a caveat.

Note: Some companies may execute documents in a different manner according to the constitution of that company. If executed in a different manner, evidence will be required to clearly demonstrate the company has executed the document in the correct manner.

Examples of Execution with a Common Seal

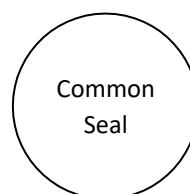
Where documents are executed with a Common Seal, the following form of execution is suggested as applicable to most corporations. The persons signing should show the position they hold in the company and print their full name under their signature:

The Common Seal of XYZ Co Pty Ltd
was hereunto affixed in the presence of
Signature of Director

(Print Full Name)

Director

Signature of Director/Secretary
(Print Full Name)
Director/Secretary

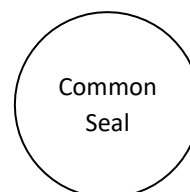


The following form of execution is applicable to proprietary companies that have only one
Director who is also the only Secretary of the company:

The Common Seal of XYZ Co Pty Ltd
was hereunto affixed in the presence of
Signature

(Print Full Name)

Sole Director and Sole Secretary



Examples of Execution without a Common Seal

Where documents are executed without a Common Seal, the persons signing should show the position they hold in the company and print their name under their signature:

Executed by XYZ Co Pty Ltd ACN

Signature of Director

(Print Full
Name) Director

Signature of Director/Secretary

(Print Full
Name)
Director/Secretary

The following form of execution is applicable to proprietary companies that have only one
Director who is also the only Secretary of the company:

Executed by XYZ Co Pty Ltd ACN
..... Signature of Director

(Print Full Name)

Sole Director and Sole Secretary

Example of an application to remove a caveat where the caveator(s) is a sole director and sole secretary company.


THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

REGISTER NUMBER
817/DP31675

Duplicate Edition
2



Date Duplicate Issued
NA

WESTERN AUSTRALIA



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

A

LOT 123 ON DEPOSITED PLAN 889712

LAND DESCRIPTION:

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

HOMER FRANK SIMPSON
MARJORIE BROOKE SIMPSON
BOTH OF 12 HICKS STREET, ELLENBROOK
AS JOINT TENANTS
(T M149404) REGISTERED 11 MARCH 2006

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

F

1. RESTRICTIVE COVENANT BENEFIT – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
2. RESTRICTIVE COVENANT BURDEN – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
3. *Z0012458 - CAVEAT BY MR GOODS PTY LTD. LODGED 31.02.2015

E

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

STATEMENTS:

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

SKETCH OF LAND: DP31675.
PREVIOUS TITLE: 498-133A.
PROPERTY STREET ADDRESS: 123 EVERGREEN TCE, ELLENBROOK
LOCAL GOVERNMENT AREA: CITY OF SWAN

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FORM W1
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893
WITHDRAWAL OF CAVEAT

A

DESCRIPTION OF LAND (Note 1)
Lot 123 on Deposited Plan 889712

EXTENT
Whole
D

VOLUME
1234
B

FOLIO
1000
C

E

CAVEATOR (Note 2)
Mr Goods Pty Ltd ACN 069 069 181

F

CAVEAT NUMBER (Note 3)
Z0012458

STATE WHETHER WHOLE OR PART OF LAND IN CAVEAT
Whole

G

The CAVEATOR HEREBY WITHDRAWS the said Caveat from the Land above described
Dated this 31 day of September Year 2015

H

SIGNATURE OF CAVEATOR (Note 4)
Executed by Mr Goods Pty Ltd ACN 069 069 181
Frederick Neel Goods
Frederick Neel Goods – Sole Director and Sole Secretary

- 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 To be copied from Certificate of Title however include ACN member
- F To be copied from Certificate of Title
- G Date to be shown
- H Signature/s in accordance with company constitution

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2. Application (21 days' notice) to remove a caveat(s) from the registered proprietor(s) of the land

The registered proprietor(s) of the land in respect of which a caveat is lodged, or the judgment creditor named in a property (seizure and sale) order registered in respect of the judgment debtor's saleable interest in such land, may make application for the removal of a caveat under s.138B of the *Transfer of Land Act 1893* (TLA).

This section of the TLA requires the caveator to take legal action and obtain a Supreme Court Order substantiating the estate or interest claimed in the caveat within 21 days of the service of notice.

An application under s.138B of the TLA cannot be lodged on the following types of caveat:

- Caveats lodged under Sections 30, 176 or 223A of the TLA.
- Caveats under any other written law which specifically provides for the lodgement of a caveat.
- Caveats lodged by virtue of a Court Order.
- Caveats protecting beneficiaries under a will or settlement.
- Caveats lodged by or on behalf, or with the consent of the Minister for Lands.
- Caveats lodged under any Commonwealth Act.
- Caveats lodged by the Registrar of Titles.

The application must be made on a Caveat – 21-day notice application (s138B) e-Form (or paper Form AW) describing the land affected, the number of the caveat required to be removed and requesting that 21 days' notice be sent to the caveator under s.138B of the TLA.

All of the registered proprietors affected by the caveat must be shown as applicants in the application and they must all sign the application and have each of their signatures separately witnessed.

If the applicant is a corporation, the application must be formally executed in accordance with the Constitution for that corporation.

No evidence in support of the application is necessary.

Upon lodgement and examination of the application, the caveator is served (at the address shown in the caveat) with a notice requiring that the caveator, within 21 days, obtain from the Supreme Court an order extending the operation of the caveat.

If the caveator fails to obtain a Court Order extending the caveat within the 21 days' notice period, the caveat will lapse and an entry will be made in the Register removing the caveat.

If a withdrawal of caveat is lodged after the 21 days' notice has been sent, but before the lapse date shown in the notice has expired, the notice period is terminated, and the proprietor can deal with the land immediately.

The caveator will not be able to re-lodge a caveat that has been removed under s.138B of the TLA by virtue of

- the lapsing of the caveat, by either the expiration of the 21 days or as a result of legal action
- or
- upon the withdrawal of the caveat by the caveator upon receiving the notice from the Registrar; unless the caveator has leave of the Court or the consent of the registered proprietor.

If the caveator obtains from the Supreme Court an order extending the operation of the caveat, a copy of the order must be served on the Registrar of Titles within the 21-day period.

Note: The removal of caveats under this s.138B of the TLA is separate and distinct from the processes under Sections 137, 138 and 141A. Once Landgate has sent the 21-day notice or notices under s.138B of the TLA, it is not possible for the applicant to withdraw the application from registration.

This type of application is limited to only one caveat per application and it must refer to all of the land in the caveat.

Application Lodged by Mortgagee

The application must be made in the name of the registered proprietor of the land affected by the caveat, but signed by the mortgagee under its power to dispose of ownership pursuant to s.108 of the TLA. The application is to be accompanied by a statutory declaration stating that:

- default under the mortgage has occurred
- default notices have been sent to the mortgagor (indicating when they were sent)
- default period provided in the mortgage has expired

and

- default still continues at the time of the lodging of the application.

Where such an application is lodged, a copy of the notice sent to the caveator will also be sent to the registered proprietor.

Example of an Application (Form AW) to remove a caveat where the registered proprietors are individual persons

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

REGISTER NUMBER
817/DP31675

DUPLICATE
EDITION **2** DATE DUPLICATE ISSUED
NA

WESTERN AUSTRALIA

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

A LOT 123 ON DEPOSITED PLAN 889712

E HOMER FRANK SIMPSON
MARJORIE BROOKE SIMPSON
BOTH OF 12 HICKS STREET, ELLENBROOK
AS JOINT TENANTS

(T M149404) REGISTERED 11 MARCH 2006

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

1. RESTRICTIVE COVENANT BENEFIT – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
2. RESTRICTIVE COVENANT BURDEN – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
3. *Z0012458 - CAVEAT BY FREDERICK NEEL GOODS. LODGED 31.02.2015

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

STATEMENTS:
The statements set out below are not intended to be and should not be relied on as substitutes for maps and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: DP31675.
PREVIOUS TITLE: 498-133A.
PROPERTY STREET ADDRESS: 123 EVERGREEN TCE, ELLENBROOK
LOCAL GOVERNMENT AREA: CITY OF SWAN

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

- 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** To be copied from Certificate of Title
- F** To be copied from Certificate of Title
- G** Date to be shown
- H** Signature applicant/s
- I** Signature of witness, then print full name, address and occupation

FORM AW

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893

APPLICATION

A DESCRIPTION OF LAND (Note 1)

Lot 123 on Deposited Plan 889712

D EXTENT Whole

B VOLUME 1234

C FOLIO 1000

E APPLICANT (Note 2)
Homer Frank Simpson and Marjorie Brooke Simpson, both of 12 Hicks Street ELLENBROOK WA 6069.

F REASON FOR APPLICATION (Note 3)
THE APPLICANT HEREBY APPLIES for the removal of CAVEAT Number Z0012458 as an encumbrance against the land above described, pursuant to section 138 B of the Transfer of Land Act 1893, sending 21 days' notice to the Caveator.

G Dated this 31 day of April Year 2015

H SIGNATURE OF APPLICANTS (Note 4)
Signed Registered Proprietor H F Simpson

I In the presence of Witness Rod Rocket

Witness Name: Rodney Rocket
Address: 10 Stylish Way, Midland, WA,
Occupation: Retired

H Signed Registered Proprietor Marjorie Simpson

I In the presence of Witness Rod Rocket

Witness Name: Rodney Rocket
Address: 10 Stylish Way, Midland, WA,
Occupation: Retired

This example is for paper forms only. Please refer to Landgate's Land Titling Forms page for the equivalent e-form.

Example of an Application (Form AW) to remove a caveat where the registered proprietor is a sole director and sole secretary company

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

REGISTER NUMBER
817/DP31675

DUPLICATE EDITION **2** DATE DUPLICATE ISSUED **NA**

WESTERN AUSTRALIA

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 123 ON DEPOSITED PLAN 889712

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)

E MR GOODS PTY LTD
OF 12 FITNESS STREET, THORNLEE

(T M149404) REGISTERED 11 MARCH 2006

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

F

1. RESTRICTIVE COVENANT BENEFIT – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
2. RESTRICTIVE COVENANT BURDEN – SEE DEPOSITED PLAN 31675 AND INSTRUMENT J260730.
3. *Z0012458 - CAVEAT BY STEALTH PTY LTD. LODGED 31.02.2015

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.
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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: DP31675.
PREVIOUS TITLE: 498-133A.
PROPERTY STREET ADDRESS: 123 EVERGREEN TCE, ELLENBROOK
LOCAL GOVERNMENT AREA: CITY OF SWAN

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

- 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** Name of register proprietor and ACN number. Note: do not include address
- F** To be copied from Certificate of Title
- G** Date to be shown
- H** Signature/s in accordance with company constitution

FORM AW

WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893

APPLICATION

A DESCRIPTION OF LAND (Note 1)

Lot 123 on Deposited Plan 889712

D EXTENT: Whole

B VOLUME: 1234

C FOLIO: 1000

E APPLICANT (Note 2)

Mr Goods Pty Ltd ACN 069 069 181
12 Fitness Street THORNLEE WA 6969

F REASON FOR APPLICATION (Note 3)

THE APPLICANT HEREBY APPLIES for the removal of CAVEAT Number Z0012458 as an encumbrance against the land above described, pursuant to section 138 B of the Transfer of Land Act 1893, sending 21 days' notice to the Caveator.

G Dated this 31 day of April Year 2015

H SIGNATURE OF APPLICANTS (Note 4)

Executed by Mr Goods Pty Ltd ACN 069 069 181

Freddy Goods

Frederick Neel Goods – Sole Director and Sole Secretary

This example is for paper forms only. Please refer to Landgate's Land Titling Forms page for the equivalent e-form.

3. Withdrawal of Caveat (Form W1) (for caveat(s) lodged to prevent improper dealings – Form C4)

In order to remove a Caveat Improper Dealings (known as a Form C4 caveat), all the registered proprietor(s) must present themselves in person at the same time at Landgate's Midland office and satisfy as a minimum the requirements of a 100-point check using original documents (copies are not allowed). Only the registered proprietor(s) of the property can remove the Caveat in person. A Withdrawal of Caveat (Improper Dealings) can only be lodged at the time of witnessing.

A Power of Attorney cannot be used to withdraw the Caveat.

Due to the operation of law the Caveat (Improper Dealings) will not prevent the following, including but not limited to:

- Mortgagee exercising a power of sale would be able to use s.138B of the *Transfer of Land Act 1893* (TLA) as the application is not being signed by the registered proprietor(s)
- Sale of the property by a Local Government for non-payment of rates
- Sale by the Sheriff under a Property (Seizure and Sale) Order
- In the case of deceased owner(s) Survivorship and Transmission,
and
- Sale under the Criminal Confiscation Act 2000.

Important Note:

- Following the signing of the withdrawal of caveat form, the Withdrawal of Caveat must be lodged immediately at the Landgate Midland office.
- Generally, an attorney cannot sign a Withdrawal of Caveat document on behalf of the registered proprietor where the caveat was lodged as a Form C4 caveat. However, Landgate may consider other signing options, including attorneys, where there may be exceptional circumstances warranting consideration.

If the caveator is not able to attend Landgate's Midland office to sign the Withdrawal of Caveat document due to exceptional circumstances, seek advice in writing with appropriate evidence from Landgate's Customer Service team by:

Tel: +61 (0)8 9273 7373 or

email: dealings@landgate.wa.gov.au

Original identification documents required to be presented when signing a Withdrawal of Caveat to remove an improper dealings caveat



100 Point Identity Verification Form

0004184

Declaration: Please read and sign below

I declare the below particulars to be correct and agree to Landgate retaining copies of all original forms of ID used to verify my identity for audit and compliance purposes.

Name: _____

Address: _____

Suburb: _____ Post Code: _____ State: _____

Date of Birth: _____ Contact Phone Number/s: _____

Signature of Applicant:

Date:

1. PRIMARY DOCUMENTS

70 POINTS

- Birth Certificate or Extract
- Citizenship Certificate
- International Travel Document:
 - a current passport
 - expired passport which has not been cancelled and was current within the preceding 2 years
 - other document of identity having the same characteristics as a passport (e.g. this may include some diplomatic document and some documents issued to refugees)

Note: Do not score additional points for more than one document.

2. NAME of signatory verified from one of the following (but only where they contain a photograph or signature that can be matched to the signatory);

40/25 POINTS

- A licence or permit issued under law of the Commonwealth, a State or Territory (e.g. an Australian driver's licence)
- An identification card issued to a public employee
- An identification card issued by the Commonwealth, State or Territory as evidence of the person's entitlement to financial benefit
- An identification card issued to a student at a tertiary education institution

Note: Additional documents can be awarded 25 points

3. NAME and ADDRESS of signatory verified from any of the following:

35 POINTS

- A current employer, or a previous employer within the last 2 years
- A rating authority (e.g. land rates)
- The Credit Reference Association of Australia (subject to the Privacy Act 1988)
- Land Titles Office Records

4. NAME ADDRESS and TELEPHONE NUMBER verified:

25 POINTS

- By reference to the latest telephone directory published by Telstra or by Advice provided by Telstra; and
- By telephone contact with the signatory on that telephone number

5. NAME of signatory verified from any other secondary identification document relating to the signatory,

25 POINTS

e.g. marriage certificate (for maiden name only), credit card, council rates, telephone account, foreign driver's licence, Medicare Card, etc.

Note: More than one document may be counted, but points scored from a particular Source may be counted only once, e.g. if MasterCard and Visa Card issued from the same Financial institution, only one may be counted.

6. NAME and ADDRESS of the signatory verified from any of the following:

25 POINTS

- The owner, landlord, or a real estate agent acting as managing agent of the premises, if the signatory lives or carries on business in rented accommodation
- The records of a public utility
- A record held under a law other than a law relating to land titles (for which see No. 3)

7. NAME and DATE OF BIRTH of signatory verified from any of the following:

25 POINTS

- The records of a primary, secondary, or tertiary education institution attended by the signatory within the last 10 years
- The records of a professional or trade association of which the signatory is a member

OFFICE USE ONLY

Total Points

Officer's Name: _____ Date: _____

Verification of Identity (VOI) – Identifying the caveator(s) (the person signing the withdrawal of caveat form)

Do you have a solicitor or licensed settlement agent preparing documents and acting 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 a 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 <https://auspost.com.au/id-and-document-services/identity-checks-for-property-transfers>

All the natural person/s signing the withdrawal of caveat document must be identified, this includes any person/s signing as an attorney or in any other capacity (eg. as a company director) for the caveator's.

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 of identity process is available on the Landgate website at:

<https://www0.landgate.wa.gov.au/for-individuals/property-ownership/fraud-protection/verification-of-identity>

Steps to lodging a Withdrawal of Caveat (Form W1) or Application (Form AW) to remove caveat with Landgate

Important Note:

A Withdrawal of Caveat (Form W1) that is being lodged to remove a caveat preventing improper dealings (lodged on a form C4) cannot be lodged by post.

1. Complete the withdrawal of caveat form by using the title search. Type or print legibly in dark ink (preferably black) to complete the panels in the withdrawal of caveat form, using the examples in this guide to assist you.
2. Ensure there are originally signed VOI statements provided for each of the person/s signing the withdrawal of caveat document. The VOI statements must be the original Statement – Self Represented Party letter issued by Australia Post and/or the original VOI statement provided by a solicitor or settlement agent.
3. Lodge the originally signed and completed Withdrawal of Caveat (Form W1) or Application (Form AW) with Landgate:

- In person, at one of Landgate's lodgement offices (locations shown on the last page of this information brochure).

NOTE: Any person can lodge the withdrawal or application document(s) with Landgate; the lodging party does not need to be one of the persons named in the withdrawal or application document.

- By post (including lodgement fee):
Landgate – Document Lodgement
PO Box 2222
MIDLAND WA 6936

NOTE: This option is not available when a caveat to prevent improper dealings (C4 caveat) is being withdrawn)

Make sure the lodgement fee payment is enclosed if lodging by post.

NOTE: Fees may be paid by cheque, credit card or by money order (available from post offices).

The current **lodgement fees payable** can be accessed via Landgate's website at **landgate.wa.gov.au**.

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

Website: 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**
3rd Floor, 200 St George Terrace
PERTH WA 6000
Tel: +61 (0)8 9262 1100
Website: 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

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

Probate Office
11th Floor, 28 Barrack Street
PERTH WA 6000
Tel: +61 (0)8 9421 5152
Website: 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

State Administrative Tribunal
6th Floor 565 Hay Street
PERTH WA 6000
Tel: +61(0)8 9219 3111
Website: www.sat.justice.wa.gov.au