

# DEC-01 Deceased Proprietor

Version 1 - 27/07/2017

The information provided in this guide is not intended to amount to legal advice. Professional assistance may be required to determine the most appropriate action to protect your legal rights. Please read our [Terms of Use](#) on the Land Titles Registration policy and procedure guides web page. Landgate accepts no responsibility where parties print this guide and seek to rely on information that is out of date.

## 1 Overview

In the event of the death of a registered proprietor of a property, the type of tenancy shown on the record of Certificate of Title will determine which application form needs to be completed and the documents required to support the application. It is highly recommended that a Certificate of Title search is conducted to confirm the tenancy type and to assist in the completion of the required documentation.

## 2 Types of Tenancy shown on a Record of Certificate of Title

### 2.1 Joint Tenants

Where two or more owners own land as "joint tenants" the ownership of the land transfers to the other joint tenant/s recorded on the title following the passing of a joint tenant. This is commonly referred to the right of survivorship.

If you are a joint tenant it means:

- you and the other owners jointly own the property
- there are no specified shares
- if one owner dies, the other owner/s automatically acquire that person's interest

Recording the passing of a joint tenant with Landgate requires the lodgement of a Survivorship application. Click on the following link for detailed information on this process: [Survivorship - Joint tenants](#)

### 2.2 Tenants in Common

Tenants in common is where there are two or more owners of land and where each owner owns an individual share of the whole of the property.

If you are a tenant in common, it means:

- you own a share of the whole of the property
- your share is an individual share, separate from the other owners
- If you pass away, your share of the property is generally distributed in accordance with your will (if you have a will) or under the Administration Act if you don't have a will.

An executor/s or an administrator/s will need to be appointed to take control of the estate of a deceased proprietor where they registered as a tenant in common on the title.

The executor/s or administrator/s will need to apply for Probate or Letters of Administration from the Probate Office in WA before any documents can be lodged with Landgate to transfer the ownership of the property.

Recording the passing of a tenant in common with Landgate requires the lodgement of an Application by Personal Representative. Click on the following link for detailed information on this process: [Personal Representative](#)

### 2.3 Sole Registered Proprietor

If you are the only owner of a property, it generally means your share of the property will be distributed in accordance with your will when you pass away (if you have a will) or under the Administration Act if you don't have a will.

An executor/s or an administrator/s will need to be appointed to take control of the assets and the property you own when you pass away.

The executor/s or administrator/s will need to apply for Probate or Letters of Administration from the Probate Office in WA before any documents can be lodged with Landgate to transfer the ownership of the property.

Recording the passing of the sole Registered Proprietor with Landgate will require the lodgement of an Application by Personal Representative. Click on the following link for detailed information on this process: [Personal Representative](#)

## 3 Also see

[- DEC-02 Survivorship Applications](#)

---