Change Name due to a Simple Error

A guide to preparing the documents
Preparing an Application to Change Name due to a simple error when the property was first transferred to your ownership

This step-by-step guide is designed to show you how to prepare and lodge an application to change a name, where a simple error was made in the spelling of a name shown on a Certificate of Title.

A simple error is one where an existing registered proprietor’s name is being amended due to an error or omission that was made on the transfer or application document when the property was registered in the current ownership.

Examples of a simple error include:

» Where a proprietor’s name has been incorrectly spelt on the title (eg Stephen being incorrectly shown as Steven, Allan being incorrectly shown as Alan, Maree being incorrectly shown as Marie or White being incorrectly shown as Whyte).

» Where the order of the names shown on the title is incorrect (e.g. Jeffery Robert Brown being incorrectly shown as Robert Jeffery Brown or Mye Nguyen has been incorrectly shown as Nguyen Mye).

» Where a Christian name has not been shown on the title (e.g. Brendan Philip Jones being incorrectly shown as Brendan Jones or Anne Joy Smith being incorrectly shown as Anne Smith).

If you are completing the forms yourself, we advise you to exercise 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 transaction document.

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

What you should know about Certificate of Title

Certificates of Title, otherwise known as Title Deeds, are issued by Landgate with one original and the option to have a duplicate title issued. Original titles are always kept at Landgate. The duplicate title (if issued) would usually be kept by the proprietor/owner or by a lending institution as security for a loan.

Many lending institutions request the non-issue of a duplicate title when they register a mortgage. This means that when a property is under mortgage, there is a possibility that a duplicate title has not been issued.

Where a duplicate title has not been issued, the original title would include a note in the statements section indicating the non-issue of the duplicate title. The note in the statements section would be shown as ‘DUPLICATE CERTIFICATE OF TITLE NOT ISSUED AS REQUESTED BY DEALING M149404’.
There are important differences between the original title and the duplicate title. The duplicate title does not show all limitations and encumbrances. For example, caveats, notifications, memorials and property seizure and sale orders are only shown on the original title held by Landgate and not on the duplicate title.

It is recommended that a copy of the original Certificate of Title be obtained from Landgate, to assist in completing the application form and statutory declaration. We commonly refer to this as a ‘title search’. A title search will show if a title has been issued or is non-issue and 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 a Certificate of Title**.

**What do I need for my application?**

- Title Search (recommended) – used to complete the application form
- Forms – Application form A5 and Statutory Declaration form B3
- Duplicate Certificate of Title (if issued)
- Registration fees payable to Landgate

**Title Search – a copy of the current Original 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 and **order a copy of a Certificate of Title**.

**An Application Form A5 and a Statutory Declaration Form B3**

The Application form A5 and the Statutory Declaration from B3 are available from a Landgate office or online from the [Landgate website](https://www.landgate.qld.gov.au).

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.

**The Duplicate Certificate of Title**

- **If issued** and there is no mortgage on the property, the hard copy duplicate title must be produced with the application document. NOTE: A photocopy or a copy certified by a Justice of the Peace or a similarly qualified person is **not** acceptable for registration purposes.

- **If issued** and the property is under mortgage the financier holding the mortgage will need to produce the duplicate title to Landgate prior to the lodgement of the application document. There is an additional registration fee known as a **production** fee, payable to Landgate when the duplicate title is produced separately from the application.

- **If the status of the duplicate title is non-issue** and the property is under mortgage then an original signed letter of consent from the financier authorising the registration of the application to change name is required. The original signed letter must be lodged with the application document.

- **If the status of the duplicate title is non-issue** and the property is not under mortgage, then the original signed application document, together with relevant evidence is all that is required to be lodged with Landgate.

**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.
Steps to lodging the application

1. Complete the application and statutory declaration forms by using the title search. Type or print legibly in dark ink (preferably black) to complete the application and statutory declaration forms using the examples in this guide to assist you.

   Evidence is not usually required to be provided when changing a name due to a simple error, the facts set out in the statutory declaration are usually sufficient as evidence, however this is subject to the examination of the application following lodgement of the application with Landgate. Evidence or additional information may be requested following the examination of the application.

2. If the property is subject to a mortgage, ensure the Duplicate Certificate of Title (if issued) has been supplied to Landgate by the financier; or you have obtained an originally signed letter of consent from the lender (if the Duplicate Certificate of Title has not been issued).

3. Lodge the original signed forms and the duplicate title (where applicable) with Landgate ensuring the registration fee payment is enclosed if lodging by post.
   - In person at one of Landgate’s lodgement offices. NOTE: any person can lodge the application document with Landgate; the lodging party does not need to be one of the persons named in the application document.
   - By post to:
     Landgate Document Lodgement Section
     PO Box 2222
     MIDLAND WA 6936

NOTE: Duplicate Certificate of Title and original evidence being returned by post will be posted in the normal mail. If you wish to have the duplicate title and/or original evidence returned by registered post, you will need to provide a self-addressed, pre-paid registered post envelope to Landgate with the application document.

Terms of Use

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Important

The information in this document should not be regarded as legal advice. In all matters, users should seek legal advice from an independent legal practitioner.
Completing the Statutory Declaration

A statutory declaration is required by the person who is changing their name. The following statements should be included:

» State the capacity of the declarant, include reference to incorrect name shown on title, land description and former address (only show former address if address has changed)

» State full correct name (include new address if changed)

» State how incorrect name was shown on the title

» State the person shown on the title (incorrect name) plus title reference as being one and the same person (full correct name) as the declarant.

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**FORM B3**
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1850 AS AMENDED
OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

**STATUTORY DECLARATION**

A

1. Fredrick Hoover of 344 Diet Street, West Cannington, Fitness Instructor

(name, address and occupation of person(s) making the declaration)

B

1. I am registered as the proprietor of the land being Lot 1580 on Deposited Plan 22396 being the whole of the land comprised in Certificate of Title Volume 3332 Folio 339, wherein I am incorrectly described as Frederick Hoover.

2. My true and correct name is Fredrick Hoover.

3. When the land was transferred to me, I did not notice that my Christian name had been incorrectly shown as Frederick.

4. The person described on Certificate of Title Volume 3332 Folio 339 as Frederick Hoover is one and the same person as Fredrick Hoover described in this declaration.

C

This declaration is true and I: WE know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005 at (place) on day of 20 by -

D

Signature of person making the declaration (sign in the space above)

In the presence of -

E

Signature of authorised witness (sign in the space above)

(Print the full name, address and qualification of authorised witness in the space above)

SAMPLE ONLY. ACTUAL TEXT WILL VARY.

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A Full name, address and occupation of declarant(s)

B Enter relevant details as required

C Date declaration signed and place where signed

D Signature of declarant(s) (before signing, check the list of competent witnesses on back of Statutory Declaration form)

E Print full name, address, occupation and/or competency of witness. If more than one declarant the witness must sign once for each person signing the declaration.
LAND DESCRIPTION:

REGISTERED PROPRIETOR:

( FIRST SCHEDULE )

FREDERICK HOOPER
OF 344 DIET STREET, SOUTH CANNINGTON

[ M194964 ] REGISTRATION 26 AUGUST 2020

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

1. Mortgages to Rocket Bank Ltd registered 28.6.2013
2. Restrictive Covenant Burden registered 29.6.2015

_WARNING: A current search of the register of the land should be obtained where detail of position, description or area of the land is required. Any notices provided by an interested party not appear on the current edition of the duplicate certificate of title.

LOT 1580 ON DEPOSITED PLAN 22396

EXTENT: Whole
VOLUME: 3332
FOLIO: 339

The title has been created for information purposes only.

STATEMENTS:

This statement set out before was not introduced by any act (except the Act) and the information contained in the statement is subject to correction at any time.

SKETCH OF LAND: 3332-339
PREVIOUS TITLE: 3332-000
PROPERTY STREET ADDRESS: 344 DIET STREET, WEST CANNINGTON
LOCAL GOVERNMENT AREA: CITY OF CANNINGTON

NOTE 1: Duplicate Certificate of Title not issued as requested by deed

NOTE 2: Title created 8.8.2015

NOTE 3: Reason for application

APPLICANT:

Frederick Hoover of 344 Diet Street, South Cannington

The applicant hereby applies

To amend the name of the registered proprietor from:

Frederick Hoover to Fredrick Hoover.

Signed

In the presence of

Form A5

DESCRIPTION OF LAND (Note 1)
EXTENT
VOLUME
FOLIO

Lot 1580 on Deposited Plan 22396
Whole
3332
339

SAMPLE ONLY. ACTUAL TEXT WILL VARY.
Contact List

Landgate contacts

Landgate Office Hours 8.30am to 5.00pm
(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

Other useful contacts

Department of Finance
State Revenue/Duties (OSR)
200 St Georges Terrace
PERTH WA 6000
Tel: +61 (0)8 9262 1400
Email: duties@finance.wa.gov.au
Website: www.finance.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 St
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: 1300 305 021
Website: www.bdm.dolaq.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

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

Postal Address: PO Box 2222, MIDLAND WA 6936