Personal Representative

This guide is designed to show you how to prepare and lodge an application by personal representative. Once registered, changing the ownership of the property to each beneficiary of the deceased owner via a Transfer of Land can be carried out.

Preparing an Application by Personal Representative

This step-by-step guide is designed to show you how to prepare and lodge an Application by Personal Representative.

This application should only be used when a sole proprietor/owner, or a proprietor owning a share as tenant in common, passes away. The effect of this application is to show the name of the executor or administrator on the title (in the capacity of executor or administrator) replacing the name of the deceased proprietor.

This application must be registered to enable the property to be sold or to transfer the ownership to the person(s) named as a beneficiary of the deceased proprietor’s estate.

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 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.

Some limitations or encumbrances (such as those stated above) may prevent the registration of a transfer or 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 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.
The Transmission Application process

When a sole proprietor or tenant in common land owner dies, a specific process needs to take place so that the land can be transferred by their executor or administrator, also known as their personal representative(s).

The executor or administrator would apply to the Probate Office to be appointed as an executor or administrator of the deceased proprietor’s will or estate. When satisfied with the documentation provided, the Probate Office will then issue a Grant of Probate or Letters of Administration. This is the legal document that is required to be produced as evidence along with the Application by Personal Representative Form, enabling the names of the executor(s) or administrator(s) to be placed on the deceased proprietor’s Certificate of Title.

The application by personal representative must be lodged to enable the executor/administrator(s) to deal with the land of the deceased proprietor. This includes selling the property or transferring the property to the person(s) named as a beneficiary of the deceased proprietor’s estate.

What do I need for my application?

- Verification of Identity (VOI) – the identity of the person/s signing as applicants must be verified
- Original Grant of Probate or Letters of Administration
- Title Search (recommended) – used to complete the application, statutory declaration form
- Forms – Application Form A1 and Statutory Declaration Form B3
- Duplicate Certificate of Title (if issued)
- Registration Fees payable to Landgate

Verification of Identity – (VOI) Identifying the applicant(s)

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 at a participating Australia Post office. Australia Post charges a fee for this service. For further information, please refer to: www.auspost.com.au/identity-checks-for-property-transfers.

All the natural person/s (executor/s or administrator/s) signing the application document must be identified.

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.

For information regarding the Verification of Identity Practice refer to the Verification of Identity webpage on the Landgate website.
The original Probate or Letters of Administration issued by the Probate Office

Landgate will require the original probate or original Letters of Administration document to be lodged as evidence with the application.

Importantly, a copy of the probate or letters of administration document certified by a solicitor, Justice of the Peace or a similarly qualified person is NOT acceptable.

Landgate is required to sight the original Probate/Letters of Administration document. If the application is lodged in person, the original Probate/Letters of Administration will be returned at the time of lodgement. If the application is posted to Landgate, the original Probate/Letters of Administration will only be returned when the registration process is completed.

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 and obtain a copy of a Certificate of Title.

An Application by Personal Representative Form A1 and a Statutory Declaration Form B3

The Application by Personal Representative Form A1 is available online.

The Statutory Declaration Form B3 is available online.

Forms are also available from a Landgate office.

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.

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 is required. The original signed letter must be lodged with the transfer 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 an 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.

2. Ensure the original Probate or original Letters of Administration issued by the Probate Office are provided with the application.

3. Provide the Duplicate Certificate of Title where issued. 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 original signed letter of consent from the lender (where the Duplicate Certificate of Title is noted as “non-issue” on the Record of Certificate of Title).

4. Ensure there are original identity statements provided for each of the natural persons signing the application 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 application, statutory declaration form, , Probate/Letters of Administration (together with other evidence that maybe required) 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 person(s) 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.
Completing the Statutory Declaration

A Statutory Declaration is required by a person making the Application by Personal Representative. The following should be included.

- Your capacity to act for the deceased proprietor
- Identification of the land by its land description, volume and folio numbers taken from your copy of the Certificate of Title. See references A, B, and C on sample title
- Name of deceased tenant/s and reference to proof of death supplied, either Letters of Administration or Grant of Probate referenced at E on sample title

### STATUTORY DECLARATION

I Neil Frederick Goods of 145 Wide Road, West Cannington, Personal Trainer.

(name address and occupational of person(s) making the declaration)

Sincerely declare as follows-

I am the executor (or administrator) of the will of Frank Peter Whiskey, deceased, who died on 23 March 2020.

Probate was granted to me on 30 August 2020.

The said Frank Peter Whiskey was registered as the proprietor of the land being Lot 1580 on Deposited Plan 22396, being the whole of the land in Certificate of Title Volume 3332 Folio 339, wherein he was shown at a former address of 13 Crown Street, Allanbrook.

The Frank Peter Whiskey of 13 Crown Street, Allanbrook as shown on Certificate of Title Volume 3332 Folio 339 is one and the same person as Frank Peter Whiskey of 344 Rolling Circuit, Helena Hills as described on the Grant of Probate document.

I make this declaration in support of my application to be registered as the proprietor of the land in Certificate of Title Volume 3332 Folio 339 by transmission.

Signature of executor(s) or administrator(s). No witness required

Signature of declarant(s)

Signature of witness (before signing, check list of competent witnesses on back of Statutory Declaration form). Print name, address, occupation and/or competency of witness.

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 -

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

In the presence of -

Signature of authorised witness (sign in the space above)

(Put the full name, Address and qualification of authorised witness in the space above)
Changing the ownership of the property to each beneficiary of the deceased owner (Transfer of Land)

A Transfer of Land document is required to be registered to change the property ownership to each beneficiary of the estate of the deceased proprietor.

The transfer document can be lodged with the Application by Personal Representative or any time after the application has been lodged.

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.

What do I need for my land transfer?

- Verification of Identity (VOI) – the identity of the person(s) signing as transferor(s) and transferee(s) must be verified (the executor/s or administrators and beneficiaries)
- Title Search (recommended) – used to complete the Transfer of Land form
- Office of State Revenue (OSR) for the assessment of (stamp) duty
- Duplicate Certificate of Title (if issued)
- Registration fees payable to Landgate

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

Refer to the identification requirements set out under the heading What do I need for my application?

If the transfer is being lodged at the same time as the application by personal representative, then the VOI identity letter issued by Australia Post is sufficient for both documents.

However, if the transfer is to be lodged at a date after the lodgement of the Application by Personal Representative, then a completely new VOI process will need to be completed with Australia Post (the VOI completed for the application document cannot be used).

Importantly, any transferor or transferee (natural person) signing the transfer outside of Australia is subject to specific identity and witnessing requirements. Please contact a Landgate Officer to discuss these requirements.

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.

The original Grant of Probate or Letters of Administration issued by the Probate Office.

If transferring the property to the beneficiaries of the deceased proprietor, Landgate will require the original probate or original letters of administration document (with Will annexed) to be lodged as evidence with the application.
If the deceased proprietor passed away without leaving a Will, the Probate Office will issue letters of administration only (without a will annexed). Where this occurs the administrator should seek legal advice and assistance to complete the transfer process.

Landgate is required to sight the original probate or letters of administration document. This document will be returned at the time of lodgement of the application if lodged in person, however, if the application is posted to Landgate, the original probate or letters of administration document will be returned to the customer with their receipt. Sighting/certificate copy at Australia Post is also acceptable.

A copy of the probate or letters of administration document certified by a solicitor, Justice of the Peace or a similarly qualified person is not acceptable.

**A Transfer of Land Form – Forms 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](#).

**Office of State Revenue (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 OSR for duty notation before the transfer can be lodged with Landgate.

Contact details for OSR are listed on the back page.

**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 transfer 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 transfer.

- 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 transfer is required. The original signed letter must be lodged with the transfer document.

- If the status of the duplicate title is **non issue** and the property is not under mortgage, then the original signed transfer 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 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 the examples in this guide to assist you.

2. Ensure the transfer has been assessed for duty by OSR and a duty certificate is provided, or duty is noted on the original transfer form.

3. Provide the Duplicate Certificate of Title where issued. If the property is subject to a mortgage, ensure the Duplicate Certificate of Title has been produced to Landgate by the financier; or you have obtained an original signed letter of consent from the financier (where the Duplicate Certificate of Title is noted as “non-issue” on the Record of Certificate of Title).

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.
   - 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.
   - 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 transfer 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.
Show full names and address(es) of transferee(s). 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”.

Date to be shown

Transferor(s) [executor(s) or administrator(s)] sign their usual signature

Witness signs under transferor/transferee. Witness must then print their full name, address and occupation.

Transferee(s) sign their usual signature

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”
F Full names and capacity [as executor(s) or administrator(s)] of the will of the deceased
G To be stated in words

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)
200St Georges Terrace
PERTH WA 6000
Tel: +61 (0)8 9262 1400
Email: duties@finance.wa.gov.au
Website: www.finance.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
200St Georges Terrace
PERTH WA 6000

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

Probate Office
11th Floor, 2B Barrack St
PERTH WA 6000
Tel: +61 (0)8 9421 5152
Website: www.supremecourt.wa.gov.au

Registry of Births, Deaths and Marriages
141St 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

landgate.wa.gov.au