

Separation and/or Divorce

A guide to preparing the documents

Last updated November 2018



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 Certificate of Title

Certificate 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 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)
- 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

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 to: www.auspost.com.au/identity-checks-for-property-transfers.

All of the natural person/s signing the transfer document must be identified, this includes any person/s signing as an attorney or in any other capacity (eg. 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): <https://www0.landgate.wa.gov.au/for-individuals/property-ownership/fraud-protection/verification-of-identity>

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 [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.

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 transfer 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 of Land document, together with relevant evidence is all that is required to be lodged with Landgate.
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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

Disclaimer of Liability

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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.

THIS TITLE HAS BEEN CREATED FOR INFORMATION PURPOSES ONLY

REGISTER NUMBER 1580/P22396	
DUPLICATE EDITION 4	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 LAND DESCRIPTION:
LOT 1580 ON DEPOSITED PLAN 22396

F REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
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 -----

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection 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

- 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

FORM T1
WESTERN AUSTRALIA
TRANSFER OF LAND ACT 1893

TRANSFER OF LAND

	EXTENT	VOLUME	FOLIO
A DESCRIPTION OF LAND (Note 1) Lot 1580 on Deposited Plan 22396	D Whole	B 3332	C 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 _____

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

- H** Show full names and address/s of transferee's. Addresses to be shown without punctuation 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 eg: as 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

SAMPLE ONLY, ACTUAL TEXT WILL VARY

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

Other useful contacts

Department of Finance

The Office of State Revenue
3rd Floor, 200 St Georges 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 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.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



Landgate