

Survivorship-Joint Tenants

A guide to preparing the documents





Preparing a Survivorship Application – Joint Tenants

This step-by-step guide is designed to show you how to prepare and lodge a simple survivorship application upon the death or one or more proprietors, who are shown on the title as joint tenants.

This type of application should only be made:

- Where the Certificate of Title states the proprietors as joint tenants
- Where joint tenancy is deemed as no reference is shown in the registered proprietor's section of the title.

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 important 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 a Certificate of Title

Certificates of Title are created by Landgate usually as a result of registration or approval of a subdivisional plan. Original titles are always kept at Landgate.

Some limitations or encumbrances 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 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 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 Record of Certificate of Title.

What if all owners who are registered on the Certificate of Title as joint tenants are deceased and the title was not updated when the first joint tenant died?

When this has occurred, two documents need to be lodged together at Landgate:

- 1. A Survivorship Application, and
- 2. An Application by Personal Representative

The process to change ownership is explained in the Landgate How to Guide entitled 'Joint tenants both deceased'.

What do I need for my application?

- Verification of Identity (VOI) the identity of the person(s) signing as applicant(s) must be verified
- Evidence of death of the deceased joint tenant
- Title Search (recommended) used to complete the application and statutory declaration forms
- Forms: Application by Survivor e-form (or paper Form A2 and Statutory Declaration (B3))
- Registration Fees payable to Landgate

Verification of Identity (VOI) – Identifying the applicant

A person may be represented or Self-represented. A represented person will be provided a statement of identity from their agent/solicitor.

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 information regarding the Verification of Identity Practice refer to the <u>Verification of Identity</u> webpage on the Landgate website.

The **original** signed Statement - Self-represented Party letter issued by Australia Post must be produced and lodged with the application document.

Importantly, any applicant (natural person) signing the application outside of Australia is subject to specific identity and witnessing requirements. Persons residing overseas must seek an industry professional for assistance.

Evidence of Death

This is usually provided by producing the **original** death certificate that has been issued from the office of the Registrar of Births, Deaths and Marriages. An **original** probate document issued by the Probate Office is also acceptable as evidence for the application.

A copy of the death certificate or probate document certified by a Justice of the Peace or a similarly qualified person is not acceptable.

Landgate is required to sight the original death certificate or original probate document. If the application is lodged in person, the original evidence will be returned at the time of lodgement. If the application is posted to Landgate, the original evidence will be returned to the customer with their receipt. A copy certified by Australia Post, a licensed settlement agent or a legal practitioner will also be accepted (refer to Land Transactions Policy and Procedure Guide DOC-04 Statutory Declarations and Supporting Evidence).

Title Search – A copy of the current 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 Record of Certificate of Title.

Survivorship Application Form and a Statutory Declaration Form B3

All freehold land registration forms are available online via Landgate's <u>Land Titling Forms</u> page, or from a Landgate office. Those specific to this application are:

- Application by Survivor e-form or
- Paper Form A2 and Statutory Declaration Form B3

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.

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**. Fee must be paid when lodging the document in person or included if posting the documents to Landgate.

Further Reading

For further information on this transaction type and further document requirements, please see the following links:

- Land Titles Registration Policy and Procedure Guides
- A Guide to basic requirements for the preparation of paper documents "Getting it Right -Reference Guide".
- Land Transaction Hub

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.
- 2. Provide proof of death of the deceased joint tenant. This is usually provided by production the original death certificate that has been issued from the Office of the Registrar or Births, Deaths and Marriages. An original probate document issued by the Probate Office is also acceptable as evidence for the application.
- 3. The original signed identification 'Statement Self-Represented Party' letter issued by Australia Post must be produced and lodged with the application document.
- 4. 5. Lodge the original signed application and statutory declaration forms, along with any other evidence that may be required. **Ensure the registration fee payment is enclosed if lodging by post**.
 - o 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.
 - By post to:
 Landgate Document Lodgement Section
 PO Box 2222
 MIDLAND WA 6936

NOTE: Original evidence being returned by post will be posted in the normal mail. If you wish to have the 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.

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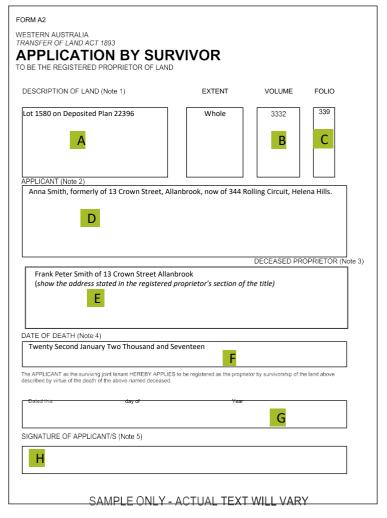
Important

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

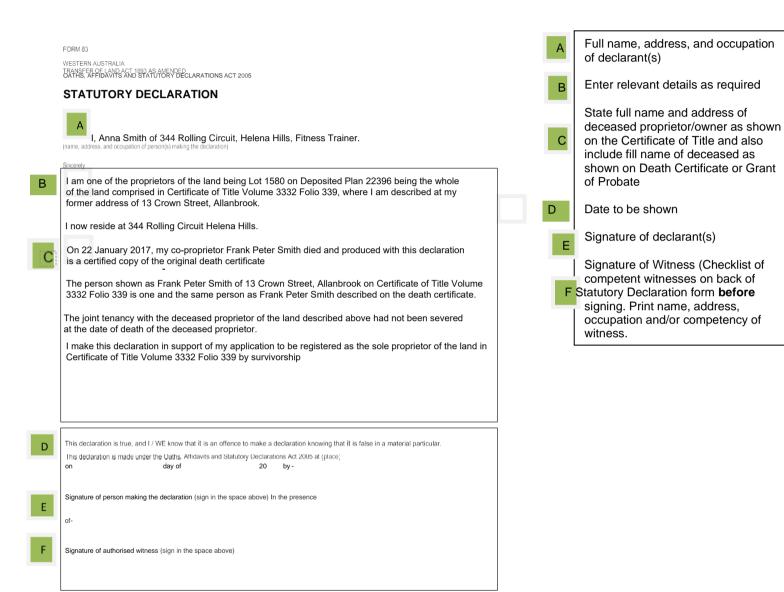
- A To be copied from Certificate of Title
- B To be copied from Certificate of Title
- C To be copied from Certificate of Title
- D Full name and address of Applicant
- **E** Full name and address of deceased as shown on Certificate of Title
- F Date of death stated in words
- G Date application signed
- H Signature of applicant (No witness required)



Completing the Statutory Declaration

A Statutory Declaration is required by any person making the Application by Survivor. Where there is more than one surviving joint tenant, the Statutory Declaration only needs to be completed by one of the survivors. The following should be included:

- Identification of the land by its volume/folio reference taken from your Certificate of Title. See B and C on sample title.
- Name of deceased tenant/s and reference to proof of death supplied, either Death Certificate or Grant of Probate
- Your entitlement to the land by survivorship



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

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

