



# Survivorship - Joint Tenants

A guide to preparing the documents

Last Updated November 2020



## 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 of 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, 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 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 \(B3\)](#))
- Duplicate Certificate of Title (if issued)
- Consent to subsequent lodgement where a title shows a registered mortgagee (if non-issue)
- 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 [Verification of Identity](#) 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 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 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 [Land Titling Forms](#) page, or from a Landgate office. Those specific to this application are:

- [Survivorship 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.

### 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: 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 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.
- If the duplicate title cannot be located, as it has been lost or destroyed, this application must be accompanied by an Application for Replacement title. The process is explained in the Landgate How to Guide entitled "[Replacing a Duplicate Certificate of Title](#)".

### 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 Toolkit](#)

## 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. If the property is subject to a mortgage, ensure the Duplicate Certificate of Title (if issued) has been produced to Landgate by the Financier; or if you have obtained an original signed letter of consent from the lender (if the Duplicate Certificate of Title has not been issued).
4. The original signed identification ‘Statement – Self-Represented Party’ letter issued by Australia Post must be produced and lodged with the application document.
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.**
  - 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: 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

### Disclaimer of Liability

*The information contained in this document is a guide or information source only. Various factors beyond the control of Landgate can affect the quality or accuracy of the information and products. While every effort has been made to ensure accuracy and completeness, no guarantee is given, nor responsibility taken by Landgate for errors or omissions in this document. Landgate is not liable for any loss or damage incurred as a result of the use of, or reliance upon the information provided in this document or incorporated into it be reference.*

### 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 <b>1580/P22396</b>	
DUPLICATE EDITION <b>4</b>	DATE DUPLICATE ISSUED <b>N/A</b>

WESTERN AUSTRALIA

RECORD OF CERTIFICATE OF TITLE  
UNDER THE TRANSFER OF LAND ACT 1893  
VOLUME **3332** FOLIO **339**

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 is 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  
REGISTERED PROPRIETOR:  
(FIRST SCHEDULE)

FRANK PETER SMITH  
ANNA SMITH  
BOTH 13 CROWN STREET, ALLANBROOK  
AS JOINT TENANTS  
(T M149404) REGISTERED 30 SEPTEMBER 2017

NOTIFICATIONS: LIMITATIONS, INTERESTS, ENCUMBRANCES AND  
(SECOND SCHEDULE)  
1. M149565 RESTRICTIVE COVENANT BURDEN. REGISTERED 30.09.2017

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 ins and the relevant documents or for local government, legal, surveying or other professional

SKETCH OF LAND: 3332-339  
PREVIOUS TITLE: 3332-000  
PROPERTY STREET ADDRESS: 344 ROLLING CIRCUIT, HELENA HILLS  
LOCAL GOVERNMENT AREA: CITY OF SWAN

- 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)

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

FORM A2  
WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1893  
**APPLICATION BY SURVIVOR**  
TO BE THE REGISTERED PROPRIETOR OF LAND

DESCRIPTION OF LAND (Note 1)	EXTENT	VOLUME	FOLIO
Lot 1580 on Deposited Plan 22396 <b>A</b>	Whole	3332 <b>B</b>	339 <b>C</b>

APPLICANT (Note 2)  
Anna Smith, formerly of 13 Crown Street, Allanbrook, now of 344 Rolling Circuit, Helena Hills.  
**D**

DECEASED PROPRIETOR (Note 3)  
Frank Peter Smith of 13 Crown Street Allanbrook  
(show the address stated in the registered proprietor's section of the title)  
**E**

DATE OF DEATH (Note 4)  
Twenty Second January Two Thousand and Seventeen  
**F**

The APPLICANT as the surviving joint tenant HEREBY APPLIES to be registered as the proprietor by survivorship of the land above described by virtue of the death of the above-named deceased.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ Year  
**G**

SIGNATURE OF APPLICANT/S (Note 5)  
**H**

SAMPLE ONLY - ACTUAL TEXT WILL VARY

# 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

FORM 83

WESTERN AUSTRALIA  
TRANSFER OF LAND ACT 1993 AS AMENDED  
OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

## STATUTORY DECLARATION

A

I, Anna Smith of 344 Rolling Circuit, Helena Hills, Fitness Trainer.

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

Sincerely

B

I am one of the proprietors 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, where I am described at my former address of 13 Crown Street, Allanbrook.

I now reside at 344 Rolling Circuit Helena Hills.

C

On 22 January 2017, my co-proprietor Frank Peter Smith died and produced with this declaration is a certified copy of the original death certificate

The person shown as Frank Peter Smith of 13 Crown Street, Allanbrook on Certificate of Title Volume 3332 Folio 339 is one and the same person as Frank Peter Smith described on the death certificate.

The joint tenancy with the deceased proprietor of the land described above had not been severed at the date of death of the deceased proprietor.

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

D

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 -

E

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

of-

F

Signature of authorised witness (sign in the space above)

A

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

B

Enter relevant details as required

C

State full name and address of deceased proprietor/owner as shown on the Certificate of Title and also include full name of deceased as shown on Death Certificate or Grant of Probate

D

Date to be shown

E

Signature of declarant(s)

F

Signature of Witness (Checklist of competent witnesses on back of Statutory Declaration form **before** signing. Print name, address, occupation and/or competency of witness.

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](mailto:customerservice@landgate.wa.gov.au)**

**Website: [www.landgate.wa.gov.au](http://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  
3<sup>rd</sup> Floor, 200 St George Terrace  
PERTH WA 6000  
Tel: +61 (0)8 9262 1100  
Website: [www.wa.gov.au](http://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](http://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](http://www.familycourt.wa.gov.au)**

**Probate Office  
11<sup>th</sup> Floor, 28 Barrack Street  
PERTH WA 6000  
Tel: +61 (0)8 9421 5152  
Website: [www.supremecourt.wa.gov.au](http://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](http://www.bdm.dotag.wa.gov.au)**

**State Administrative Tribunal  
6<sup>th</sup> Floor 565 Hay Street  
PERTH WA 6000  
Tel: +61(0)8 9219 3111  
Website: [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au)**

