

REGISTRATIONS

CUSTOMER INFORMATION BULLETIN

BULLETIN NO. 207
19 AUGUST 2011

New Caveats for Land Owners

Western Australia has experienced two instances within the last 12 months where real property has been sold without the owner's consent. In both cases, the owner (registered proprietor) was residing outside of WA and it appears that they were victims of identity theft.

In order to reduce the risk for WA landowners from being the subject of improper dealings on their property, a new caveat service is being offered by Landgate. A Caveat (Improper Dealings) can now be lodged with Landgate by owners or their lawyer or licensed settlement agent. The caveat, once lodged, will stop the registration of any instruments or documents that would ordinarily need to be signed by the owner, for example:

- Transfer
- Application for replacement duplicate title,
- Notification of change of address for service of notices,
- Application to change the name of an owner on the title; and
- Application for the issue of a duplicate title.

The caveat will also prevent the use of a Power of Attorney to affect a transfer or mortgage of the property.

In order to remove the Caveat, all the caveators must present themselves in person at Landgate's Midland office and satisfy the requirements of a 100 point identity check using original documents, not copies. Only the owners of the property who lodged the caveat can remove the Caveat in person. There will be no exceptions to this requirement.

Please note that owners who have mortgaged properties should review their mortgage terms and consult with their lending institution before lodging the caveat as the terms and conditions of the mortgage may prevent the lodgement of any caveat without the mortgagee's consent.

The caveat will not prevent the property being sold and transferred in the following ways:

- Mortgagee exercising a power of sale would be able to use section 138B of the *Transfer of Land Act 1893* as the application is not being signed by the owners;
- Sale of the property by a Local Government for non-payment of rates; and
- Sale by the Sheriff under a Property (Seizure and Sale) Order.

The current regulated fee of \$160 applies for the lodgement and withdrawal of each caveat.

Attached is the Caveat document.

For further information contact Landgate's Advice Line on (08) 9273 7044.

A handwritten signature in black ink, appearing to read 'J. Villani', with a stylized flourish at the end.

Jean Villani
Delegated Registrar of Titles
A/Manager Registrations
18 August 2011