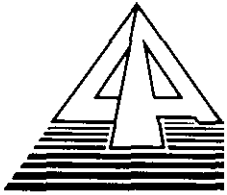


# CUSTOMER INFORMATION BULLETIN



Department of  
**LAND ADMINISTRATION**  
OFFICE OF TITLES

No. 28, 26th January, 1990

**In this Issue:**

**A:Produced Duplicate Title enquiries**

**B:Caveats**

**C:Mortgages - Photocopy searches**

**D:Title Print Collection boxes**

## **A. PRODUCED DUPLICATE TITLE ENQUIRY**

As reported in Customer Bulletin No.27 details of duplicate titles produced in this office for use by a third party, are now entered on the computer system.

As from Thursday 1st February, 1990, this enquiry function will be available as at "no charge" option on the Customer Remote Searching system. Amendments to the Users Manual are being posted to all manual holders.

This option will enable users to make enquiries about the production date, purpose and issuing details for a deposited duplicate title, lease or licence.

If you are not already a user of the Customer Remote Searching system, why not make enquiries about the many advantages to be gained. The fee to join this system is a mere \$60.00 per year.

Any enquiries relating to the system should be directed to Arthur Towers on 222 6807.

## **B. CAVEATS BASED ON JUDGEMENTS OF THE - SUPREME, DISTRICT AND FAMILY COURTS OPERATING AS CHARGES ON LAND**

The Imperial Judgements Act 1838 (I and II Vict) Clause 110 sections 9, 10, 13 and 19 as adopted in Western Australia by Act 31 Vict No. 8 of 1867 (See Supreme Court Act 1935 section 3) provides that the judgements, decrees and orders of the Supreme Court and the Court for divorce and matrimonial causes in Western Australia create a charge over land. Accordingly, a judgement of the Supreme Court of Western Australia and possibly the Family Court of Western Australia appear to operate as a charge on land on which a caveat can be based.

Section 56 of the District Courts Act provides that a judgement of the District Court may be enforced in the same manner and to the same extent as though it were a judgement of the Supreme Court. It is arguable that a caveat may also be based on such a judgement.

A judgement of the Local Court does not create a charge and does not constitute a caveatable claim.

In future, caveats specifying that they are based on a judgement of the Supreme Court of Western Australia, the District Court of Western Australia or the Family court of western Australia will be accepted if the estate or interest claimed is that of chargee and if the grounds on which the claim is made is by virtue of a judgement of the Supreme Court, the District Court or the Family Court of Western Australia for payment of a specified amount.

Acceptance of such caveats does not signify that this office is expressing a view as to whether or not such caveats will be upheld in Court proceedings.

## **C. MORTGAGES - PHOTOCOPY SEARCHES**

Requests for searches of mortgages demands that the Office of Titles provides a photocopy of the entire mortgage as registered in the office. Many mortgages run into multiple pages and much of this information is not always required. Often it is sufficient for the client to have only the main pages showing the "registration" necessities and excluding the contractual covenants. The document search area will accommodate the needs of the client when clearly instructed.

If a search of the covenants in the mortgage is not required then "main pages only" should be specified on the priority ticket.

A note to the effect that the search provided is an edited version will be placed on the front page of these searches by Document Repository staff.

In instances where a mortgage refers to a memorandum of provisions a search of the memorandum will not be provided unless requested. In those instances separate search fees apply.

## **D. TITLE PRINT COLLECTION BOXES**

Boxes are supplied in the search area for the collection of searches ordered by C.A.S. Customers. It has come to the attention of this office that some enterprising firms are using these boxes as a "postal service" among each other or to notify all their fellow conveyancers of changes of address etc.

Whilst this office does not object to the practice, it must be stressed that no responsibility will be taken for the removal of any of these items from the boxes by the incorrect parties.



**D.L. Mulcahy  
Director  
LAND TITLES**