

BULLETIN NO. 233 | 28 JUNE 2013

NEW STANDARD TRANSFER AND MORTGAGE FORMS

NEW PRACTICE FOR THE REMOVAL OF TIME EXPIRED RESTRICTIVE COVENANTS

NEW STANDARD TRANSFER AND MORTGAGE FORMS

New Standard Transfer and Mortgage Forms have been approved and are available from Landgate's website [here](#).

The new form types are M1A, M1B, T1A, T2A, and T4A. These forms have two significant changes:

1. The Verification of Identity Statement has been incorporated; and
2. The Limitations, Interests, Encumbrance and Notifications panel has been removed.

The use of the new forms is optional subject to your operational requirements.

With respect to the Verification of Identity Statement incorporated into the form, there are some limitations with respect to its use and therefore the use of the new forms. Such limitations include:

- For use only where multiple transferors, whether corporations or natural persons, are represented by the same lawyer or licensed settlement agent. In other words, the Verification of Identity Statement cannot be used where multiple transferors are represented separately.
- For use only where multiple mortgagees, whether corporations or natural persons, are represented by the same lawyer.
- The new T1A and T2A forms cannot be used by a self-represented party, because the self-represented party does not make the Verification of Identity Statement.
- The T4A transfer by mortgagee pursuant to power of sale form can only be used if a lawyer acts for the mortgagee and signs the Verification of Identity Statement.

Any customers requiring individual form approval for these templates are to forward all form approval requests to the Form Approval Officer by email (formapprovalgroup@landgate.wa.gov.au).

As the Limitations, Interests, Encumbrance and Notifications panel has been removed from these forms, the current practice for the removal of restrictive covenants, which have expired due to a time limit within the restrictive covenant, can no longer continue.

NEW PRACTICE FOR THE REMOVAL OF TIME EXPIRED RESTRICTIVE COVENANTS

This new practice is for the purpose of restrictive covenants under Section 129 A and B of the *Transfer of Land Act 1893* (common law estate restrictive covenants) that:

- Have expired due to a time limit within the restrictive covenant; and
- Do not contain unexploded ordnance provisions.

To have a restrictive covenant that has expired due to a time limit removed from a Certificate of Title prior to the transfer to a new registered proprietor, a signed letter must be provided by the responsible licensed settlement agent or lawyer and lodged at Landgate at the same time as the transfer document.

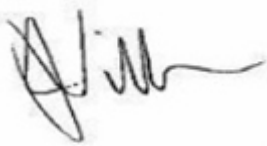
The content of the letter need only contain the following line:

Restrictive Covenant [doc. #] may have expired and, if so, should be removed from Certificate of Title Volume [#] Folio [#].

Any approved Transfer of Land forms that contain a Limitations, Interests, Encumbrance and Notifications panel that have already been completed and executed, where a restrictive covenant has been left off as it has expired due to a time limitation, will continue to be actioned by Landgate's Examination Team.

Further advice or support

Please refer any queries about the new practice or forms to Landgate's Advice Team by telephone on (08) 9273 7044 or email advice@landgate.wa.gov.au



Jean Villani
Registrar of Titles