

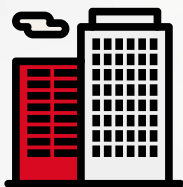


Your Guide To

PROPERTY TITLES In Western Australia

Your Guide to Property Titles in WA

If you are looking to buy or sell property in Western Australia, it's important to understand the concept of property titles. A property title is a legal document that shows who owns a particular piece of land and any interests or rights associated with it.



Strata Titles



Survey Strata



Green Title



Purple Title



Torrens Title



Company Title

YOUR GUIDE TO STRATA TITLES

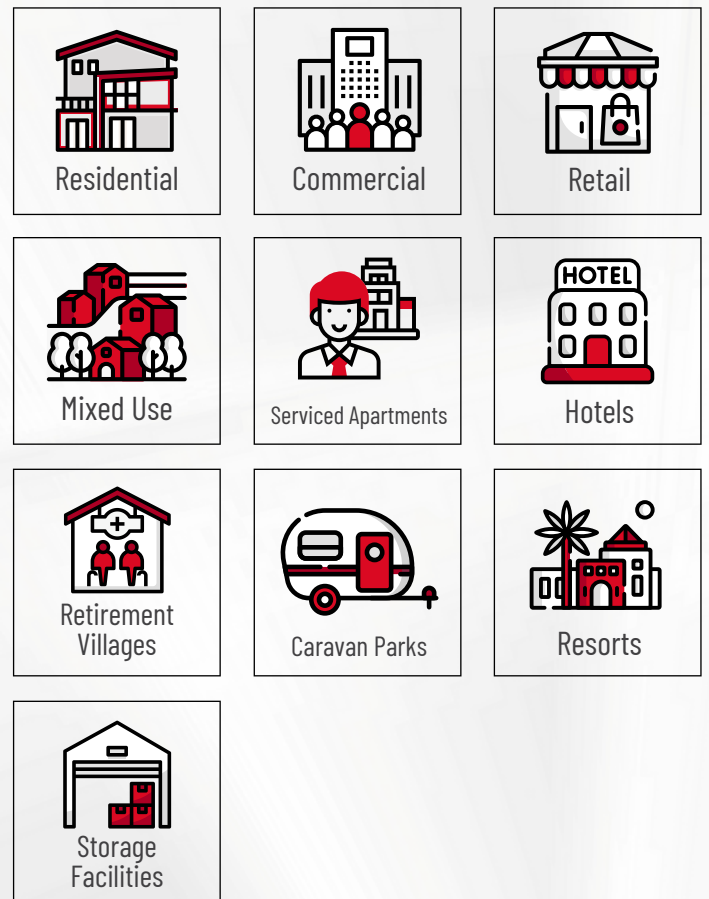
What is Strata Title?

In Western Australia, along with various other regions of Australia, the term "strata title" pertains to a property ownership framework that permits individuals to possess a distinct unit or apartment within a more extensive multi-unit complex or building. This arrangement facilitates dual ownership aspects: exclusive possession of a personal living space and joint ownership of communal areas and amenities within the complex.

The History of Strata Title

Strata titles have a notable history in Australia, starting in 1961 in New South Wales to simplify property ownership in multi-level buildings. In Western Australia, the Strata Titles Act of 1985 further streamlined this system, providing a legal structure for individual unit ownership within shared developments. Today, strata titles are a vital aspect of property ownership, offering efficiency and fairness in multi-unit developments across the country.

Strata Title Use of Property:



SURVEY STRATA TITLES



WHAT IS A SURVEY STRATA TITLE

A survey strata title is a type of land title that is used for single-tier developments where lots are side by side.

It involves an existing large green title lot being formally surveyed into smaller subdivided lots with distinct boundaries.

The subdivided lots are created under the Strata Titles Act and are known as 'survey strata'.



SURVEY STRATA TITLES
GENERALLY OFFER A
SIMPLER AND MORE COST-
EFFECTIVE WAY TO
SUBDIVIDE LAND
COMPARED TO MORE
TRADITIONAL STRATA
TITLES



HOW DOES SURVEY STRATA DIFFER FROM GREEN TITLE?

In Western Australia, the main difference between a green title and a survey strata title is how land is divided and owned. A green title means you own a whole piece of land by itself, including any buildings on it. A survey strata title is when a big piece of land is split into smaller parts, often for things like townhouses or apartments. Each of these smaller parts gets its own title, so different people can own them separately. Green titles give you more control, while survey strata titles are better for shared properties with rules for everyone.

WHAT IS A GREEN TITLE?

A green title is a type of land title that represents traditional, standalone land ownership. When you have a green title, you own a specific piece of land, along with any buildings or structures on it.

With a green title, you have exclusive ownership rights over your land. You can make decisions about its use, development, and maintenance without needing approval from neighbours or a strata body.

BOUNDARIES & CONTROL

Green titles are associated with clearly defined boundaries, making it easier to identify your property's limits. This provides a high degree of autonomy in managing your land.

RESPONSIBILITIES & CONSIDERATIONS

As a green title owner, you are solely responsible for maintaining your property, including upkeep, repairs, and compliance with local regulations.

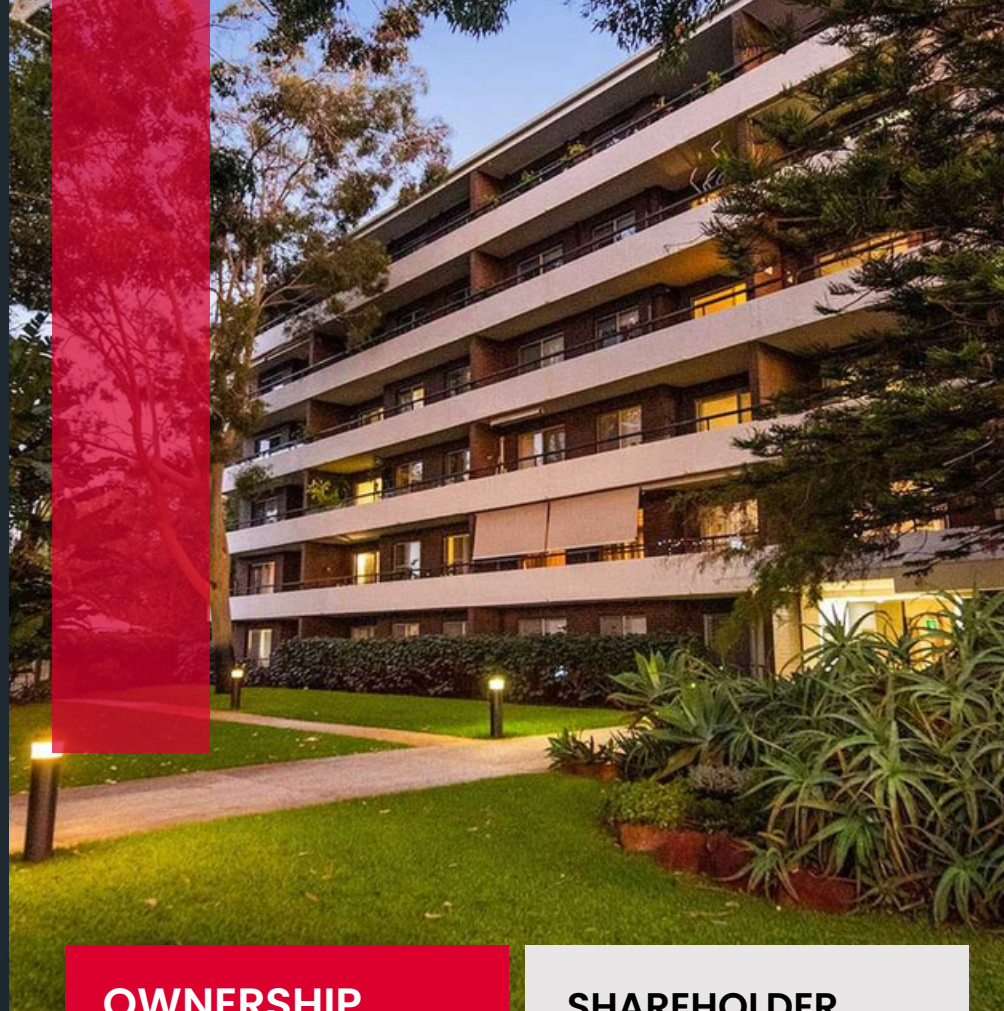
Before purchasing a property with a green title, it's essential to conduct due diligence, including surveys and property inspections, to ensure you fully understand the condition of the land and any existing structures.



GREEN TITLES

PURPLE TITLES

During the 1940s, a unique approach to property ownership emerged in Western Australia known informally as a 'purple title.' This innovative system was born out of the need to manage multi-storey residential properties when there was no established legal framework for dividing them into separate titles.



OWNERSHIP TRANSFER

In this system, ownership of these multi-storey properties was transferred to companies with specific rules and regulations.

SHAREHOLDER ENTITLEMENT

The crucial feature of the 'purple title' system was that individuals holding shares in the company were entitled to occupy specific sections of the building.

PRESENT DAY APPLICATION

While 'purple titles' are now a rarity among older properties in Perth, they played a significant role in solving property ownership challenges in the past.

EMERGING DEVELOPMENTS

In recent years, particularly in retirement villages and unique real estate projects, some new developments are being structured under the 'purple title' system.

CONCLUSION



'Purple titles' represent a fascinating historical solution to property ownership challenges. While they are now a rarity among older properties, they continue to find application in select modern developments. If you encounter a 'purple title' property, it's essential to understand the shareholder agreement governing it to ensure a smooth transition and occupancy.

TORRENS TITLE

WHAT IS A TORRENS TITLE AND WHAT IS ITS PURPOSE?

The Torrens Title System simplifies land transactions by relying on the concept of indefeasibility of title, meaning that a registered interest takes precedence over all other interests. This system enables property buyers to rely solely on title registration to determine ownership and interests in real property. So, there is no need for extensive investigation into the validity of prior transfers. This provides a higher level of security in real property transactions.

GUARANTEED “INDEFEASIBILITY OF TITLE”

Under the principle of indefeasibility of title, land ownership is protected from third-party challenges, ensuring that once registered, no one else can claim the land. This state-backed guarantee offers recourse in cases of fraud or legal interest omissions.

LAND REGISTRATION & TRANSFER SYSTEM

Transferring real property goes beyond a sale contract. After signing the contract, it must be registered at the relevant land title office in the property's location. This registration process ensures the proper property transfer and the recognition of new ownership.

The Torrens title system comprises three key elements:

CERTIFICATE OF TITLE

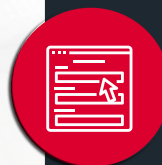
The Registrar provides a Certificate of Title to the new proprietor, which is a copy of the related folio of the register. Ownership of land is transferred by registration of a transfer of title.

REGISTER (VOLUME & FOLIO)

The state maintains a land holdings register, serving as conclusive proof of ownership for the registered proprietor and all other recorded interests.

LAND TITLES OFFICE WITH REGISTRA

Transfer signed by the Registrar and records retained



COMPANY TITLES

Company Title is a way of owning property where a company owns the land, and people own shares in that company to show they own a part of the property. Shareholders get a share certificate instead of a regular property title. They can live in their part of the property because they own shares in the company. If they want to sell or rent it, they need permission from the other shareholders. A board of directors, elected by shareholders, manages the property following specific building rules, not strata laws.



Considerations

Shareholder Agreement

When purchasing a property with a company land title, it's essential to understand the company's constitution and any rules, restrictions, or conditions related to share transfers.

Shared Costs

Shareholders typically share ongoing expenses related to property maintenance and management.

Key Points



Share Ownership

Shareholders are entitled to occupy specific parts of the property, as defined in the company's constitution.



Collective Decision-Making

Shareholders collectively make decisions about property management and maintenance through the company's board of directors.



Transfer Restrictions

The transfer of shares often requires approval from existing shareholders or the company, ensuring control over who becomes a shareholder and occupies the property.

