



How the legal mechanism operates when a property is registered with Homes for Homes

To recognise a property's participation in Homes for Homes, Homes for Homes lodges a caveat over the land title. The caveat acts as a simple reminder to the registered proprietor when selling their property of their promise to donate 0.1% of the sale proceeds to Homes for Homes.

Lodgement process



Caveat

Land Use Victoria Form 89 (Electronic Lodgement).

Grounds of claim

Charge contained in an agreement with the following Parties and Date

Parties

<Proprietor/s>

Date

<Effective Donation Deed Date>

Estate or interest claimed

Interest as chargee

Prohibition

Transfer of land

Set of operative words

The caveator claims the estate or interest specified in the land describe on the grounds set out. This caveat forbids the registration of any instrument affecting the estate or interest to the extent specified.

Transfer settlement process



During the settlement process, after the donation is made to Homes for Homes, the caveat is withdrawn.

The new owner signs a donation deed and Homes for Homes then lodges a new caveat on the property.

Withdrawal of caveat

Land Use Victoria Form 89W (Electronic Lodgement).

Land Use Victoria require Homes for Homes to withdraw the caveat as part of the lodgement case in PEXA.

Requesting party to provide settlement information by emailing enquiries@homesforhomes.org.au.

Homes for Homes will confirm legal representative acting on behalf of Homes for Homes and request vendors representative or lender invite Homes for Homes, legal representative into PEXA workspace. Homes for Homes, legal representative will prepare and execute Withdrawal of Caveat on behalf of Homes for Homes.

Where the incoming purchaser has agreed to continue participating in Homes for Homes a new caveat will be lodged on the Land post settlement.

Withdrawal process

Withdrawal of caveat

Land Use Victoria Form 89W (Electronic Lodgement). From 1 October 2018, the Registrar will refuse to accept for lodgement any paper instrument that, under the Registrar's Requirements, is required to be lodged using an Electronic Network Provider.

Requesting party

Withdrawal will be provided upon request by emailing enquiries@homesforhomes.org.au.

Lodgement

For standalone Withdrawal of Caveats, Homes for Homes legal representative will lodge the Caveat Withdrawal via PEXA upon receipt of request. If the Withdrawal of Caveat is to be lodged as part of a settlement transaction that is excluded from electronic lodgement, a paper Withdrawal of Caveat Form 89W will be provided to the requesting party.