



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

Landgate Form CAV001 (Electronic Lodgement)

Estate or interest claimed

Interest as Chargee

Grounds of claim

Charge contained in an agreement with the following Parties and Date

Parties

<Proprietor/s and Homes for Homes>

Date

<Effective Donation Deed Date>

Operative clause

The caveator claims the Estate or Interest specified in the Land on the Grounds set out below and forbids the registration of any Instrument affecting the Estate and Interest to the Extent of Prohibition as specified.

Extent of prohibition

Unless the instrument is expressed to be subject to the caveator's claim.

Transfer settlement process



Homes for Homes caveat remains on title and simply flows through the PEXA workspace.

Withdrawal process

Withdrawal of caveat

Landgate Form WOC001 (Electronic Lodgement). Regulations requiring the electronic lodgement of eligible land registry documents came into effect on 1 May 2018.

From 1 December 2018 the following classes of registry documents must be lodged electronically:

- All eligible, stand-alone transfers, caveats and withdrawals of caveats; and
- Any lodgement case consisting of eligible discharges, transfers, mortgages, caveats and withdrawal of caveats.

Paper lodgement will not be accepted for the above scenarios unless the document(s) cannot be lodged using an Electronic Lodgement Network and a completed Request to Accept Paper Lodgement form is attached.

Where a Withdrawal of Caveat is excluded from electronic lodgment, the incoming Withdrawal of Caveat must be included with the request to Accept Paper Lodgement form completed by the party requesting paper lodgement.

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

If the Withdrawal of Caveat is to be lodged as part of a settlement transaction that is excluded from electronic lodgment, a paper Withdrawal of Caveat Form W1 will be provided to the requesting party.