



Our Ref AW:MM:45882

Your Ref

31 August 2022



Stirling Law Chambers
220 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

Ms Lorraine Seward
Senior Finance Officer
Shire of Nungarin
PO Box 8
NUNGARIN WA 6490

Dear Lorraine

Outstanding Rates– 19 First Avenue, Nungarin

We refer to our previous correspondence in respect of the above matter, specifically in relation to the transfer of the above property to the Shire for non-payment of rates.

Please find **enclosed** the required Transfer of Land Form for execution by the Shire.

We look forward to receiving hard copies of the executed form back from you to enable us to proceed with lodgment.

If you have any queries, please contact Maddie Madvad or Adam Watts.

Yours faithfully

Contact: Maddie Madvad
Direct line: 9424 6245
Email: mmadvad@mcleods.com.au
Partner responsible: Adam Watts

Encl: Transfer of Land Form

TRANSFER OF LAND

DESCRIPTION OF LAND (Note 1)

Lot 38 on Deposited Plan 222933

EXTENT

Whole

VOLUME

1830

FOLIO

974

ESTATE AND INTEREST (Note 2)

Fee Simple

TRANSFEROR (Note 3)

SHIRLEY FAYE CHAPUS of 50 Ewing Road, Allanson

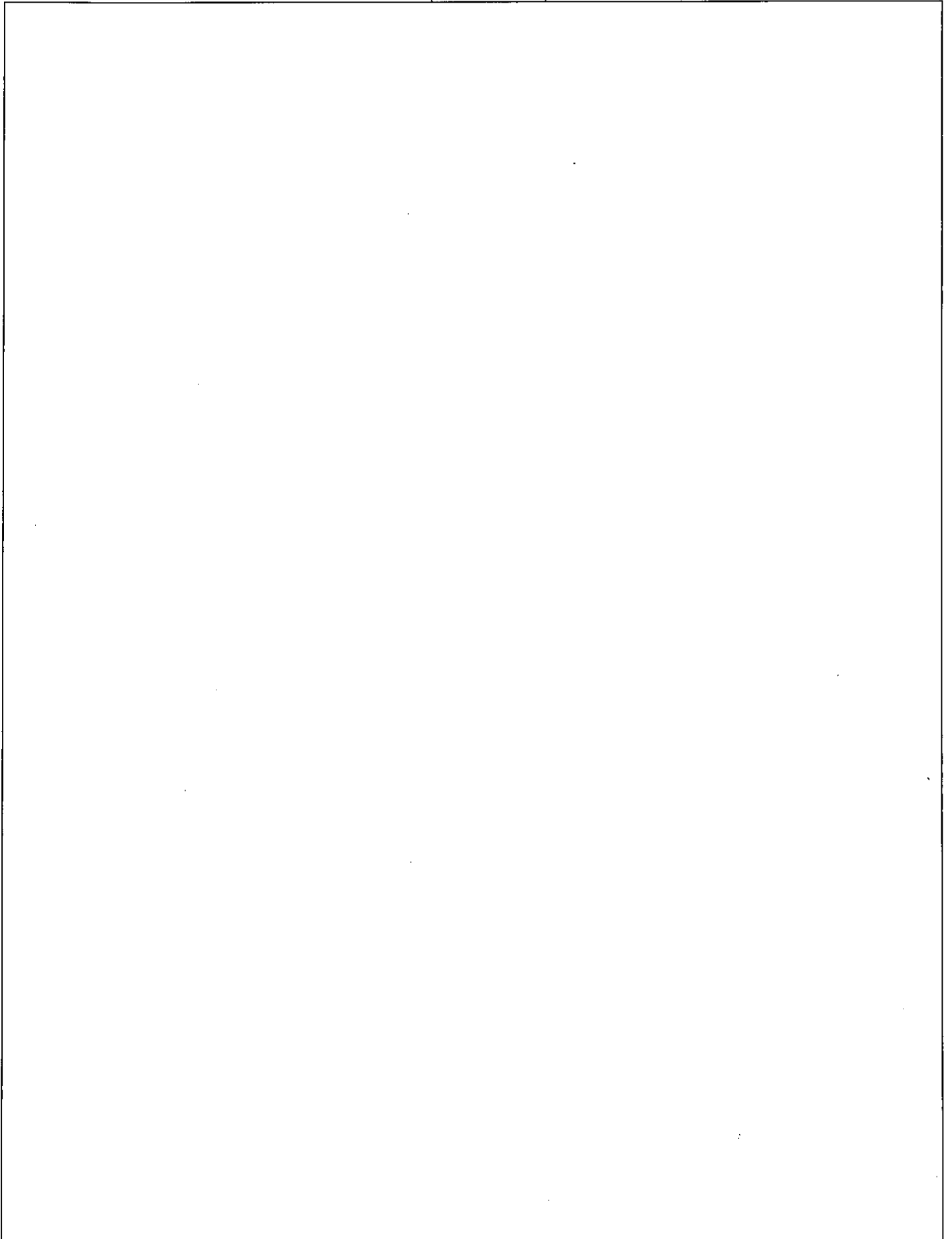
CONSIDERATION (Note 5)

Desire of transferor to hand back land to local government.

TRANSFeree (Note 6)

SHIRE OF NUNGARIN of PO Box 8, Nungarin, Western Australia 6490

THE TRANSFEROR for the consideration herein expressed transfers to the TRANSFEREE the estate and interest herein specified in the land herein described, subject to the Limitations, Interests, Encumbrances and Notifications as shown on the Certificate of Title and/or otherwise affect the land under the *Transfer of Land Act 1893*. (Instructions 1 & 2)



ATTESTATION SHEET

Dated this 29th day of AUGUST Year 2022

TRANSFEROR/S SIGN HERE (Note 7)

<p><u><i>A. Chapus</i></u> SIGNATURE OF TRANSFEROR</p> <p><u><i>Ian Houghton Miffing</i></u> SIGNATURE OF WITNESS</p> <p style="text-align: center; color: red;">IAN HOUGHTON MIFFING JUSTICE OF THE PEACE 2726 WESTERN AUSTRALIA</p>	<p><u>SHIRLEY FAYE CHAPUS</u> (Print Full Name)</p> <p><u>IAN HOUGHTON MIFFING</u> (Print Full Name and Occupation) <u>JUSTICE OF THE PEACE 2726</u> <u>WESTERN AUSTRALIA - COLLIE</u></p>
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REQUEST FOR ISSUE / NON-ISSUE (Instruction 4)


BY SIGNING THIS PANEL, I / WE THE TRANSFEREE REQUEST THE ISSUE OF A DUPLICATE CERTIFICATE(S) OF TITLE FOR THE LAND ABOVE DESCRIBED.

Signed _____ Signed _____

TRANSFEREE/S SIGN HERE (Note 7)

THE LODGING PARTY OF THIS DOCUMENT IS AUTHORISED BY THE ABOVE NAMED TRANSFEREE TO INSTRUCT ISSUING DETAILS FOR THE DUPLICATE CERTIFICATE(S) OF TITLE.

THE COMMON SEAL of the SHIRE OF NUNGARIN was hereunto affixed in the presence of -



<p><u><i>[Signature]</i></u> PRESIDENT</p> <p><u><i>[Signature]</i></u> CHIEF EXECUTIVE OFFICER</p>	<p><u>Pippa de Lacy</u> (Print Full Name)</p> <p><u>Leonard Long</u> (Print Full Name)</p>
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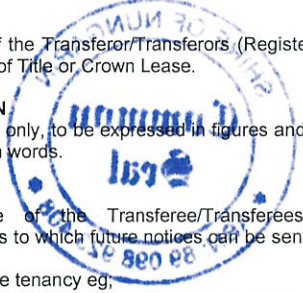
INSTRUCTIONS

- 1.1 Page 2 of this document may be used:
 - 1.1 If insufficient space in any section hereon; Appropriate headings should be shown. The boxed sections should only contain the words "see page...."
 - 1.2 To set forth Easements created as appurtenant to the land (commencing with the words "together with"). Reservations created encumbering the land (commencing with the words "reserving to") or any Restrictive Covenant hereby created. Any Sketch contained thereon must be initialled by all parties.
- 2. If further space is required Additional Sheet form B1 should be used with appropriate headings. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
- 3. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.
- 4. Duplicate Crown Lease or where issued, the Duplicate Certificate of Title is required to be produced or if held by another party then arrangements must be made for its production.

If a Duplicate Certificate of Title is not required to be re-issued, or if a Duplicate Certificate of Title has not been issued previously but is required to issue subsequent to this document, the written request of the Transferee is required by signing this panel. Written consent of the First Mortgagee is also required if applicable

NOTES

- 1. **DESCRIPTION OF LAND**
 Lot and Diagram/Plan/Strata/Survey-Strata Plan number or Location name and number to be stated.
 Extent - Whole, part or balance of the land comprised in the Certificate of Title to be stated.
 The Volume and Folio or Crown Lease number to be stated.
- 2. **ESTATE AND INTEREST**
 State whether Fee Simple, Leasehold or as the case may be in the land being transferred. If share only, specify.
- 3. **TRANSFEROR**
 State full name of the Transferor/Transferors (Registered Proprietor) as shown on the Certificate of Title or Crown Lease.
- 4. **CONSIDERATION**
 If a sum of money only, to be expressed in figures and in every other case to be concisely stated in words.
- 5. **TRANSFeree**
 State full name of the Transferee/Transferees (Purchaser) and the address/addresses to which future notices can be sent. If a minor, state date of birth.
 If two or more state tenancy eg,
 - Joint Tenants, (on the death of a joint tenant, the survivor(s) become(s) the registered proprietor(s) of the deceased's interest by applying to the Registrar of Titles).
 - Tenants in Common, (on the death of a tenant in common, their share is dealt with according to their will).
 If Tenants in Common specify shares.
- 6. **TRANSFeree'S TRANSFEROR'S EXECUTION**
 Transferees and Transferors must sign their appropriate panel. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an adult person. The full name, address and occupation of the witness must be stated. Execution by a corporation or body corporate must be in accordance with the *Corporations Act 2001*.



OFFICE USE ONLY

TRANSFER

LODGED BY **McLeods Barristers & Solicitors**

ADDRESS **220 Stirling Highway
CLAREMONT WA 6010**

PHONE No. **9383 3133**

FAX No. **9383 4935**

REFERENCE No. **AW:NUNG:45882 – Transfer of Land**

ISSUING BOX No. **346k**

PREPARED BY **McLeods Barristers & Solicitors**

ADDRESS **220 Stirling Highway
CLAREMONT WA 6010**

PHONE No. **9383 3133**

FAX No. **9383 4935**

REFERENCE No. **AW:NUNG:45882**

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1.	_____	Received Items Nos.
2.	_____	
3.	_____	
4.	_____	
5.	_____	
6.	_____	Receiving Clerk

Registered pursuant to the provisions of the *TRANSFER OF LAND ACT 1893* as amended on the day and time shown above and particulars entered in the Register.

8.8 USE OF SHIRE COMMON SEAL – TRANSFER OF LOT 38 (19) FIRST AVENUE	
File Ref:	A1062
Previous Item Ref:	OCM Res 6784/12/21
Applicant:	Nil
Author and Title:	Leonard Long, Chief Executive Officer
Declaration of Interest:	Nil
Voting Requirements	Absolute Majority
Attachment Number:	Nil

COUNCIL RESOLUTION 6860/07/22

That Council Resolves to:

1. Authorise the Shire President and Chief Executive Officer to apply the Shire Common Seal and sign all required documents associated with the transfer of Lot 38 (19) First Avenue.
2. Authorise the Chief Executive Officer on the finalisation of the transfer of the lot in (1.) above list the property for sale at market valuation.
3. Following compliance with s3.58(3) of the Local Government Act 1995, formally consider any “Offer to Purchase”.
4. Allocate proceeds received from the sale of the lot in (1.) above to the Building Reserve GL 102030

Moved: Cr M Caughey

Seconded: Cr J Davis

CARRIED BY ABSOLUTE MAJORITY 7 / 0

Document Number: INT22/569EE3B6

IN BRIEF

Council is requested to consider the use of Shire Common Seal and the sale of the property.



BACKGROUND

Lot 38 (19) First Avenue, has been obtain from the executor of the estate due to unpaid rates.

REPORT DETAIL

The executor did not challenge the outstanding rates and has voluntarily handed the property over to Council.

The property is mostly vacant with a couple of dilapidated structures located at the rear of the property. Once transfer has been finalised the property will be cleared and tidied up, with all structure thereon demolished.

SHIRE OF NUNGARIN COMMUNITY STRATEGIC PLAN 2023

Focus Area	Economic
Aspiration	A diverse business environment with equitable telecommunications and infrastructure. We are uniquely Nungarin in providing a memorable visitor experience.
Objective	Assist in providing housing affordability and choice

OTHER STRATEGIC LINKS

Nil

STATUTORY ENVIRONMENT*Local Government Act 1995 (LG Act)*

The statutory requirements for the disposal of local government property is found in s3.58 of the LG Act.

Unless the sale is exempt, the Shire can dispose of the land in one (1) of three (3) ways:

- At a public auction;
- Via a public tender process;
- By 'private treaty' (i.e. a sale to an individual privately).

Public Auction - If the sale is conducted by auction, the land must be sold to the highest bidder. The *Auction Sales Act 1973* deals with the legalities of a sale by auction.

Tender - If the sale is conducted by public tender, the Shire may determine what is the "most acceptable tender, whether or not it is the highest tender". In the sale of land, generally, the highest tender would be the most acceptable – although there may be cases where the tender is conditional, and the Shire may consider that the terms of the condition(s) mean the tender is not the most acceptable. Part four of the *Local Government (Functions and General) Regulations* deals with the requirements for public tenders where the local government calls for tenders for the supply of goods or services under s.3.57 of the Act.

Private Treaty - A sale by private treaty is the most complicated option. It requires, in summary:

