

## Residential and Commercial Existing Owner Title Insurance (Victoria Only)

### 5 Easy Steps for Existing Owners

**The Residential & Commercial Existing Owner Policy is available to owners of residential or commercial property and can be applied for at any time during the ownership of your property.**

Please find attached a copy of the Policy Order Form.

To determine the applicable premium, refer to our website [www.stewartau.com](http://www.stewartau.com) or contact us on **1800 300 440** for a quote.

#### Where you elect for Stewart Title to obtain the title search for you:

1. Complete all details in the Section 1- Property Details, read and sign the acknowledgements in Section 2- Disclosure Declaration and Section 3- Authorisation and return the completed Policy Order Form to us together with your latest Rates Notice and photo I.D.
2. Once we have received your Order Form we may need to contact your Conveyancing Practitioner to request copies of the relevant searches and/or documents from your conveyancing file.
3. Once we have processed your order and received your signed **Consumer Information Guide Acknowledgement**, we will issue a **Policy Order Confirmation**. The Policy Order Confirmation confirms that we will provide cover for your property and sets out any exceptions and/or qualifications to our standard cover.
4. Send a cheque made payable to Stewart Title Limited for the full amount.
5. The **final policy** together with a tax invoice will be sent to your email or mailing address.

#### Where you elect to obtain your own title search:

1. Complete all details in the Section 1- Property Details, read and sign the acknowledgements in Section 2- Disclosure Declaration and Section 3- Authorisation and return the completed Policy Order Form to us together with a current title search and photo I.D.
2. Once we have received your Order Form we may need to contact your Conveyancing Practitioner to request copies of the relevant searches and/or documents from your conveyancing file.
3. Once we have processed your order and received your signed **Consumer Information Guide Acknowledgement**, we will issue a **Policy Order Confirmation**. The Policy Order Confirmation confirms that we will provide cover for your property and sets out any exceptions and/or qualifications to our standard cover.
4. Send a cheque for the premium made payable to Stewart Title Limited.
5. The **final policy** together with a tax invoice will be sent to your email or mailing address.

There will be **no legally binding contract** of insurance until we receive notification of settlement and full payment of the premium.

Please note your obligations with respect to your duty of disclosure set out below. In accordance with these obligations, please notify us of any defects or matters with respect to the property of which you have knowledge.

We thank you for choosing Stewart Title Limited.

#### Consumer Resources and Information

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At Stewart Title, we understand that you want to be fully aware of what title insurance does and does not cover, along with useful information about our company, such as our regulatory status and financial strength.

Consumer education is a high priority for us, which is why we have created a Consumer Resources section on our website to provide important information about how our company is regulated in Australia, how we deal with your personal information, our financial strength and how we resolve disputes.

Please visit the Consumer Resources section our website: [www.stewartau.com](http://www.stewartau.com) to access Sample Policies, Consumer Guides and Key Facts Sheets.

We are here to assist you. Please do not hesitate to contact us should you wish to discuss any aspect of our products or company.

# Residential and Commercial Existing Owner Policy Order Form

## Section 1: Property Details

Please submit this form to Stewart Title Limited, Underwriting Department:

FAX | 1300 898 175

EMAIL | OrderAU@stewart.com

MAIL | GPO Box 527 Sydney NSW 2001 or  
DX 10504 North Sydney, NSW

Your order will be processed promptly. Business hours are Monday to Friday, 8:30am to 5:00pm AEST

### YOUR DETAILS (PLEASE USE BLOCK CAPITALS)

Please list the full name of all buyers who will become owners of the property

<b>Name(s)</b>		
<b>ABN/ACN (if applicable)</b>		
<b>Postal Address</b>		
<b>Email</b>		
<b>Telephone</b>		<b>Facsimile</b>

### YOUR SOLICITOR / CONVEYANCER DETAILS (PLEASE USE BLOCK CAPITALS)

<b>Company</b>		
<b>Contact Person</b>		
<b>Street Address</b>		
<b>Postal Address</b>		
<b>Email of Contact</b>		
<b>Telephone</b>		<b>Facsimile</b>

### PROPERTY DETAILS (PLEASE USE BLOCK CAPITALS)

<b>Title Reference</b>		<b>Date of Purchase</b>	
<b>Property Address</b>			

**Type of Zoning (please check on of these options)**

<input type="checkbox"/> Residential	<input type="checkbox"/> Rural – is the property going to be used as a commercial enterprise? <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Commercial	<input type="checkbox"/> Other (specify)
<input type="checkbox"/> Mixed Use	
<input type="checkbox"/> Industrial	

Is the property Strata?  Yes  No

Is there multiple dwellings under one roof?  Yes  No

Is the property Vacant Land?  Yes  No

Does the Title to the land note a “Warning as to Dimensions” under the ‘Encumbrances, Caveats and Notices section of the Title Search?  Yes  No

Please specify the Property Type (e.g.: house, shop, office, warehouse):

Estimated property value \$

## QUESTIONS ABOUT YOUR PROPERTY

Please answer all questions set out below. **For any questions answered YES, please provide further details to Stewart Title.**

1. Did you obtain a professional survey report of the property at the time you purchased the property or subsequently?  Yes  No
2. Did you obtain a building certificate or final compliance certificate at the time you purchased the property or subsequently?  Yes  No
3. Have you been served with any correspondence, notice, or order or claim or are you aware of any proposed notice, order or claim relating to:
  - a) any structure(s) on your property which encroach onto neighbouring property  Yes  No
  - b) any neighbouring structure(s) which encroach onto your property
  - c) a claim of adverse possession by any person
  - d) outstanding rates by previous owners or outstanding notices
4. Have you built any structures on the property since taking ownership?  Yes  No
5. Are you aware of any other defects or matters affecting title or use of the property?  Yes  No

## TITLE SEARCH

Please elect whether you would like Stewart Title to obtain a title search on your behalf. (additional fee charged)  Yes  No

If you selected 'NO', please attach your recent title search with this order form.

Please also ensure you have attached your Photo I.D. with this order form and Rates Notice if required.

**Residential and Commercial Existing Owner Policy Order Form**  
**Section 2: Disclosure Declaration**

**DISCLOSURE DECLARATION**

Please refer to Section 4: Duty of Disclosure and Privacy Statement for information about your duty of disclosure.

**Please note:** It is your responsibility, not your Conveyancing Practitioner's responsibility, to comply with your duty of disclosure. The fact that your Conveyancing Practitioner is aware of a matter does not, of itself, mean that Stewart Title is aware of that matter. Please note that your Conveyancing Practitioner:

- is **not** the agent of Stewart Title
- is **not responsible** for compliance with your duty of disclosure
- **will not disclose** matters to Stewart Title without your specific instructions to do so.
- **is under no obligation to Stewart Title** to disclose to Stewart Title any information which may be relevant to Stewart Title's decision to provide insurance to you and if so on what terms.
- **is under no obligation to Stewart Title** to disclose to Stewart Title any matters which you are required to disclose to Stewart Title in accordance with your obligations under the *Insurance Contracts Act 1984*

Examples of title defects or adverse matters which should be disclosed to Stewart Title include (but are not limited to) unapproved structures, enforcement action by a Local Authority, survey/ boundary defects such as boundary fence encroachments, boundary disputes, non-compliance with zoning & development laws, non-compliance with easements and covenants, lack of legal access, lack of a legal right of water supply or drainage, and outstanding rates, charges & taxes that will not be paid or reimbursed on settlement.

If you are not sure whether you should disclose a matter to Stewart Title, please contact us and we can discuss this with you.

**Do you know of any title defects or adverse matters affecting title or use of the above mentioned property?**

Yes  No

If you have selected 'Yes', please describe the title defect or adverse matter in the box below. Please attach any documentation that is relevant to support your disclosure.

**ACKNOWLEDGEMENT**

I/We declare that I/we have read and understood our duty of disclosure.

Signature(s)   Date

**Residential and Commercial Existing Owner Policy Order Form**  
**Section 3: Authorisation**

**AUTHORITY**

Stewart Title Limited may request further information or documentation from your Conveyancing Practitioner in order to process your policy request. This may include the Contract of Sale, relevant reports, copies of the relevant searches, certificates and/or documents from your conveyancing file.

I/We hereby authorise my/ our Conveyancing Practitioner to provide Stewart Title Limited all information and documentation necessary in relation to processing this policy request.

Signature(s)	x	x	Date	
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**Residential and Commercial Existing Owner Policy Order Form**  
**Section 4: Duty of Disclosure and Privacy Statement**

**DUTY OF DISCLOSURE**

Before you enter into a contract of general insurance with an insurer, you have a duty, under the **Insurance Contracts Act 1984**, to disclose to the insurer every matter that you know, or could reasonably be expected to know, is relevant to the insurer's decision whether to accept the risk of the insurance and, if so, on what terms.

Your duty however does not require disclosure of any matter:

- that diminishes the risk to be undertaken by the insurer;
- that is of common knowledge;
- that your insurer knows, or in the ordinary course of business, ought to know;
- as to which compliance with your duty is waived by the insurer.

**Non disclosure**

If you fail to comply with your duty of disclosure, the insurer may be entitled to reduce its liability under the contract in respect of a claim or may cancel the contract. If your non disclosure is fraudulent, the insurer may also have the option of avoiding the contract from its beginning.

\*Please note that it is **your responsibility** to comply with your duty of disclosure. It is not your Conveyancing Practitioner's responsibility to comply with your duty of disclosure because the Conveyancing Practitioner is acting for you in the transaction and is not the agent of Stewart Title.

## PRIVACY STATEMENT

We are committed to handling your personal information in accordance with the Privacy Act. We recognise that any personal information we collect, use and disclose about you may only be collected, used and disclosed for the primary and related purposes for which it was collected and where you would reasonably expect us to.

We only collect information from you that is necessary for us to provide you with our services, including, but not limited to, assessing your request for title insurance, assessing any claim you may make under that policy and facilitating the payment or refund of premiums (if applicable).

Personal information is kept in a combination of paper and electronic format. Paper records, including general business records, are stored in our Australian head office. Access to personal information is restricted to Stewart employees and third party providers who require access for business purposes, such as:

- property valuers
- legal practitioners
- licensed conveyancers
- land surveyors
- building consultants
- other external and independent professional advisors who may be engaged by Stewart in the course of investigating, assessing and settling a claim

We transfer personal information (which may include electronic formats such as emails) for administrative, data back-up, processing (including claims administration) and reinsurance purposes to our head office, Stewart Title Limited United Kingdom, our affiliate, Stewart Title Guaranty Company Canadian Division, and/or our international head office, Stewart Title Guaranty, USA (“Other Jurisdiction Offices”).

Personal information transferred outside of Australia may be accessible to regulatory authorities and enforcement agencies in accordance with the laws of the respective countries in the Other Jurisdiction Offices.

We take all reasonable steps to satisfy ourselves that our Other Jurisdiction Offices and our service providers are committed to complying with this Privacy Policy.

From time to time, certain information about your property, such as information about a known title defect or other adverse circumstances/issues affecting your property (“Known Risks”), may be disclosed to Stewart in the course of Stewart providing you with our services. Disclosure of Known Risks may result in Stewart issuing an exclusion, exception or condition on the cover it would normally provide to you. Such exclusions, exceptions and conditions are normally detailed in the Schedule B which forms part of your title insurance policy.

In the future, a prospective purchaser of your property may request similar services from Stewart. In those circumstances, Stewart may use the information relating to the Known Risks for the purposes of assessing any request for our services by a purchaser of your property. Stewart may for this purpose:

- disclose the existence of the Known Risks to the purchaser and/or their legal or conveyancing representatives
- apply the same exclusion, exception or condition on cover in respect of the Known Risks to any subsequent policy which is issued to a purchaser of your property by Stewart

By visiting our website, applying for any of our services, making a claim or providing us with your personal information, you consent to your personal information being collected, held, used and disclosed as set out in our Privacy Policy.

For a copy of our complete Privacy Policy (which may be amended from time to time), please visit our website at [www.stewartau.com](http://www.stewartau.com) or contact our Privacy Officer at [PrivacyAU@stewart.com](mailto:PrivacyAU@stewart.com).