

<b>Document Class:</b>	<b>EXEMPTIONS</b>
<b>Document Name:</b>	<b>Conveyance - Land</b>
<b>Document Description:</b>	<b>Change in Tenancy – No Change in Ownership Share</b>
<b>Document Code:</b>	<b>EX</b>

### Introduction

Registered proprietors of land may change their mode of holding in the land from joint tenants to tenants in common or vice versa.

The document is not subject to *ad valorem* conveyance stamp duty provided that the ownership shares of the registered proprietors do not change. This guide note refers to this situation.

**The following similar transactions cannot be stamped under this document heading:**

If there has been a change to the ownership share of the property - refer to the appropriate document heading:

- [Conveyance of Land – For Consideration – Conveyance of Land](#) (CL); or
- [Conveyance of Land – For No Consideration – Conveyance of Land](#) (VC).

### What *documents* can I stamp under this document heading?

The document can be in the form of:

- a LTO Form T1 - Memorandum of Transfer of Land.

### What types of *transactions* can I stamp under this document heading?

A conveyance of land is deemed **suitable** for self-stamping under this document heading where:

- the document effects a change in tenancy only (ie. from joint tenants to tenants in common or vice versa); and
- the document does not convey any interest in land.

### What stamp duty is payable on this document?

If there is **no change to the ownership share** of the property (only a change to the mode of holding) the document is exempt from stamp duty.

**What evidence do I need to retain for audit purposes?**

For audit purposes, you will need to retain the following documentation:

- a copy of the stamped document; and
- a copy of the Certificate of Title.

**Example 1 – Joint Tenants to Tenants in Common - no change in ownership share**

Ann and Bob are registered as joint tenants and would like to change their mode of holding to tenants in common.

The Memorandum of Transfer of Land is from Ann and Bob as joint tenants to Ann and Bob as tenants in common.

As there is no change in ownership share the Memorandum of Transfer of Land is stamped Exempt .

**Example 2 – Tenants in Common to Joint Tenants – no change in ownership share**

Sally and Bill are registered as tenants in common and would like to change their mode of holding to joint tenants.

The Memorandum of Transfer of Land is from Sally and Bill as tenants in common to Sally and Bill as joint tenants.

The Memorandum of Transfer of Land is stamped Exempt .

**Example 3 – Change in tenancy and change in ownership share.**

The Certificate of Title shows the registered proprietors as Kate as to 4 undivided 10<sup>th</sup> parts and Dave as to 6 undivided 10<sup>th</sup> parts as tenants in common.

They now wish to hold the property as joint tenants and the Memorandum of Transfer of Land effecting this change in the mode of holding also conveys a 1/10<sup>th</sup> interest in the land from Dave to Kate. The stamp duty is charged using the *ad valorem* voluntary conveyance rate of stamp duty on the **market value** of the 1/10<sup>th</sup> interest being conveyed.

As there has been a change in ownership share and no consideration is paid the document cannot be stamped under this document heading. Refer to the document heading:

- [Conveyance of Land – for no consideration – Conveyance of Land](#) (VC).

If a consideration is paid, the document would need to be stamped under the document heading:

- [Conveyance of Land – for consideration – Conveyance of Land](#) (CL).

**Example 4 – Change in tenancy and change in ownership share. – Section 71CB**

The Certificate of Title shows the registered proprietors as Sue as to 3 undivided 10<sup>th</sup> parts and Simon as to 7 undivided 10<sup>th</sup> parts as tenants in common.

They now wish to hold the property as joint tenants and the Memorandum of Transfer of Land effecting this change in the mode of holding also conveys a 3/10<sup>th</sup> interest in the land from Simon to Sue.

Simon and Sue have executed a transfer of land and a Section 71CB statutory declaration. As this property is their principal place of residence, a transfer of an interest in the property between spouses is exempt from stamp duty pursuant to Section 71CB of the SD Act.

The document is stamped Exempt.

**What section of the SD Act applies?**

Schedule 2, Part 2, General Exemptions 29.