

# CLAIMS STORIES FROM OUR FILES

## NON-COMPLIANCE WITH BUILDING PERMIT

Stewart Title has a long history of issuing title insurance policies and our financial strength and claims paying ability make us an industry leader. Claims are resolved in a timely manner through a professional, practical and result-oriented approach.

**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ Insured purchased a waterfront house for \$1,650,000
- ▷ Following settlement, substantial storms affected locality, resulting in water penetration to windows/sliding doors
- ▷ Investigations revealed all windows/sliding doors installed were not the correct specification for locality
- ▷ Council required all windows/sliding doors to be replaced in order to bring dwelling into compliance with building permit

### Claim Resolution:

- ▷ Stewart Title arranged for removal and replacement of 12 sliding doors and windows
- ▷ Total cost of window replacement \$96,524.25
- ▷ Ensured no further breach and no further action from Council
- ▷ Premium Paid \$1058.75
- ▷ No Excess



Contact us for more information.

**Stewart Title Limited**  
GPO Box 527  
Sydney NSW 2001  
1800 300 440

[www.stewartau.com](http://www.stewartau.com)

## TITLE INSURANCE KEY FEATURES

- ✓ One-time premium payable on settlement
- ✓ No excess payable on claims
- ✓ No fault claims process
- ✓ Covered for life of ownership of the property



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# CLAIMS STORIES FROM OUR FILES

## UNAPPROVED ALTERATIONS TO STRATA UNIT

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**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ Insured purchased a strata apartment
- ▷ Following settlement, the insured received a Notice from Strata Manager advising that a routine inspection had revealed that a second air-conditioning unit installed without Body Corporate approval
- ▷ Installation breached by-laws
- ▷ Insured required to remove air-conditioning unit and remediate common property wall

### Claim Resolution:

- ▷ Stewart Title arranged for removal of the air-conditioning unit and remediation of common property wall
- ▷ Costs approximately \$1,200
- ▷ Ensured no further breach and no further action
- ▷ Premium paid \$272.25
- ▷ No excess



### TITLE INSURANCE KEY FEATURES

- |   |
|---|
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# CLAIMS STORIES FROM OUR FILES

## UNPAID INFRASTRUCTURE LEVY

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Below is a real life claims scenario handled by our Claims Team:

### The Scenario:

- ▷ Insured purchased vacant land in January 2015 from receiver
- ▷ Following settlement, the Water Corporation sent a letter to the insured advising them of outstanding infrastructure contribution
- ▷ Contribution to be paid in order for the property to be connected to the water service
- ▷ The infrastructure contribution should have been paid by the developer as 'headworks' contribution but was overlooked for this property
- ▷ Infrastructure Levy not disclosed in Water Corp Certificate



### Claim Resolution:

- ▷ Stewart Title paid the outstanding contribution in the sum of \$4,053 to Water Corp
- ▷ Payment enabled the land to be connected to WaterCorp services
- ▷ Other buyers in the subdivision will be required to fund the levy themselves
- ▷ Developer company wound up
- ▷ Sale by receiver – no liability/obligation to pay the levy

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### From the Insured:

*"Thank you for all of your efforts in investigating this matter for us and obtaining such a favourable outcome. It is very much appreciated."* – G. May



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# CLAIMS STORIES FROM OUR FILES

## FENCE/GARAGE ENCROACHMENT

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**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ Insured purchased property and sold a few years later
- ▷ Selling house to fund new house in Tasmania
- ▷ “Back to back” settlement
- ▷ Purchaser obtained survey of rear boundary
- ▷ Discovered substantial encroachment of rear fence and garage
- ▷ Purchaser threatened to terminate – leaving insured with potential breach of contract for Tasmania home

### Claim Resolution:

- ▷ Stewart Title agreed to fund acquisition of the Crown land for the benefit of the purchaser
- ▷ Settlement proceeded – insured was able to complete contract in Tasmania
- ▷ Stewart Title acquired Crown Land and registered a boundary re-alignment in favour of purchaser
- ▷ Stewart Title paid all costs



## TITLE INSURANCE KEY FEATURES

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# CLAIMS STORIES FROM OUR FILES

## INSURED UNABLE TO OBTAIN REGISTERED TITLE

Stewart Title has a long history of issuing title insurance policies and our financial strength and claims paying ability make us an industry leader. Claims are resolved in a timely manner through a professional, practical and result-oriented approach.

**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ Insured purchased parcel of land being sold by Council for non-payment of rates
- ▷ Power of sale – s43 of the Local Government Act 1995 (WA)
- ▷ Process requires local authority to register 'Memorial' on title disclosing intention of local authority to sell property
- ▷ Landgate issued 'Requisition' – refused to register Transfer as Memorial had expired – required insured to start process
- ▷ Insured not able to register title for months



### Claim Resolution:

- ▷ Stewart Title engaged law firm to review Landgate requisition
- ▷ Stewart Title also lodged caveat on behalf of insured
- ▷ Landgate following the Land Titles Registration Practice Manual but the Manual contrary to the provisions of the Act
- ▷ Instructed law firm to write submissions to Landgate
- ▷ Landgate accepted submissions and duly registered the Transfer
- ▷ Stewart Title paid all legal fees

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# CLAIMS STORIES FROM OUR FILES

## ENCROACHMENT ON COUNCIL LAND

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**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ The Insured purchased property for \$1.6 million
- ▷ The Insured later sold property, at which time significant encroachments of retaining walls/ gardens/drive-way were discovered and disclosed to the Purchaser
- ▷ Purchaser threatened to terminate contract/sue for damage for breach of warranty or breach of General Condition



### Claim Resolution:

- ▷ Stewart Title negotiated Deed of Settlement with Buyer
- ▷ Stewart Title agreed to negotiate acquisition of Council land or licence from Council on behalf of new Buyer
- ▷ If Council land could not be acquired Stewart Title agreed to fund demolition and rebuild of encroaching structures and pay loss in market value (for land 'lost')
- ▷ Stewart Title engaged law firm to manage the process
- ▷ Council refused to sell or licence land
- ▷ Negotiations led to settlement before the State Administrative Tribunal (SAT)
- ▷ SAT indicated not in the public interest to sell land to Buyer

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# CLAIMS STORIES FROM OUR FILES

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**Below is a real life claims scenario handled by our Claims Team:**

### The Scenario:

- ▷ Insured purchased a renovated house in Shoalwater
- ▷ Building Permit issued for alterations
- ▷ Following settlement, the insured noticed issues with the balcony balustrade
- ▷ Insured obtained a compliance report which disclosed that balcony balustrade and bedroom windows altered from approved plans
- ▷ Balcony balustrade and windows not compliant
- ▷ City of Rockingham issued notice requiring rectification

### Claim Resolution:

- ▷ Insured obtained quotations to bring the property into compliance with the building permit
- ▷ Property altered after final permit issued by Council
- ▷ Rectifications costs approximately \$20,000
- ▷ Stewart Title indemnified insured and paid all costs associated with rectification
- ▷ Premium Paid \$605 – no excess



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