

Preparation checklist *Form 1—Transfer (to trustee)*

This checklist contains general information to assist practitioners complete a basic transfer to trustee. It is not intended to be a complete guide. For further information about the requirements of a *Form 1 — Transfer (to trustee)*, refer to Parts 1 and 51 of the Land Title Practice Manual available at: www.business.qld.gov.au/industry/titles-property-construction/titles-property/practice-manual.

Items

Item 1

- Is the interest being transferred shown — for example Fee Simple, State Tenure, Water Allocation, Mortgage No..., Lease No..., ½ share in fee simple?

Item 2

- Do the details agree with the title?

Item 3

- Do the transferor's name and the title agree?
- Is the capacity of the transferor shown, if required — for example as trustee?

Item 4

- Is the consideration fully expressed?

Item 5

- Is the transferee's name spelt correctly with the words 'as trustee' after the name/s? **Note:** the acronym 'ATF' for 'as trustee for' must not be used.
- Does the transferee's name agree with a prior priority notice and following dealings — for example the mortgagor in a mortgage?
- Does the name of the trustee agree with the trust documents (e.g. trust deed, deed of variation or deed of retirement and appointment) and the Form 20 – Trust Details Form (if applicable)?
- If referring to previous dealing/s with which the trust documents were deposited, are all correct dealing numbers shown? **Note:** use the words 'trust documents deposited with' The trust documents must have been deposited with the dealing/s stated.

Item 6

- Is the form signed and dated by all parties?
- If executed under a power of attorney, is the attorney clause included, showing the principal's name, the attorney's name or the attorney's position and the Queensland registered power of attorney number?
- Is the attorney appointed to act for the principal in his/her capacity as a trustee?
- If executed under a common seal, is it legible and capable of being copied?
- If a company has executed without a common seal, are the company name and ACN/ARBN shown?
- Are the designations of the signatories for a company shown?
- Is the witness qualified in accordance with Schedule 1 of the *Land Title Act 1994* and their full name shown?
- If signed by a solicitor, is the full name legibly printed below the signature?

Form and evidence

- Have the correct form and version been used?
- Are details of duty noted?
- Are the lodger's details shown?
- Is a Form 20 – Trust Details Form or the full trustee trail evidenced by the trust documents (e.g. deed of trust, deed of variation or deed of retirement and appointment) being deposited?
- Is Queensland duty noted on the relevant original trust documents, where applicable?
- Have good quality certified photocopies (or photocopies and original) of all relevant trust documents been prepared for deposit — for example trust deed, deed of variation or deed of retirement and appointment?
- Is any supporting documentation required to be deposited — for example court order, contract of sale, Minister's approval, statutory declaration, deed of agreement, evidence of incorporation? See part [60-1030] of the Land Title Practice Manual.