

1Part 34 – Extinguishment of Building Management Statements

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¹Part 34 – Extinguishment of Building Management Statements

General Law

[34-0000]

A building management statement (BMS) may be extinguished or partially extinguished by registering an extinguishment. Extinguishment or partial extinguishment only occurs on registration of an extinguishment that is signed by every registered owner or lessee under the *Land Act 1994* of all of the lots to which the BMS applies.

A BMS is not automatically extinguished if one person becomes the owner of all the freehold lots or the lessee of all the lots under the *Land Act 1994* to which it applies.

Legislation

[34-1000]

Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994*

Refer to [0-8100] and [0-8200].

Practice

[34-2000]

An extinguishment or partial extinguishment of a BMS is prepared in a Form 34 – Extinguishment of Building Management Statement.

A BMS may be partially extinguished to remove a lot that is not contained in, or does not contain, a building or part of a building.

For a full or partial extinguishment, the registered owner(s) of all the freehold lots or lessee(s) of all the lots under the *Land Act 1994* to which the BMS applies must execute the BMS. However, where lots affected by the BMS form part of a community titles scheme the extinguishment may be signed by the body corporate. A certified copy of the resolution agreeing to the extinguishment of the BMS is to be deposited with the extinguishment.

For a full extinguishment of a BMS, the consents of all registered mortgagees to which the BMS applies are required (s. 54H(4)(b) of the *Land Title Act* or s. 294I(4)(b) of the *Land Act*). For a partial extinguishment, only the consents of registered mortgagees of lots to be removed from the BMS are required (s. 54H(4)(a) of the *Land Title Act* or s. 294I(4)(a) of the *Land Act*).

A BMS is not extinguished automatically if all of the lots come into common ownership. If all lots do come into common ownership and the owner(s) or lessees(s) under the *Land Act* intend to extinguish the BMS, an extinguishment must be lodged and registered.

Forms

General Guide to Completion of Forms

[34-4000]

For general requirements for completion of forms see part 59 – Forms.

**EXTINGUISHMENT OF
BUILDING MANAGEMENT STATEMENT**

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

Lodger (Name, address, E-mail & phone number)

SMYTHE & CO.
SOLICITORS
45 ADELAIDE STREET
BRISBANE QLD 4000
mail@smytheco.com.au
(07) 3227 9850

Lodger Code

490

1. Dealing number of instrument/document being extinguished

723568901

2. Lot on Plan Description of affected land

Title Reference

LOT 143 ON SP900567
LOT 144 ON SP900567

5002571
5002572

3. Registered Owners/State Lessees

HIGHRISE DEVELOPMENT PTY LTD ACN 124 123 457

4. Execution

The Registered Owners/State Lessees identified in item 3 agree to the extinguishment of the building management statement in item 1.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

.....signature

(seal)
or Full name
of company
to be shown

W Smith, Director
WILLIAM THOMAS SMITH

.....full name

P Jones, Secretary
PAUL JOHN JONES

.....qualification

25/11/2007
Execution Date

.....
**Registered Owner's/
State Lessee's Signature**

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

.....signature

.....full name

.....qualification

/ /
Execution Date

.....
**Registered Owner's/
State Lessee's Signature**

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Guide to Completion of Form 34

Item 1

[34-4010]

Insert the dealing number of the BMS to be extinguished.

Item 2

[34-4020]

Insert the 'Lot on Plan' descriptions of all lots comprised in the BMS with a parcel reference to identify each with one or more of the registered owners or lessee(s) under the *Land Act 1994* in Item 3.

Item 3

[34-4030]

Insert the full name(s) of all registered owner(s) or lessee(s) under the *Land Act 1994* and refer to the lots in Item 2 by parcel number.

Item 4

[34-4040]

Execute as required.

[34-6000] deleted

Case Law

[34-7000]

Nil.

Fees

[34-8000]

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see [60-8000].

Cross References and Further Reading

[34-9000]

Part 20 – Schedule, Enlarged Panel, Additional Page or Standard Terms Document

Part 32 – Building Management Statements

Notes in text

[34-9050]

Note ¹ – This part does not apply to water allocations.

Note ² – This numbered section, paragraph or statement does not apply to State land.

Note ³ – This numbered section, paragraph or statement does not apply to freehold land.