## Land title practice manual updates April 2009 to December 2010

## Part 1 - Transfer

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 2030, 2040, 2050, 2105 and 2115	26 July 2010
	Various	Editing and/or clarification of current practice in paras 2040, 2110, 2140, 2330, 2460, 2530, 2560, 2570 and 2580	21 April 2010
	Various	Editing and/or clarification of current practice in paras 2030, 2040, 2050, 2070, 2115, 2230, 2310, 2340, 2350, 2355, 2380, 2400, 2410, 2430, 2460, 2470, 2570 and 2580	18 September 2009
2040	Consideration	Addition of practice for completing item 4—details of sale price where there is a rebate. Clarify practice relating to a transfer where the consideration refers to a deed or an agreement.	21 April 2010
2050	Transferee	Add practice for recording transferee pursuant to s 56 of the <i>Land Title Act 1994</i> .	6 April 2009
	Transfer pursuant to part 19 of the <i>Property Law Act</i> 1974	Clarification of practice relating to transfer pursuant to Part 19 of the <i>Property Law Act 1974</i>	21 April 2010
	Transfer pursuant to part VIIIA of the <i>Family Law Act</i> 1975 (Cth)	Addition of practice relating to part VIIIAB of the <i>Family Law Act 1975</i> (Cth)	21 April 2010
2305	Severing a joint tenancy under principles of common law	Addition of practice relating to severence of joint tenancy by mutual agreement	21 April 2010
2335	Transfer by Equitable Mortgagee Pursuant to s 99(7) of the <i>Property Law</i> Act 1974	Addition of practice relating to equitable chargees/mortgagees transferring property under s 99(7) of the <i>Property Law Act 1974</i>	26 July 2010
2390	Transfer to trustee with trust document deposited	Add explanation for the way a transfer to trustee is recorded in relation to the number that creates the trust on the register and remove reference to 'Form 1 is called a 'Transfer to Trustees'	18 September 2009
2390	Transfer to trustee with trust document deposited	Clarify current practice when referring to an instrument of trust deposited with a prior dealing	6 November 2009
2520	Transfer by a Local Government under Chapter 2 Part 12 Division 3 of the <i>Local Government</i> <i>(Finance, Plans and</i> <i>Reporting) Regulation 2010</i>	Amendment of practice relating to transfer by local government for overdue rates	26 July 2010
2580	Transfer to a local government - s 113 of the <i>Trusts Act 1973</i>	Amend practice for a transfer of a water allocation to a local government as s 113 of the <i>Trusts Act</i> <i>1973</i> does not apply.	6 April 2009

#### Part 2—Mortgage

Para	Paragraph heading	Summary of change	Date
0180	Mortgage of lease		6 December 2010
0140	Mortgagees consent	Editing and clarification of current practice	6 May 2010

#### Part 3—Release of mortgage

Para	Paragraph heading	Summary of change	Date
	nil		

#### Part 4-Request to record death

Para	Paragraph heading	Summary of change	Date
2040	Certificate of Title	Addition of practice relating to certificate of title not required to be deposited with a record of death of lessee	6 May 2010

## Part 5—Transmission applications

Para	Paragraph heading	Summary of change	Date
		Editing and/or clarification of current practice in paras 2163, 2200 and 4010	6 December 2010
		Editing and/or clarification of current practice in paras 2030, 2040 and 2050	21 April 2010
	Various	Editing and/or clarification of current practice in paras 2030, 2130	6 November 2009
4090	Documentation to be lodged	Addition of practice relating to certificate of title not required to be deposited with a transmission by death of lessee	6 May 2010
4210	Documentation to be lodged	Addition of practice relating to certificate of title not required to be deposited with a transmission by death of lessee	6 May 2010
4360	Documentation to be lodged	Addition of practice relating to certificate of title not required to be deposited with a transmission by death of lessee	6 May 2010

#### Part 7—Lease of Freehold or Water Allocation

Para	Paragraph heading	Summary of change	Date
		Editing and/or clarification of current practice in paras 0020, 0040, 0050 and 2205	21 April 2010
		5	6 November 2009
2140	Death of lessee	Editing and clarification of current practice	6 May 2010

## Part 8—Surrender of Lease of Freehold or Water Allocation

Para	Paragraph heading	Summary of change	Date
2000	Form of Surrender	Amend practice relating to duty requirements for a form 8	02 September 2010

#### Part 9—Easement

Para	Paragraph heading	Summary of change	Date
	Various	5 1	6 December 2010
	Various	Editing and/or clarification of current practice in paras 2020, 2080, 2110 and 2120.	21 April 2010
	Various	naras 0000 00/0 20/0 20/0 2085 2155 2180 1	6 November 2009
4030	Item 2	Clarify completion of item 2 for easement in gross.	6 April 2009
4050	Item 4	Clarify completion of item 4 for easement in gross.	6 April 2009

#### Part 10—Surrender of easement

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 2000 and 2010	21 April 2010

#### Part 11—Caveat

Para	Paragraph heading	Summary of change	Date
	Various	5	6 December 2010
	Various	Editing and/or clarification of current practice in paras 0030 and 7000	21 April 2010

#### Part 12-Request to register writ or warrant of execution

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 2000 and 9000	21 April 2010

# Part 13—Amendment of lease, easement, mortgage, covenant, profit à prendre, or building management statement

Para	Paragraph heading	Summary of change	Date
All			02 September 2010
		Editing and/or clarification of current practice in paras 0030, 2060, 4021 and 4070	21 April 2010
2055		Addition of practice relating to confirmation of identity of mortgagor by mortgagee	6 May 2010

#### Part 14—General request

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 2125, 2290, 2810, 2820.	6 December 2010
	Various	Editing and/or clarification of current practice in paras 2350, 2920, 2930, 2940, 4000 and 5500	26 July 2010
	Various	Editing and/or clarification of current practice in paras 2280, 2320, 2400 and 2890	21 April 2010
		Editing and/or clarification of current practice in paras 2030, 2125, 2260, 2280, 2290, 2320, 2500, 2510, 2520, 2610, 4000 and 5500	27 July 2009
2410	Application by Local Government under Chapter 2 Part 12 Division 3 of the <i>Local Government</i> <i>(Finance, Plans and</i> <i>Reporting) Regulation 2010</i>	Amendment of practice relating to acquisition by local government for overdue rates	26 July 2010

#### Part 15—Request for amalgamation

Para	Paragraph heading	Summary of change	Date
	nil		

# Part 16—Request to register power of attorney or revocation of power of attorney

Para	Paragraph heading	Summary of change	Date
	IVALIOUS	5	6 December 2010
	IV AFIALIS	Editing and/or clarification of current practice in paras 0080, 0140, 2000 and 2180	21 April 2010

#### Part 17-Request to dispense with production of instrument

Para	Paragraph heading	Summary of change	Date
2010	Advertising	Editing and clarification of current practice	6 December 2010

#### Part 18—General consent

Para	Paragraph heading	Summary of change	Date
All		Rationalise and refresh text for whole chapter	21 April 2010

#### Part 19—Application for title

Para	Paragraph heading	Summary of change	Date
	nil		

# Part 20—Schedule, enlarged panel, additional page, declaration or standard terms document

Para	Paragraph heading	Summary of change	Date
	Various		6 December 2010

#### Part 21—Plans and associated documents

Para	Paragraph heading	Summary of change	Date
All		Rationalise and refresh text for whole chapter	21 April 2010
		0110 0120 0130 0140 0150 0160 2010 2020	6 November 2009
0060		Clarify practice relating to a plan of survey designating an easement.	6 April 2009
0090		Amend of practice relating to a plan of survey designating a lease.	6 April 2009
0130	Profit a proporo plan	Amend practice relating to a plan of survey designating a profit a prendre.	6 April 2009
0150	Covenant plan	Amend practice relating to a plan of survey designating a covenant.	6 April 2009
	Transfer to Local Government as Trustee	Idenicting an annarent restriction string November	6 November 2009

#### Part 22—Certificate of title

Para	Paragraph heading	Summary of change	Date
2010		Addition of practice relating to a certificate of title not required to be deposited when dealing with the interest of a lessee	6 May 2010

## Part 23—Settlement notices

Para	Paragraph heading	Summary of change	Date
2020	Operation of settlement notice	Clarify time of operation of a settlement notice.	6 April 2009
2020	Lodging unauthorised instrument	Add practice relating to a <i>Form 19 - Application for</i> <i>Title</i> where there is a prior lodged settlement notice.	6 April 2009

## Part 24—Property transfer information

Para	Paragraph heading	Summary of change	Date
4050	Item 4 - Details of Sale Price	Addition of practice for completing item 4—details of sale price where there is a rebate.	21 April 2010
4120	Contact details for further information	IF difind and clarification of current practice	21 April 2010

## Part 25—Foreign ownership information

Para	Paragraph heading	Summary of change	Date
	nil		

#### Part 29—Profit à prendre

Para	Paragraph heading	Summary of change	Date
2050	Survey requirements of profit a prendre over part of the land	It difind and clarification of current practice	21 April 2010

#### Part 30—Mortgage priority

Para	Paragraph heading	Summary of change	Date
	nil		

#### Part 31—Covenants

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 4050	6 May 2010
		<b>o</b>	21 April 2010
0000	General Law	Addition of practice relating to covevantor and covenantee of a statutory covenant may be the same entity (s 97A(2) of the Land Title Act 1994)	6 May 2010
2020	Types of Covenants	Addition of practice relating to a statutory covenant can ensure a freehold lot may be transferred only if there is also a transfer to the person of a freehold lease (s 97A(3)(c)(iv) of the Land Title Act 1994)	6 May 2010

### Part 32—Building management statements

Para	Paragraph heading	Summary of change	Date
		Editing and/or clarification of current practice in paras 2010, 2020 and 2030	6 May 2010
0000	General Law	Addition of practice relating to a building management statement and common property (s 54B(3) of the Land Title Act 1994)	6 May 2010

## Part 33-Release of covenant/profit à prendre

Para Parag	raph heading	Summary of change	Date
nil			

## Part 34—Extinguishment of building management statement

Para	Paragraph heading	Summary of change	Date
2000	Practice	Amendment of practice relating to consent of mortgagees prior to extinguishment of a building management (s 54H(4) of the Land Title Act 1994)	6 May 2010
2000	Practice	Editing and/or clarification of current practice	21 April 2010

## Part 45—Community Title Schemes

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 0000, 2000, 2060 - 2120, 2180, 2220, 2230, 2340, 2360, 2380, 2400, 2445, 2450, 2460, 2480, 2500, 2540, 2560, 2600, 2620, 2640, 2670, 2680, 2950, 4000, 4150 and 4180	27 July 2009
2680	Staged divisions	Editing and clarification of current practice	6 May 2010

#### Part 48—State leasehold

Para Paragraph heading	Summary of change	Date
nil		

## Part 49—Water allocations

Para	Paragraph heading	Summary of change	Date
	nil		

#### Part 50—Corporations and companies

Para	Paragraph heading	Summary of change	Date
	nil		

## Part 51—Trusts

Para	Paragraph heading	Summary of change	Date
	IV AFIOLIS	Inaras 0190 2060 2080 and 2100	18 September 2009
0300	Appropriation	Amend practice in relation to requirements where an appropriation has occurred in the course of administering the estate of a deceased.	6 April 2009
2043	II Deposit of trust document	Amend and clarify duty requirements on trust document	6 April 2009

### Part 52—Administrative advices

Para	Paragraph heading	Summary of change	Date
		Addition of practice for a notice under miscellaneous	06 September 2010
		Amend practice in relation to serving a notice on the Registrar under s $126(4)$ of the Land Title Act 1994	06 September 2010
0020	126(2) and (3) of the Land	Amend practice in relation to serving a notice on the Registrar by a caveatee under s 126(2) and (3) of the Land Title Act 1994	06 September 2010
		Addition of practice for a notice under miscellaneous	06 September 2010
4030	Item 3	Amend practice for completing item 3 of form 14 for	06 September 2010
4040	Item 4	Amend practice for completing item 4 of form 14 for an administrative advice	06 September 2010

#### Part 59—Forms

Para	3 1 3	Summary of change	Date
2020	Interests	Clarify practice relating to including different interests in a single form.	6 April 2009

#### Part 60—Miscellaneous

Para	Paragraph heading	Summary of change	Date
	Various	Editing and/or clarification of current practice in paras 0760, 0830, 0840, 0890 and 1020	15 December 2010
	Various	Editing and/or clarification of current practice in paras 1000 and 1030	26 July 2010
	Various	Editing and/or clarification of current practice in paras 0890 and 0900	21 April 2010
	Various	Editing and/or clarification of current practice in paras 0030, 0040, 0900, 0970, 1030 and 1040	18 September 2009
	Various	Editing and/or clarification of current practice in paras 0830, 0890, 0895	6 November 2009
	Deposit of Supporting Documentation	Addition of practice relating to suppression of deposited sensitive or confidential information	15 December 2010
0260	Practice	Addition of practice relating to a declaration by an attorney	21 April 2010
0360	Witness to instruments - General law	Clarify practice for witness an execution of members of the Defence Force when serving overseas	18 September 2009
	Statutory exemption from lodgement fees	Addition of practice where a statutory exemption is sought from payment of lodgement fees	8 December 2009
0900	Execution of instruments	Clarify practice for execution by an attorney on behalf of a custodian appointed by a responsible entity.	6 April 2009

0900	Execution of instruments	Clarify practice relating to the execution by an attorney where the power of attorney does not property identify the land	26 July 2010
0920	General Law	Amendment of practice relating to execution by local government	26 July 2010
0970	Practice	Amendment of practice relating to execution by local government	26 July 2010
IUARO	5	Amendment of practice relating to style name of local government	26 July 2010