

Preparation checklist *Form 14* — *General request and New Community Management Statement*

This checklist contains general information to assist practitioners complete a general request and a **basic** New Community Management Statement (CMS). It is not intended to be a complete guide. For further information about the requirements of a *Form 14 — General request and New Community Management Statement*, refer to Parts 14 and 45 of the Land Title Practice Manual (LTPM) available at <https://www.titlesqld.com.au/manual-guides/land-title-practice-manual/>

Form 14 — General request

Items

Item 1

- Is the nature of the request stated e.g. Request to record new community management statement for [insert name of scheme] community titles scheme [insert community title scheme number]?

Item 2

- Is the description and the title reference for only the common property for the scheme shown?

Item 3

- Is the name of the body corporate shown and in accordance with section 33(1) of the *Body Corporate and Community Management Act 1997*?

Item 4

- Is 'Not applicable' shown?

Item 5

- Is the applicant the body corporate for the scheme?

Item 6

- Does the request identify items and schedules of the existing CMS that are amended?

Item 7

- If executed by the body corporate, is the execution under the body corporate seal and dated?
- Is the name in the body corporate seal in accordance with s 33(1) of the *Body Corporate and Community Management Act 1997*?
- Is the body corporate seal legible and capable of being copied?
- Are the designations of the signatories for the body corporate shown?
- If executed by other than two members of the committee — one of whom must be the chairperson or secretary (for small schemes secretary and treasurer, or secretary or treasurer and one member of the body corporate) — is a copy of the authorising resolution, certified by a committee member deposited? Refer to part [45-2060] of the LTPM for information relating to execution by a body corporate of a Specified Two-lot scheme.
- If executed by a solicitor, is their full name printed below the signature?

New Community Management Statement

Items

Item 1

- Is the community titles scheme name, including the scheme number, shown?

Item 2

- Is the relevant regulation module shown e.g. Standard module, Accommodation Module, Commercial Module, Small Schemes Module or Specified Two-lot Schemes module)?

Item 3

- Is the body corporate name shown in the correct format — for example BODY CORPORATE FOR PARK ROAD, COMMUNITY TITLES SCHEME 1234?

Item 4

- Is scheme land shown by including all lots and relative plan number/s and common property, with the respective title references?

Item 5

- Is 'Not applicable' shown?

Item 6

- If creating new lots within a scheme is the plan number for the new lots shown?
 If not creating new lots within a scheme is 'Not applicable' shown?

Item 7

- If there is an exemption to planning body approval under s. 60(6) of the *Body Corporate and Community Management Act 1997* – are the words 'Not applicable pursuant to s. 60(6) of the *Body Corporate and Community Management Act 1997*' inserted?
- If there is no exemption to planning body approval:
- is "N/A" or "not applicable" inserted; and
 - a properly completed Form 18C signed by the planning body ready for deposit with the request to Form 14 – General request to record the New CMS?

Item 8

- If the positions on the body corporate are not filled due to the first annual general meeting not yet being held and the form is executed by the original registered owner, is the Land Title Practice Manual part [45-2060] complied with?
- If executed by the body corporate, is the execution under the body corporate seal and dated?
- Is the name in the body corporate seal in accordance with s 33(1) of the *Body Corporate and Community Management Act 1997*?
- Is the body corporate seal legible and capable of being copied?
- Are the designations of the signatories for the body corporate shown?

- If executed by other than two members of the committee — one of whom must be the chairperson or secretary (for small schemes secretary and treasurer, or secretary or treasurer and one member of the body corporate) — is a copy of the authorising resolution, certified by a committee member deposited? Refer to part [45-2070] for information relating to execution by a body corporate of a Specified Two-lot scheme.
- Is the form to be lodged within three months of the execution date of the CMS?

SCHEDULE A

- Is the Schedule of Lot Entitlements completed by showing—
 - all lot and common property (if applicable) references including the relative plan numbers;
 - the entitlement in whole numbers;
 - the contribution totals and the interest totals;
 - any applicable explanation of the schedule of lot entitlements included in the previous CMS in this CMS.
- If the contribution schedule lot entitlements or interest schedule lot entitlements for a lot/s have changed, or the overall aggregate total are adjusted, has section 66(1)(db) and/or (dc) of the *Body Corporate and Community Management Act 1997* been complied with?
- If another section the of the *Body Corporate and Community Management Act 1997* is being relied upon to decide the schedule of lot entitlements, a statement to reflect this must be inserted at Item 6 of the Form 14 and/or in Schedule A.

SCHEDULE B

- If the scheme is not to be further developed, is 'Not applicable' shown?
- If the scheme is to be further developed, is the Explanation of the Development of Scheme Land shown and a concept plan attached?
- If the scheme is to be further developed and is a layered scheme, is the management structure explained?

SCHEDULE C

- If Schedule 4 of the *Body Corporate and Community Management Act 1997* does not apply or is modified, is the full text of the by-laws applicable to this statement set out?
- If Schedule 4 of the *Body Corporate and Community Management Act 1997* applies, is this indicated by a suitable statement?
- If a by-law grants exclusive use of common property, is a reference made to the allocation of by-laws in Schedule E?

SCHEDULE D

- Is there an explanation shown of other details required or permitted under the relevant regulation module or if no other details are added is 'Not applicable' shown?
- Is there a table included which shows the description of lots (including common property), details of statutory easement and reference to service location diagrams? Refer to part [45-2230] and [45-4150] of the LTPM. **Note:** required under s. 66 of the *Body Corporate and Community Management Act 1997*?
- Is the service location diagram(s) attached?

SCHEDULE E

- If there are no by-laws under which exclusive use is allocated in Schedule C – has 'Not applicable', 'N/A' or 'Nil' been inserted?
- If exclusive use is allocated, is—
 - each lot description shown (with plan number); and
 - each exclusive use area identified—for example 'Area A on sketch plan B'; and
 - a sketch plan identifying the areas attached?
- Do the exclusive use sketches meet the requirements of the Registrar of Titles Directions for the Preparation of Plans?
- Is the exclusive use sketch certified by a registered cadastral surveyor or where relevant a member of the committee of the body corporate?

Form and evidence

- Has the correct form and version been used?
- Are all pages numbered and show a title reference or the name of the scheme, including pages for sketches and diagrams?
- Are the lodger's details shown?