

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: <https://www.titlesqld.com.au/manual-guides/land-title-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.