

Part 15 – Request for Amalgamation

LAND TITLE PRACTICE MANUAL

Updated: 21 June 2021



Table of Contents

PART 15 – REQUEST FOR AMALGAMATION ^{1,2}	2
[15-0000] GENERAL LAW	2
Amalgamation of Lots	2
[15-1000] LEGISLATION	2
Reference to the registrar of titles in the <i>Land Title Act 1994</i>	2
[15-2000] PRACTICE	2
Amalgamation of Lots	2
[15-2020] Amalgamation of Interests Held by Tenants in Common in Separate Titles	2
[15-4000] FORMS	3
[15-4000] General Guide to Completion of Forms	3
Guide to Completion of Form 15	5
[15-7000] CASE LAW	6
[15-8000] FEES	6
[15-9000] CROSS REFERENCES AND FURTHER READING	6
[15-9050] Notes in text	6

Part 15 – Request for Amalgamation^{1,2}

[15-0000] General Law

There are two relevant types of amalgamations:

- amalgamation of lots; and
- amalgamation of interests held by tenants in common.

Amalgamation of Lots

[15-0010] Adjoining Lots Amalgamated into One Indefeasible Title

Section 39(1) of the *Land Title Act 1994* enables the Registrar to create a single indefeasible title for two or more lots having the same registered owner. However, the Registrar must be satisfied that special circumstances make it appropriate to have the one indefeasible title (s. 39(2) of the *Land Title Act*). The Registrar is expressly authorised to act under s. 39 where the lots either share a common boundary or have a boundary that adjoins the same part of a road or watercourse (s. 39(3) of the *Land Title Act*).

[15-0020] to [15-0030] deleted

[15-1000] Legislation

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

Refer to [0-8100].

[15-2000] Practice

Amalgamation of Lots

[15-2000] Adjoining Lots Amalgamated into One Indefeasible Title

Section 39(2) of the *Land Title Act 1994* provides for two or more lots to have a single indefeasible title if the Registrar of Titles considers this to be appropriate. The intent of the section is to allow the Registrar latitude in unusual circumstances and the section will be used only where it is considered necessary for efficient registry operations.

In keeping with this rationale, it is not intended that this option will be available to registered owners.

For the issue of indefeasible titles for lots created on a plan of amalgamation see part 21 – Plans and Associated documents, esp. [21-2300].

[15-2010] deleted

[15-2020] Amalgamation of Interests Held by Tenants in Common in Separate Titles

Where separate titles have been created and one tenant in common acquires the interest of another, the following documentation should be lodged:

For a fee simple title:

- Form 1 – Transfer;
- Form 24 – Property Transfer Information;
- Form 25 – Foreign Ownership Information (if applicable); and

- Form 15 – Request to Amalgamate.

Those parts of Item 7 of the Form 15 – Request to Amalgamate which are not applicable to this type of amalgamation must be ruled through.

It should be noted that the consolidation of shares already held by a tenant in common on existing titles should be the subject of a Form 14 – General Request.

[15-4000] Forms

[15-4000] General Guide to Completion of Forms

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

REQUEST TO AMALGAMATE

Dealing Number



OFFICE USE ONLY

Lodger (Name, address, E-mail & phone number)
SMITH & CO
SOLICITORS
38 ANN STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3227 5943

Lodger Code
902

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 Titles Queensland website.

1. Lot on Plan Description	Title Reference
LOT 17 ON RP817618	50035826
2. Applicant	
JOHN VICTOR COOK and JANE ALEX COOK	
3. How land/shares in item 1 is held	
1/4 SHARE AS JOINT TENANTS INTER-SE	
4. Instrument by which land to be amalgamated was acquired	
Dealing Type TRANSFER FROM PETER SMALL TO JOHN VICTOR COOK AND JANE ALEX COOK AS JOINT TENANTS..... Dated 5 SEPTEMBER, 2007	
Dealing No. 700901236. Share acquired 1/4.....	
5. Lot on Plan Description of land acquired	Title Reference
LOT 17 ON RP817618	10035127
6. Amalgamated Lot on Plan description	Title Reference (if amalgamation of shares)
LOT 17 ON RP817618	10035126
	10035127

7. Request/Execution by applicant

It is requested that:

~~*The lots described in item 1 and item 5 be amalgamated and an indefeasible title be created for the land described in item 6.~~

OR

*The shares of the applicant specified in item 3 and item 4 be amalgamated and an indefeasible title be created for
1/2 SHARE AS JOINT TENANTS INTER-SE
for the land described in item 6.

*delete if not applicable

#state share and tenancy

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

H I Newton

..... signature

HENRY ISAAC NEWTON

..... full name

SOLICITOR

..... qualification

Witnessing Officer

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

11/9/2007
Execution Date

.....
Applicant's or Solicitor's Signature

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

J V Cook

J A Cook

Guide to Completion of Form 15

[15-4010] Item 1

Freehold Description

The description of the relevant lot/s should always read 'Lot [no.] on [plan reference]'. Plan references must contain the appropriate prefix (e.g. 'SP' for a survey plan, 'RP' for a registered plan, 'BUP' for a building units plan, 'GTP' for a group titles plan or the relevant letters for crown plans). The area of the lot/s is not shown.

e.g.	Lot on Plan Description	Title reference
	Lot 27 on RP 204939	11223078

[15-4020] Item 2

Insert full name of the registered owner.

[15-4030] Item 3

Insert tenancy and or interests of land or shares if more than one applicant.

[15-4040] Item 4

Insert particulars of the instrument by which the lot or share was acquired. In the case of a share, identify the share acquired.

[15-4050] Item 5

See Item 1 above.

If amalgamation is in accordance with a new plan of survey then insert the new plan description.

[15-4060] Item 6

Insert title references from Items 1 and 5 for amalgamation of shares and new amalgamated 'Lot... on Plan...' reference. Identify share as applicable.

[15-4070] Item 7

Complete where indicated and delete sentence that is not applicable. Execute as required.

[15-6000] deleted

[15-7000] Case Law

Nil.

[15-8000] Fees

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

[15-9000] Cross References and Further Reading

Part 18 – General Consent

Part 21 – Plans and Associated Documents

[15-9050] Notes in text

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

Note ² – This part does not apply to State land.