

Preparation checklist *Form 9 — Easement (in gross)*

This checklist contains general information to assist practitioners complete a basic easement in gross. It is not intended to be a complete guide. For further information about the requirements of a *Form 9 — Easement (in gross)*, refer to Part 9 of the Land Title Practice Manual available at

[Land Title Practice Manual \(LTPM\) - Titles Queensland \(titlesqld.com.au\)](https://titlesqld.com.au)

Items

Item 1

- ☐ Do the grantor and the registered owner on the title to the burdened lot agree?

Item 2

- ☐ Do the servient description and the easement description on the survey plan agree and is shown as — for example Easement [identifier] on SP [plan number]. For the whole of the land insert the full description of the lot.
- ☐ Is the dominant tenement completed with 'Not Applicable'?

Item 3

- ☐ Is the interest being burdened shown — for example Fee simple, State Tenure, Unallocated State Land?

Item 4

- ☐ Is the interest being benefitted shown as 'Not Applicable'?

Item 5

- ☐ Is the Grantee a **public utility provider** as defined in s. 81A of the *Land Title Act 1994*?

Item 6

- ☐ Is the consideration fully expressed? **Note:** Nil is not a valid consideration.

Item 7

- ☐ Is the purpose listed in s. 89(2)(a) of the *Land Title Act 1994*?
- ☐ Do the easement purpose and the covenants in an attached schedule or standard terms document agree?

Item 8

- ☐ Are the non-applicable clauses deleted?
- ☐ 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?
- ☐ If executed under a common seal, is it legible and capable of being copied?

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- ☐ 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?

Form and evidence

- ☐ Have the correct form and version been used?
- ☐ Are details of duty noted?
- ☐ Are the lodger's details shown?
- ☐ Are all pages numbered consecutively?
- ☐ Is a survey plan required to be lodged prior to lodgement of the easement document?
- ☐ Does the preceding survey plan identify the easement as 'proposed'? **Note:** if 'proposed' is not shown, the easement document must be lodged).
- ☐ Is the consent of a lessee on a *Form 18—General Consent* required to be deposited?
- ☐ Is a court order required to be deposited?
- ☐ Are there restrictive covenants?
- ☐ If State tenure, is the Minister's approval deposited and all requirements satisfied?

Easement involving a body corporate

- ☐ If executed by the body corporate, is the execution under the seal of the body corporate 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 shown?
- ☐ If executed by other than two members of the committee — one of which must be the chairperson or secretary (secretary or treasurer for small schemes) — is a copy of the authorising resolution, certified by a committee member, deposited? See part [45-2060] of the Land Title Practice Manual for information relating to execution by a body corporate of a Specified Two-lot scheme.
- ☐ Is the certified copy of the resolution from the body corporate for a community titles scheme deposited (see s. 155 of the *Body Corporate and Community Management Act 1997*)?