Titles QUEENSLAND

Part 14 – General Request

LAND TITLE PRACTICE MANUAL

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Part 14 – General Request

[14-0000] General Law

A General Request is used to notify the Registrar of certain matters that impact on the registries.

Form 14 is the prescribed form for General Requests or for where no other specific form has been approved. Some of the many uses of this Form are outlined in this Part.

[14-0100] Body Corporate and Community Management Requests

The *Body Corporate and Community Management Act 1997* provides for the establishment, operation and management of community titles schemes.

[14-0110] Reservation of Name

On receipt of an application, the Registrar may reserve a name for a proposed community titles scheme. The proposed scheme land must be properly identified in the application. The period of reservation is two years, however, that may be extended for a further one year if the person who reserved the name applies during the initial two-year period. The reservation ends if the person withdraws the reservation, or the community titles scheme is established.

[14-0120] Community Management Statement

A First Community Management Statement (First CMS) must accompany a plan of subdivision (survey plan) to establish a community titles scheme and takes effect when it is recorded in the Titles Registry.

A First CMS may only be recorded if a properly completed Form 18C – Planning Body Community Management Statement Notation (Form 18C) signed by the planning body is deposited with the request to record the First CMS.

However, a New CMS may be recorded if either:

- A properly completed Form 18C signed by the planning body is deposited with the request to record the New CMS; or
- if Item 7 is endorsed by the body corporate as follows:

  'not applicable – see s. 60(6) of the Body Corporate and Community Management Act 1997.'

A CMS cannot be amended. It can only be replaced by a New CMS that has the endorsement and consent of the body corporate. A New CMS may also only be recorded if it has been consented to by the body corporate and is lodged within three months after the **relevant event** happens (s. 65(1) and (3) of the Body Corporate and Community Management Act).

A CMS is not an instrument under the *Land Title Act 1994*. However, s. 115K(3) of the Land Title Act provides that a request to record a CMS is an instrument. Section 115L(2) of the Land Title Act also provides that the recording of a CMS in the registry does not guarantee that it is valid or enforceable. The Registrar is not obliged to, but may, examine a CMS before it is recorded.

[14-0130] Change of address of Body Corporate

The *Body Corporate and Community Management Act 1997* stipulates that notices, legal processes and documents are served on the body corporate for a community titles scheme if served personally on the secretary or another member of the committee if the secretary is absent. It also stipulates that the address for service of the body corporate is the address recorded on the indefeasible title for the common property as notified to the Registrar from time to time.

The address of the original owner as shown on the First CMS for the scheme is the address for service of the body corporate if the Registrar has not been advised otherwise. Similarly, the address for service of an owner of a lot in the scheme is either the address in the records of the body corporate or the address of the lot if no address has been recorded by the body corporate.

The address of a body corporate that is recorded by the Registrar can be changed by making a formal application to have it changed.

For further information see Part [14-2700].

[14-1000] Legislation

Application of the *Land Title Act 1994* to the *Water Act 2000*

Under the provisions of the Water Act, an interest or dealing may be registered in a way mentioned in the Land Title Act, subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the Land Title Act:

a. as if a reference to the freehold land register is a reference to the water allocations register; and
b. as if a reference to freehold land or land is a reference to a water allocation; and
c. as if a reference to a lot is a reference to a water allocation; and
d. with any other necessary changes.

Reference to the registrar of titles in the *Land Title Act 1994* and *Land Act 1994* and reference to the registrar of water allocations in the *Water Act 2000*

Refer to [0-8100] and [0-8200] and [0-8300].

[14-2000] Practice

[14-2000] Request to Record Correction or Change of Name

A name on a title may be recorded incorrectly, due to an error by either the lodging party or the registry. In other situations, the name of a party may have changed. Other than for departmental errors, a Form 14 – General Request is the correct form to use to change or correct names recorded on a title. Throughout this topic, this Form is also referred to as a Form 14 – Request to Change Name or a Form 14 – Request to Correct Name.

While no duty notation is required on this Form 14 – General Request, lodgement fees apply.

The Registrar allows a change or correction of the registered proprietor or holder of an interest's name of multiple secondary interests (for example, a mortgage or a lease) by registration of a single Form 14, rather than a separate form for each interest, provided the parties are the same and a lodgement fee is paid for each interest.

[14-2010] Natural Person

To correct or change the name of a natural person, a Form 14 – General Request must be lodged with a Form 20 – Statutory Declaration setting out the circumstances that warrant a change or correction of name.

However, where an error was made by the registry, an internal request under s. 15 of the *Land Title Act 1994* or s. 291 of the *Land Act 1994* will be used to correct the name.

When a person or persons acquire an interest in a lot or a State tenure, the Registrar assumes that the name(s) provided is/are the legal name(s) of the proprietors or holders of the interest. The Registrar makes no inquiry to ascertain whether the name supplied is the legal name.

On marriage or entering into a civil partnership a person has the choice as to whether they will:

a. retain their previous legal name (e.g. birth name); and/or
b. adopt the surname of their partner.

For example, if Mary Green marries Tom Brown:

- Mary can choose to retain the surname of Green; or
- Mary can adopt the surname of Brown;
- Tom can choose to retain the surname of Brown;
- Tom can adopt the surname of Green;
- Mary and/or Tom may adopt a surname of Green-Brown as their legal name;

- Mary and/or Tom may adopt a surname of Brown-Green as their legal name.

Conversely, when a person who adopted their partner's surname after marriage or entering into a civil partnership and had title to an interest in a lot or a State tenure registered in that name and subsequently divorces their partner or ends the civil partnership, they may revert to their previous legal name as their current legal name.

To the knowledge of the Registrar, apart from marriage, entering into a civil partnership or divorce, the only mechanisms whereby a person can change their name are by:

1. Deed Poll, if the name was changed prior to 1 February 2004, or
2. on or after 1 February 2004, a request to change name registered in the Registry of Births, Deaths and Marriages, which is the formal means by which a change of name is recorded, or
3. by assumption of a name and use of that name in keeping with common law.

Persons who use other than their legal names when acquiring interests in a lot or a State tenure could experience difficulty when attempting to deal with that interest as a result of the provisions of the Land Title Act or Land Act relating to 'obligations of witnesses for individuals'.

Section 162 of the Land Title Act and s. 311 of the Land Act provide, in part, that 'a person who witnesses an instrument or document executed by an individual must:

a. first take reasonable steps to ensure that the individual is the person entitled to sign the instrument or document; and
b. have the individual execute the document in the presence of the person…'.

Witnesses may find it impossible to fulfil their obligation of 'ensuring that the individual is the person entitled to sign the instrument or document' if the person is not registered as the proprietor in their legal name.

When totally different names are used as aliases, it will be extremely difficult, if not impossible, to satisfy a witness's requirements to subsequently register an instrument or document.

On making a request to change or correct the name of a registered proprietor or holder of an interest, evidence that the new name is the registered proprietor's legal name will be required to be deposited.

Generally, acceptable proof of legal name is:

- a copy of a birth certificate; or
- a copy of a certificate of marriage (to adopt a different surname as a result of marriage);
- a copy of a civil partnership certificate (to adopt a different surname as a result of registering a civil partnership)
- a copy of a certificate of change of name; or
- a copy of a Court issued recorded Deed Poll; or

For information on depositing supporting evidence, see Part [60-1030].

- comprehensive documentation to the satisfaction of the Registrar evidencing the change of name by assumption based on use of that name. The following documentation generally will be required:
    1. a statutory declaration by the applicant that states:
        - their previous and current names;
        - the applicant is the owner/holder of the registered interest;
        - the duration of exclusive use of the current name;
        - it is the intention of the applicant to use only the current name in all matters;
        - they are aware of the potential privacy issues associated with private documentation being deposited in a publicly accessible register; and
        - they are aware that all evidence deposited in support of the application will remain a part of the public register and will be available to any interested party that searches the register.
    2. evidence of exclusive use of a new name (e.g. driver licence, passport, etc.); and
    3. if relevant (i.e. hyphenated name comprising previous name and partner's surname), copy of a marriage certificate or civil partnership certificate; and
    4. sufficient supporting documentary evidence to satisfy that the new name is used exclusively (e.g. local government rates notice, receipts for mortgage and/or home insurance payments, etc.); and
    5. a statutory declaration by a reliable, independent person in a position to state that they knew the applicant prior to the adoption of their new name and are able to corroborate that the owner of the registered interest is the same person as the applicant (e.g. bank manager).

If there is more than one correction to be made on a title (e.g. where two registered owners wish to change or correct their names, one Form 14 – General Request for each registered owner is required and the relevant lodgement fee must be paid for each request.

If only one registered proprietor's or holder's name requires correction, the Request may only be made by that person.

A registered proprietor or holder of an interest whose name requires correction (e.g. due to a misspelling) and change (e.g. due to marriage/entering into a civil partnership) need only lodge one document. The Request must be to change the name and a statutory declaration, together with documentary evidence (e.g. copies of a birth certificate and certificate of marriage/civil partnership certificate certified by the Registrar-General of Births, Death and Marriages), must be provided concerning the correction and the change of name.

Example 1 — Request to correct name (Natural Person) supported by a declaration from the solicitor's firm that prepared the original instrument or document.

Example 1A — Request to correct name (Natural Person) supported by a declaration by the registered owner.

Example 2 — Request to change name.

[14-2020] Corporation

A Form 14 – General Request is lodged to record the change or correction of a name of a corporation. Where an incorrect name is recorded due to an error by the registry, an internal request will be used to correct the name.

Where a corporation desires to record a change of name which has already been effected under the *Corporations Act 2001* (Cth), a Form 14 – General Request should be used.

Either a copy of the certificate of change of name certified by the Australian Securities and Investments Commission (ASIC), or a search extracted from the ASIC database through an authorised information broker must be deposited with the Form 14, see Part [60-1030].

Where a corporation's name has been changed in compliance with or by legislation, no evidence is required, provided the relevant Act is cited in the Request. A lodgement fee is payable unless an exemption is included in the legislation.

When an amalgamation of companies creates a new company, a change of name is not the proper instrument to record such a transaction. A Form 1 – Transfer should be used in this case.

Where a company has had several changes of name, the Form 14 – General Request need only identify the present name as the new name and the name on the title as the former name. However, documentary evidence is required to illustrate the chain of changes of name.

See Example 3 – Request to record Change of Name of Registered Owner (Corporation)

[14-2025] Documents to be Deposited When Requesting Change or Correction of Name

Documentation required to be deposited with a Form 14 – Request to Change or Correct Name is as follows:

- Where the ownership of a fee simple, a water allocation or a State tenure is concerned:
  - **For a corporation:**
    a. a copy of the certificate of change of name; or
    b. a search from the ASIC database that shows both the current name and the former name (**Note**: For an update of a registered power of attorney to record a change of a company name, the evidence provided must contain the date the change of name of the company was effective from, as this date is required to be entered into the power of attorney register (see [14-2800]);
  - **For a natural person:**
    a. a statutory declaration declaring the facts; and
    b. documentary evidence in support of the change of name, e.g. certificate of marriage certified by relevant issuing agency (see [14-2010]).

For more information about depositing supporting documentation see Part [60-1030].

If the statutory declaration is not made by the registered owner, the declaration can be made on behalf of the law firm that prepared the document that recorded the owner's or holder's name/s. The declarant must have actual knowledge of the error and confirm that in writing (for example a solicitor or a paralegal at the same firm would have actual, first-hand knowledge of the error because they are able to review the relevant file and determine if an error was made). They would

need to confirm in the declaration that an error was made that needs to be corrected. In these instances, no further evidence is required.

- Where a lessee's interest is concerned the same evidence as shown above as well as the following requirement:
  - A request to record the correction or change of name of a lessee, which is executed after the initial term of the lease has expired, will not be registered unless a Form 13 – Amendment of Lease is lodged prior to the Form 14 – Request to Change Name of the lessee.

[14-2030] Incorporated Association

Where an incorporated association has changed its name, a Form 14 – General Request must be lodged. The Form 14 should be lodged with:

a. a certified copy of the certificate of incorporation in the new name of the association; or

b. (if applicable) a search from the Australian Government Business Register that shows both the current name and the former name (**Note**: For an update of a registered power of attorney to record a change of an incorporated association name, the evidence provided must contain the date the change of name of the associated corporation was effective from, as this date is required to be entered into the power of attorney register (see Part [14-2800]).

After lodgement, land held by the association will be recorded as being held by the association in its new name. For further information about depositing supporting documentation see Part [60-1030].

See Example 3 – Request to record Change of Name of Registered Owner (Corporation)

For the manner of execution or the recording of vestings in incorporated associations, see Part [14-2360].

[14-2035] Transition from an Incorporated Association to a Company Registered under the *Corporations Act 2001* (Cth)

Part 11A of the *Associations Incorporation Act 1981* and Part 5B.1 of the Corporations Act provide for an incorporated association to transition to a company registered under the Corporations Act.

A Form 14 – General Request to Record Change of Name, with appropriate evidence must be lodged to record the transition. Appropriate evidence will consist of:

a. a copy of the notice of authority to transfer incorporation provided by the chief executive under s. 106E of the Associations Incorporations Act; and

b. a copy of the certificate issued by ASIC pursuant to s. 601BD of the Corporations Act, or a search from the ASIC database that shows the current name of the corporation.

For further information about depositing supporting information see Part [60-1030].

Item 6 of the Form 14 – General Request to Record Change of Name should include wording similar to the following:

> I hereby request that the change of name of the registered owner from XYZ Inc. to XYZ Pty Ltd A.C.N. 001 311 711 be recorded following the transition from an incorporated association to a company registered under the *Corporations Act 2001* (Cth) pursuant to Part 11A of the *Associations Incorporation Act 1981* and part 5B.1 of the *Corporations Act 2001* (Cth) be recorded.

Lodgement fees apply to the Form 14 – General Request, but a duty notation is not required.

[14-2045] Request to Remove Expired Lease

See Part 7 – Lease, esp. [7-2200-1]. See Example 4 and Example 4A (multiple interest example).

[14-2046] Request to Cancel Expired Lease

See Part 7 – Lease, esp. [7-2200-2]. See Example 38.

[14-2050] Request to Register Merger of Interest

A merger of interest may occur in the following circumstances:

a. merger of mortgage, see Part [14-2060];

b. merger of lease, see Part [14-2070];

c. merger of easement, see Part [14-2080]; and

d. merger of profit a prendre.

The merger of an interest with the fee simple or water allocation cannot occur where the two interests are held by the same party in different capacities. For example, a lessee of the freehold may hold the interest as a trustee for another and may then become the registered owner of the fee simple in their own right, i.e. not as trustee. In that situation, the leasehold interest cannot merge with the freehold interest.

[14-2060] Merger of Mortgage

Where a mortgagee becomes the registered owner of the land over which the mortgagee holds a mortgage, s. 63(2) of the *Land Title Act 1994* requires that the Registrar register the mortgagee as the registered owner free from the mortgage. Upon registration (of the transfer to the mortgagee), the mortgage ceases to exist. In this situation a Form 14 – General Request is **not** required to merge a mortgage with the freehold or water allocation.

Where a transferee and mortgagee are **not** one and the same person (i.e. where their names are the same, but they are different people such that no merger is taking place), a statutory declaration of identity should be lodged with the Form 1 – Transfer stating that the transferee and the mortgagee are not the same person. Without such declaration, a merger will be automatically recorded.

However, the mortgagee may request, pursuant to s. 63(3) of the Land Title Act, that the two interests not be merged. If such a request is made, the Registrar cannot cancel the mortgage. This request is to be made when the mortgagee lodges the transfer for registration by including in Item 5 of the Form 1 the words 'do not cancel Mortgage No. [number]'.

If the mortgagee decides to merge the mortgage after previously advising the Registrar not to merge the mortgage in accordance with s. 63(3) of the Land Title Act, a Form 14 – General Request will be required to merge the mortgage.

Lodgement fees apply to the Form 14 – General Request, but a duty notation is not required.

[14-2070] Merger of Lease

Where a lessee becomes the registered owner of:

- a lot; or
- part of the lot[1];

the lessee may lodge a Form 14 – General Request to merge the two interests. The lease is then cancelled. The merger of the two interests does not occur automatically.

Where a lessee's interest in a lease merges with the fee simple or water allocation and there is a sub-lease registered over the land, the sub-lease remains in place and becomes the head-lease (s. 145 of the *Property Law Act 2023*). The consent of the sub-lessee is not required.

Lodgement fees apply to the Form 14 – General Request, but a duty notation is not required.

See Example 5 – Request to Register Merger of Lease

Where the lease being merged with the fee simple or water allocation is mortgaged under a registered mortgage, the consent of the mortgagee in Form 18 is required to effect the cancellation of the mortgage or, alternatively, a Form 3 – Release of Mortgage may be lodged.

[14-2080] Merger of Easement (Extinguishment under s. 87A of the *Land Title Act 1994* or s. 368(2) of the *Land Act 1994*)

When the dominant tenement (the land benefited by the easement) and the servient tenement (the land burdened by the easement) come into the ownership of the same party, the easement may be merged. If the registered owner or a trustee, lessee or licensee under the *Land Act 1994* requires the easement to be merged, a Form 14 – General Request requesting the merger should be deposited. Once the Request is registered, the easement is extinguished.

See Example 6 – Request to Register Merger of Easement

Merger of an easement is not automatic, as the registered owner or a trustee, lessee or licensee under the Land Act may subsequently transfer their interest, either in the dominant or servient tenement. The easement would then continue to exist. However, where a plan of survey has the effect of amalgamating the dominant and servient tenements so that they are both contained in the one lot, the easement is automatically merged as there are no longer two separate titles necessary to support the easement. A merger of this type is the subject of internal documentation.

[14-2090] Withdrawal of Caveat and Discharge, Satisfaction, Cancellation and Withdrawal of Writ of Execution

A caveat that has been registered over a title may be withdrawn, whereas a registered writ of execution issued from a Court may be discharged, satisfied or cancelled. A registered writ of execution issued by the Registrar of the State Penalties Enforcement Registry may be withdrawn.

[14-2100] Withdrawal, Removal and Cancellation of Caveat

Withdrawal of registered Caveat by Caveator

A caveator can withdraw a registered caveat by lodging a Form 14 – General Request to Withdraw Caveat which must be signed by the caveator or by the caveator's current solicitor.

Lodgement fees apply to the Form 14 – General Request to Withdraw Caveat, but a duty notation is not required.

Refer to Part 11 (esp. [11-0210], [11-2060], [11-4200] and Part 11 Example 8).

Withdrawal of unregistered Caveat by Caveator

A caveator can withdraw an unregistered caveat by way of a letter signed by the caveator or the caveator's current solicitor.

Removal by Supreme Court order after application by Caveatee

The caveatee may apply to the Supreme Court for an order that the caveat be removed (s. 127 of the *Land Title Act 1994* or s. 389H of the *Land Act 1994*).

If an order is obtained, the Caveatee can remove the caveat by lodging a Form 14 – General Request to Remove Caveat together with the court order.

Lodgement fees apply to the Form 14 – General Request to Remove Caveat, but a duty notation is not required.

Refer to Part 11 (esp. [11-0200], [11-2080], [11-4200] and Part 11 Example 10).

Removal of lapsed caveat

Any person can make a request to remove a lapsed caveat by lodging a Form 14 – General Request to Remove Lapsed Caveat (no fee applies). A lapsed caveat can be removed whether it is registered or unregistered.

Refer to Part 11 (esp. [11-0170], [11-2050], [11-4200] and Part 11 Example 9).

Cancellation of Caveat

Under s. 128 of the *Land Title Act 1994* or s. 389I of the *Land Act 1994* any person can make request that a caveat be cancelled by lodging a Form 14 – General Request to Cancel Caveat. The person must be able to demonstrate that:

- the interest claimed by the caveator has ceased or the claim to it has been abandoned or withdrawn; or
- the claim of the caveator has been settled by agreement or otherwise satisfied; or
- the nature of the interest claimed does not entitle the caveator to prevent registration of an instrument that has been lodged; or
- for a caveat lodged by a person who has the benefit of an order mentioned in section 122(1)(e) of the Land Title Act or 389D(1)(c) of the Land Act – the proceeding in which the order was made has been discontinued or dismissed, or has otherwise ended.

The Registrar is obliged to notify the caveator of the intention to cancel the caveat seven days before cancelling it (s. 128(2) of the Land Title Act or s. 389I (3) of the Land Act).

Normal lodgement fees apply to the request.

Refer to Part 11 (esp. [11-0230], [11-2090], [11-4200] and Part 11 Example 11).

[14-2110] Partial Withdrawal of registered Caveat by Caveator

A partial withdrawal of a registered caveat may occur:

- where the caveat is registered over several lots, or leases or licences under the *Land Act 1994* contained in separate titles and is subsequently withdrawn in relation to one or more, but not all, of the lots, or leases or licences under the Land Act; or
- where the caveat is registered over one title that contains more than one lot and the withdrawal is for less than all the lots in that title[1].

A caveator can partially withdraw a registered caveat by lodging a Form 14 – Request to Partially Withdraw Caveat.

Refer to Part 11 (esp. [11-0210], [11-2065], [11-4200] and Part 11 Example 8A and 8B).

Lodgement fees apply to the Form 14 – General Request, but a duty notation is not required.

[14-2120] Instalment Contract Caveat

A caveat lodged to protect a purchaser's interest under an instalment contract pursuant to s. 93 of the *Property Law Act 2023*, may be removed or withdrawn by a Form 14 – General Request. Lodgement fees are payable, however, a duty notation is not required.

[14-2125] Discharge, Satisfaction or Cancellation of Writ of Execution

Discharge

A Form 14 – General Request to Record Discharge of Writ of Execution must be used by an enforcement creditor to remove the writ where it has been satisfied by payment of the debt and appropriate costs or otherwise satisfied.

If the Form 14 is executed by:

a. the enforcement **creditor** personally, no evidence of satisfaction of the debt is required to be deposited; or
b. a solicitor on behalf of the enforcement creditor, either evidence of satisfaction of the debt or a letter from the enforcement creditor's solicitor (on the solicitor firm's letterhead) confirming that the solicitor is acting on behalf of the enforcement creditor in discharging the writ, must be deposited.

Appropriate evidence must be:

a. a certificate of search issued by the Court that issued the writ; or
b. a statutory declaration stating that the debt, costs and interest have been repaid in full together with a copy of the original receipt(s) for the repayment. The copy of the receipt must comply with one of the options in Part [60-1030].

All items on the Form 14 must be appropriately completed. Applicable lodgement fees must be paid.

See Example 7 – Request to Register Discharge of Writ of Execution

Satisfaction

Where the enforcement creditor cannot be contacted or refuses to provide a request to record a discharge the enforcement debtor may lodge a Form 14 – General Request for Satisfaction of Writ of Execution to have the writ removed from the title. Evidence of satisfaction of the debt must be deposited with the Form 14.

Appropriate evidence must be:

a. a certificate of search issued by the Court that issued the writ; or
b. a statutory declaration stating that the debt, costs and interest have been repaid in full together with a copy of the original receipt(s) for the repayment. The copy of the receipt must comply with one of the options in Part [60-1030].

All items on the Form 14 must be appropriately completed. Applicable lodgement fees must be paid.

See Example 9 – Request to Register Satisfaction of Writ of Execution.

Cancellation

A writ of execution can be removed by anyone by lodgement of a Form 14 – Request to Cancel a Writ of Execution. The following criteria must be satisfied:

- Six months (and any appropriate extension time as notified to the Registrar) must have expired.
- The request must be accompanied by evidence of non-enforcement. The evidence must be:
  a. for the Supreme Court or District Court a certificate of search issued by the Court that issued the writ.

b. for the Magistrates Court either:
   i. a certificate of search issued by the Court that issued the writ; or
   ii. if the Court refuses to issue a certificate of search, the Registrar of Titles will accept a statutory declaration stating that the Court refused to issue a certificate of search and that a search of the Court has been completed and the result of the search revealed that the time for the writ has expired or has not been executed.

All items on the Form 14 must be appropriately completed. No lodgement fees are payable.

[14-2127] Withdrawal of Writ of Execution Issued by the Registrar of SPER

To withdraw a registered writ of execution issued by the Registrar of the State Penalties Enforcement Registry (SPER) a Form – 14 General Request signed by the Registrar of SPER or a delegate must be registered. The term 'discharge' may be used in lieu of 'withdrawal'.

Lodgement fees are not applicable.

[14-2130] Partial Discharge, Satisfaction or Cancellation of Writ of Execution

Partial discharge, satisfaction or cancellation of a writ of execution may occur:

a. where a writ of execution is registered over several lots, or leases or licences under the *Land Act 1994* contained in separate titles and is subsequently discharged in relation to one or more, but not all, of the lots, or leases or licences under the Land Act; or
b. where a writ of execution is registered over a number of lots in one title and the discharge is for less than all of the lots[1,2].

Where a writ of execution is registered over a lot which is subsequently subdivided, the writ then affects the new titles created by the[2]:

a. plan of subdivision for freehold land[1]; or
b. subdivision of a water allocation[3];

and can be discharged, satisfied or cancelled so far as relates to individual lots.

Lodgement fees are payable, however, there is no duty notation required.

See Example 7 – Request to Register Discharge of Writ of Execution

[14-2150] Extension of Writ of Execution

Refer to part 12, esp. [12-2010] and [12-2020]. See Example 10 – Request to Record Extension of Writ of Execution

[14-2160] Standard Terms Document Forming Part of Instrument/Document

Section 169 of the *Land Title Act 1994* or s. 318 of the *Land Act 1994* enables standard terms documents to be registered.

A registered standard terms document sets out the provisions, covenants and conditions of other instruments or documents, such as mortgages, leases, statutory covenants and easements.

Referring to a registered standard terms document removes the need to repeat all the provisions, covenants and conditions in instruments or documents to be lodged. For example, a mortgagee may register a standard terms document setting out its common mortgage covenants. For each subsequent mortgage, it need only prepare and lodge a *National Mortgage Form* which refers to the dealing number of the standard terms document.

Section 171(1) of the Land Title Act or s. 320(1) of the Land Act provides that, in addition to incorporating the terms of a standard terms document, an instrument or document may incorporate other terms into the instrument or document.

Under s. 168A of the Land Title Act, references to standard terms documents in ss. 170 and 171 include a standard terms document that has been or is taken to be registered under the Land Act.

Under s. 317A of the Land Act, reference to standard terms documents in ss. 319 and 320 include a standard terms document that has been or is taken to be, registered under the Land Title Act.

A Form 20 is used to set out the content of a standard terms document which must include the class of instrument or document to which it applies. A completed Form 14 – General Request to Register a Standard Terms Document must be lodged accompanied by the Form 20.

Practitioners and financiers are encouraged to register standard terms documents in instances where the terms and/or conditions and/or covenants are the same or very similar for multiple instruments or documents that they will lodge.

No fees are payable for lodgement.

See Example 11 – Request to Register Standard Terms Document

[14-2170] Request to Record Transmission by Bankruptcy

Where a registered owner of a lot or the holder of an interest becomes bankrupt, that lot or interest will immediately vest in that person's trustee in bankruptcy. The person's trustee in bankruptcy will be a registered trustee where they haves consented to act as the trustee in bankruptcy or, if no registered trustee has so consented, the trustee in bankruptcy will be the Official Trustee. The trustee in bankruptcy will deal with the lot or interest in accordance with the *Bankruptcy Act 1966* (Cth) to try to satisfy the bankrupt's creditors. A bankrupt cannot hold or deal with land or an interest in land in their personal capacity. See sections 58(1)(a), 58(1)(b) and 58(6) of the Bankruptcy Act.

Note: In accordance with ss. 160 and 161 of the Bankruptcy Act, the prescribed name for a private trustee is "The Trustee (or Trustees) of the Property of [Name of Bankrupt], a Bankrupt"; or if the property vests in the Official Trustee in Bankruptcy, the prescribed name is "Official Trustee in Bankruptcy".

A Form 14 – General Request must be lodged to register a transmission by bankruptcy pursuant to s. 115 of the *Land Title Act 1994* or s. 381 of the *Land Act 1994*. An extract from the National Personal Insolvency Index that is dated less than two weeks before, or any time after, execution of the Form 14, that evidences that the trustee has been appointed must be deposited with the request (see [60-1030]). Upon the transmission occurring, it is recorded on the title that the lot or interest is vested in the trustee in bankruptcy.

Throughout this topic, this Form is also referred to as a Form 14 – Request to Record Transmission by Bankruptcy.

Under the Bankruptcy Act, a transmission may be sought by:

- a trustee in bankruptcy (whether it be a registered trustee or the Official Trustee);
- a trustee in bankruptcy of a deceased debtor.

Lodgement fees are applicable and a duty notation is required.

The address for service of notices to the applicant must be inserted in Item 5.

Where the bankruptcy of a joint tenant severs a joint tenancy, a tenancy in common is created. However, a separate title is not created unless it is required or evidenced by payment of the relevant fee by the trustee[2].

Where a trustee is registered on the title in the registry and a new trustee has been appointed but not registered on title, a new Form 14 – Request to Record Transmission by Bankruptcy to the new trustee must be lodged to precede a dealing with the bankrupt's interest by the new trustee. An extract from the National Personal Insolvency Index that is dated less than two weeks before, or any time after, execution of the Form 14, that evidences that the trustee has been appointed must be deposited with the request (see [60-1030]). This is supported by s. 58(2) of the Bankruptcy Act which is taken to mean that the trustee must be registered on title before they may deal with the property. Until registered, the trustee only has an equitable interest and therefore has no authority to deal with the property. This is also in line with s. 181 of the Land Title Act and s. 301 of the Land Act.

[14-2180] Bankruptcy of Debtor or Deceased Debtor's Estate

A person may become bankrupt:

- On the acceptance of their own petition (Debtor's Petition) by the Official Receiver through the Australian Financial Security Authority (s. 55; s. 56A; and s. 57 of the *Bankruptcy Act 1966* (Cth)).
- When the court makes a sequestration order on the application of a creditor (Creditor's Petition) (s. 52 of the Bankruptcy Act).
- When the court makes a sequestration order on the application of a trustee or a creditor of a Part IV Composition or Arrangement (s. 76B); Part IX Debt Agreement (s. 185Q(5)); or a Part X Personal Insolvency Agreement (ss. 221(1), 222(10) and 222C(5) (from 1 December 2004). Prior to 1 December 2004 there were three types of Part X arrangements (Compositions, Deeds of Assignment or Deeds of Arrangement). An application for a sequestration order in these cases is equivalent to filing a creditor's petition.
- An administration order may be made by the court against the estate of a deceased debtor on the application of a creditor or a person administering the estate of a deceased person (s. 244 and s. 247 of the Bankruptcy Act).

The operation of s. 58 of the Bankruptcy Act serves to transfer or 'vest' the bankrupt's or deceased person's property in the trustee of the bankrupt (subject to exceptions detailed in s. 116(2) of the Bankruptcy Act). All property acquired by or devolved on bankrupts after the date of their bankruptcy and before being discharged from bankruptcy also vests in the trustee of the bankrupt (subject to s. 116(2) of the Bankruptcy Act). The vested property is 'divisible property' and includes any interest in fee simple, a water allocation or a lease, sublease or licence under the *Land Act 1994* where the person entitled to the interest is bankrupt.

The trustee of a bankrupt may be the Official Trustee in Bankruptcy or a private bankruptcy trustee or 'registered trustee'.

The names and contact details for all registered trustees are available from the Australian Financial Security Authority internet site.

The Official Trustee in Bankruptcy (Official Trustee) is a body corporate created by s. 18 of the *Bankruptcy Act 1966* (Cth)). It has perpetual succession; may acquire, hold and dispose of real and personal property; and may sue and be sued in its corporate name. The Official Trustee has a seal.

An Official Receiver is a natural person who holds a statutory position under s. 15 of the Bankruptcy Act.

The Official Receiver for the Bankruptcy District of the State of Queensland may delegate all or any powers and functions of the Official Receiver, e.g., to a Deputy Official Receiver.

The Official Receiver or delegate exercises powers and performs functions of the Official Trustee that relate to matters originating in the District including execution of documents in the name of the Official Trustee, e.g., execution of a transfer by affixing the seal of the Official Trustee.

The National Personal Insolvency Index (NPII) is an Index of natural persons who have been subject to a proceeding or administration under the Bankruptcy Act. It is maintained by Official Receivers through the Australian Financial Security Authority pursuant to Part 13 of the Bankruptcy Regulations 1996 (Cth). The Index contains names, status of administration and the current trustees.

The content of an extract of the National Personal Insolvency Index includes:

- type of administration or proceeding;
- date of administration or proceeding;
- petition type (Debtor or Creditor Petition);
- identification number;
- full name of the debtor, including aliases;
- date of birth of the debtor;
- name of the trustee or controlling trustee; and
- the current status, e.g. a statement that the debtor is bankrupt or has been discharged from bankruptcy.

The types of administration or proceedings reported on an extract of the Index are:

- interim receiving orders;
- bankruptcy;
- post bankruptcy scheme or composition;
- Part X s. 188 authority;
- Part X Personal Insolvency Agreements (from 1 December 2004);
- Part X deed or composition (prior to 1 December 2004);
- Part IX debt agreement – proposal/acceptance; and
- Part XI deceased estate.

In the absence of proof to the contrary, the information extracted from the Index is evidence of the truth of the information (r 13.10 of the Bankruptcy Regulations).

A Form 14 – General Request must be lodged to register a transmission by bankruptcy based upon a debtor's petition, sequestration order or administration order, together with the following:

- an extract from the NPII current at the time of execution of the Form 14;
- a statutory declaration by the trustee identifying the bankrupt as the registered owner or holder of the interest;

- if a trustee of a bankrupt estate seeks to enter a transmission by bankruptcy over property affected by the *Defence Service Homes Act 1918* (Cth), a certified copy of the approval given by the Secretary of the Department of Veterans' Affairs must also be lodged (s. 45A of the Defence Service Homes Act)[1, 2].

See Example 12 – Request to record Transmission by Bankruptcy (Request by Official Trustee) and

Example 13 - Request to record Transmission by Bankruptcy (Request by Trustee other than Official Trustee)

[14-2210] Trustee by Part IV Composition or Arrangement, Part IX Debt Agreement or Part X Personal Insolvency Agreement

A person who desires to make non-divisible property available to a trustee to be dealt with under Part IV, Div 6 – Composition or Arrangement with Creditors may, pursuant to a composition proposal or scheme of arrangement, assign that property to a registered trustee or the Official Trustee in Bankruptcy (s. 73(1) of the *Bankruptcy Act 1966* (Cth)). Acceptance of the composition or scheme of arrangement by creditors annuls the bankruptcy.

A person who desires that their affairs be dealt with under Part IX (debt agreement) or Part X (personal insolvency agreement) of the Bankruptcy Act may assign their property to a registered trustee, or the Official Trustee in Bankruptcy or any other person referred to as an administrator. In either case the property may be assigned to another party (s. 185C; s. 188A of the Bankruptcy Act). Agreements under Part IX and Part X avoid bankruptcy or sequestration.

On acceptance by creditors of a composition proposal or scheme of arrangement under Part IV, a debt agreement under Part IX or a personal insolvency agreement under Part X the specified property is capable of being transferred to the trustee or administrator. Alternatively, the agreement with creditors under these provisions may authorise for the property to be transferred to a purchaser under direction from the trustee or the property may be transferred directly from the debtor to a creditor again under direction from the trustee.

If the property is sold to a third party under direction from the trustee/administrator, the debtor may be required to execute all documents relating to property as directed by the trustee/administrator. In any transfer executed by the debtor, the consideration clause should indicate that the purchase moneys were paid to the trustee/administrator under the agreement reached with creditors, e.g.:

- for a Part X

  '[Amount] paid to [name] as trustee of [name] (a debtor) under a deed of personal insolvency agreement pursuant to s. 188A of the *Bankruptcy Act 1966* (Cth) on the [day] day of [month] [year] by [name], the receipt of which sum is acknowledged by the trustee'.

- for a Part IV Composition or Scheme

  '[Amount] paid to [name] as trustee of [name] (a debtor) under a composition pursuant to s. 73 of the *Bankruptcy Act 1966* (Cth) on the [day] day of [month] [year] by [name], the receipt of which sum is acknowledged by the trustee'.

- for a Part IX debt agreement

  '[Amount] paid to [name] as trustee of [name] (a debtor) under a debt agreement pursuant to s. 185C of the *Bankruptcy Act 1966* (Cth) on the [day] day of [month] [year] by [name], the receipt of which sum is acknowledged by the trustee'.

A copy of the composition, scheme of arrangement, debt agreement or personal insolvency agreement must be deposited.

A consent and direction by the trustee in Form 18 – General Consent is also required.

[14-2220] *Bankruptcy Legislation Amendment Act 2004* (Cth)

The Bankruptcy Legislation Amendment Act introduced significant changes to Part X of the Bankruptcy Act taking effect from 1 December 2004. From that date authorities given under s. 188 by a debtor result in just one type of matter known as a personal insolvency agreement (PIA). Unlike a bankruptcy or a Deed of Assignment under the pre-1 December 2004 provisions property does not vest automatically by operation of law in the trustee of a PIA. So there is no transmission of title, however PIAs are flexible arrangements negotiated with creditors and may involve the debtor assigning property to the trustee or third parties.

Authorities executed by debtors prior to 1 December 2004 may have resulted in one of three types of arrangements:

- A deed of assignment which resulted in the vesting of the debtor's property in the trustee and which may require transmission.

- A composition which typically involved the periodic payments to the trustee from the debtor's income but could also include the assignment of property.
- A deed of arrangement which could involve the assignment of property.

[14-2225] Part X arrangement entered into prior to 1 December 2004

On the execution of a deed of assignment or composition proposal under Part X of the *Bankruptcy Act 1966* (Cth), all of the debtor's divisible property vests in the trustee of the deed of assignment.

If a trustee needs to be recorded on a title, they will be registered as 'The trustee of the property of [name]'.

A Form 14 – General Request must be lodged with the following:

- an extract from the NPII current at the time of execution of the Form 14;
- a statutory declaration by the trustee identifying the debtor as the registered owner or holder of the interest.

If a trustee under a Part X deed of assignment or composition proposal does not seek to be registered on the title, s. 268(2)(f) of the Bankruptcy Act requires the debtor to execute all documents relating to property assigned by the deed of assignment or its disposal as directed by the trustee or by order of a court of competent jurisdiction. In any transfer executed by the debtor, the consideration clause should indicate that the purchase moneys were paid to the trustee under the deed of assignment pursuant to s. 214 of the Bankruptcy Act, e.g.:

> '[Amount] paid to [name] as trustee of [name] (a debtor) under deed of assignment executed pursuant to s. 214 of the Bankruptcy Act 1966 (Cth) on the [day] day of [month] [year] by [name], the receipt of which sum is acknowledged by the trustee'.

The deed of assignment must be deposited.

A consent and direction by the trustee in Form 18 – General Consent is also required.

[14-2230] Controlling Trustee under Part X of the *Bankruptcy Act 1966* (Cth)

A person who does not want their estate to be sequestrated may enter into a deed of assignment or arrangement or a composition under Part X of the Bankruptcy Act. The person may sign an authority in favour of a trustee or solicitor in accordance with Form 13 (Administrative Forms) of the Bankruptcy Regulations 1996 (Cth). That authority empowers the trustee, solicitor or the Official Trustee to call a meeting of their creditors and to take control of their property (s. 188 of the Bankruptcy Act). Once the authority becomes effective the trustee or solicitor becomes a controlling trustee by force of s. 188(6) of the Bankruptcy Act.

The controlling trustee may deal with the debtor's property in any way that is in the interest of the creditors (s. 190(2)(d) of the Bankruptcy Act). The controlling trustee has the same powers as a duly constituted attorney of the debtor.

Any instrument or document executed by the controlling trustee under this section will be treated as if the controlling trustee had been appointed by the debtor as their lawful attorney (s. 190(4) of the Bankruptcy Act).

Section 189AB of the Bankruptcy Act creates a statutory charge. That charge is a caveatable interest, and a caveat may be lodged by the controlling trustee (see part 11)[2]. The grounds of claim in Item 4 of the Form 11 – Caveat should make reference to s. 189AB of the Bankruptcy Act.

[14-2240] Powers of a Trustee

Section 134 of the *Bankruptcy Act 1966* (Cth) authorises the trustee of a bankrupt to sell, lease or mortgage property or to execute a power of attorney. While there are no specific provisions to grant or accept an easement, this is regarded as acceptable if it improves the value of the property[1]. The Registrar will register these instruments or documents without enquiry.

Section 190 of the Bankruptcy Act authorises the controlling trustee of a debtor to act in the name of the debtor as if duly appointed as the debtor's attorney to deal with relevant property of the debtor in any way that will be in the interests of creditors in the opinion of the controlling trustee.

Transfers by trustees to themselves are improper without leave of the court (Schedule 2, s. 60-20 of the Bankruptcy Act).

[14-2250] Annulment of Bankruptcy

Where a bankruptcy is annulled, the property which has not been sold by the trustee in bankruptcy reverts to the bankrupt, subject to any order of the court directing that the property should vest in an appropriate person.

The former bankrupt or the person in whom the property is vested by the court order must lodge a Form 14 – General Request accompanied by an extract from the NPII current at the time of execution of the Form 14.

See Example 15 – Request to Record Annulment of Bankruptcy

If the trustee of a bankrupt or their solicitor executes the Form 14 no further evidence is required to be deposited.

If the former bankrupt or their solicitor executes the Form 14, the following evidence must also be deposited:

1. A Form 18 – General Consent to the instrument or document, executed by the trustee; or
2. A statutory declaration, by the trustee, stating that the former bankrupt is entitled to be registered as owner or holder of the property.

[14-2260] Disclaimer

Disclaimer of Freehold Land under the *Land Title Act 1994* or a Lease or Licence under the *Land Act 1994* by a Trustee of a Bankrupt

Pursuant to s. 133 of the *Bankruptcy Act 1966* (Cth), notwithstanding the trustee of a bankrupt (trustee) has or has not become the registered owner of land or the holder of a lease or licence of a bankrupt under the Land Act, the trustee may disclaim freehold land or a lease or licence under the Land Act which is unsaleable or not readily saleable or burdened with onerous covenants.

If the trustee is disclaiming freehold land or a lease or licence under the Land Act, the trustee must notify the Registrar by lodging a Form 14 – General Request (deposited as an Administrative Noting Miscellaneous). This request must be signed by the trustee or a solicitor for the trustee and supported by a notice of the disclaimer pursuant to s. 133 of the Bankruptcy Act.

Evidence by way of a current National Personal Insolvency Index extract that is dated less than two weeks before, or any time after execution of the Form 14 – General Request to validate the trustee's right to disclaim must be deposited with the Form 14.

The administrative advice will alert interested parties that all rights, interest and liabilities of the bankrupt in the freehold land or the lease or licence under the Land Act are terminated.

Lodgement fees are not applicable. A duty notation is not required.

Disclaimer of a Freehold Lease or a Sub-Lease under the *Land Act 1994* by a Trustee of a Bankrupt

A trustee of a bankrupt (trustee) may disclaim a freehold lease or a sub-lease under the Land Act, which is unsaleable or not readily saleable or burdened with onerous covenants, without the leave of the court only if:

- the trustee has given 28 days' written notice of the intention to disclaim the freehold lease or the sub-lease under the Land Act to the lessor and any sub-lessees and mortgagees of the lease or the sub-lease under the Land Act; and
- the notified persons have not, within 28 days of receipt of the notice, required the trustee to apply to the court for leave to disclaim the freehold lease or the sub-lease under the Land Act.

To give notice under s. 133(3) of the *Bankruptcy Act 1966* (Cth), a Form 14 – General Request to record the disclaimer must be lodged. The request may be made by the lessor.

The following must be deposited with the request:

- Evidence by way of a current National Personal Insolvency Index extract that is dated less than two weeks before or any time after execution of the Form 14 – General Request to validate the trustee's right to disclaim must be deposited with the Form 14.
- A statutory declaration where the trustee declares that:

1. the bankrupt is one and the same person as the registered lessee of the freehold lease or sub-lessee of the sub-lease under the Land Act being disclaimed;
2. the trustee has given notice of intention to disclaim the freehold lease or the sub-lease under the Land Act to all interested parties pursuant to s. 133(4) and regulation 6.10 of the Bankruptcy Act, and
3. no interested party has, within 28 days of the notice to disclaim, served notice requiring the trustee to apply to the court for leave to disclaim the freehold lease or the sub-lease under the Land Act.

Lodgement fees are applicable.

A duty notation is required if the term of the lease commenced prior to 1 January 2006.

Disclaimer of Freehold Land under the *Land Title Act 1994* or a Lease or Licence under the *Land Act 1994* by a Company Liquidator

If the company liquidator is disclaiming freehold land or a lease or licence under the Land Act, the liquidator may notify the Registrar by lodging a Form 14 – General Request (deposited as an Administrative Noting Miscellaneous), supported by a copy of the Notice of Disclaimer (a Form 525 under the Corporations Regulations 2001 (Cth)).

The administrative advice will alert interested parties that all rights, interests and liabilities of the company in the freehold land or the lease or licence under the Land Act are terminated.

Lodgement fees are not applicable. A duty notation is not required.

Disclaimer of a Freehold Lease under the L*and Title Act 1994* or a Sub-Lease under the *Land Act 1994* by a Company Liquidator

If a company liquidator is disclaiming a freehold lease or a sub-lease under the Land Act, a Form 14 – General Request, supported by a copy of the Notice of Disclaimer (a Form 525 under the Corporations Regulations 2001 (Cth)) must be lodged to notify the Registrar of the disclaimer. The request may be made by the lessor.

Lodgement fees are applicable.

A duty notation is required if the term of the lease commenced prior to 1 January 2006.

Note: The Corporations Act does not provide authority for a notice under s. 443B by a person acting in the capacity of an administrator (Form 509B) or a notice under ss. 419A(3) by a controller for a company (Form 503) to disclaim a lease. Where the lessor is unable to obtain a Notice of Disclaimer (Form 525) from a person acting in the capacity of liquidator, then a copy of the Form 509B or Form 503 may be used by the lessor as part of the basis for determining the lease instead.

Court Order to vest Disclaimed Freehold Land under the *Land Title Act 1994* or a Lease or Licence under the *Land Act 1994*

The court may order that freehold land or a lease or licence under the Land Act disclaimed by a trustee of a bankrupt or a company liquidator (s. 568F(1) of the *Corporations Act 2001* (Cth)) is vested in a person considered to be entitled. The freehold land or a lease or licence under the Land Act is vested by lodging a Form 14 – General Request supported by a copy of the court order vesting the property (see [60-1030]). The applicant must be the person in whom the court has ordered that the property be vested.

Lodgement fees are applicable. A duty notation is required.

[14-2270] Statutory Charge under s. 139ZN or 139ZR of the *Bankruptcy Act 1966* (Cth)

A request to register a charge under s. 139ZN or 139ZR of the Bankruptcy Act is required to be lodged in Form 14.

The certificate required under ss. 139ZN(4) or 139ZR(4) that identifies the property the subject of the charge and the name of the current appointed Trustee of the Bankrupt must be deposited with the request.

The applicant must be the current appointed Trustee identified in the certificate. An extract from the National Personal Insolvency Index that is dated less than two weeks before, or any time after, execution of the Form 14 that evidences that the applicant is the trustee for the bankrupt referred to in the certificate must be deposited with the request (see [60-1030]).

Lodgement fees are payable, however, a duty notation is not required.

[14-2280] Interest for Life

To record that the holder of an interest for life has died or relinquished all rights, a completed Form 14 - General Request must be registered. On registration of the Request, the trust created for the life of the beneficiary ends and the title reverts to the registered owner.

Death of life tenant

Where the holder has died, the request must be completed to advise of the death and a copy of the death certificate deposited (see [60-1030] for information about depositing supporting documentation).

Lodgement fees are payable.

See Example 16 – Request to Record Removal of Life Estate Charge

Relinquishment

Where the holder relinquishes all rights, the request must be completed to advise the details of the relinquishment and a copy of the executed document of relinquishment deposited (see [60-1030] for information about depositing supporting documentation).

Lodgement fees are applicable and a duty notation is required.

[14-2290] Application for Title by Adverse Possession

In certain circumstances, a party may claim title to land, although that party is not the registered owner.

The authority to make an application for title by adverse possession and the provisions governing it are to be found in ss. 98 to 108B (Division 5 of Part 6) of the *Land Title Act 1994*.

An application must comply with the Land Title Act and demonstrate, in accordance with common law principles, that the applicant is an adverse possessor. Reference material regarding the common law requirements for adverse possession include the following texts (or later editions of these texts):

1. Megarry & Wade *The Law of Real Property*, 9th edn, Sweet & Maxwell, 2019.
2. Butt, P, *Land Law*, 7th edn, Lawbook Co, 2017.
3. Moore, A, Grattan, S and Griggs, L, *Australian Real Property Law*, 7th edn, Lawbook Co, 2020.
4. Wallace et al, *Real Property Law in Queensland*, 5th edn, Lawbook Co, 2020.

The time for bringing an action to recover a lot is 12 years from the accrual of the right of action where the person entitled to recover possession is *sui juris* (s. 13 of the *Limitation of Actions Act 1974*) and where such person is not *sui juris*, six years from his or her ceasing to be under a disability, up to a maximum of 30 years from the accrual of the right of action (s. 29 of the Limitation of Actions Act). If the true owner's identity is not established it will not expire until 30 years after the adverse possessor went into possession.

In this regard s. 29 of the Limitation of Actions Act simply extends the limitation period until any possible claim to true ownership has been barred. See *Re Johnson* [2000] Qd R 502.

Therefore, in most cases, due to the operation of s. 29 of the Limitation of Actions Act an applicant for title by adverse possession will have to establish that they have been in adverse possession of the lot for 30 years.

An applicant must demonstrate that the common law requirements for adverse possession are satisfied.

In general it is possible to determine if possession is adverse from the circumstances under which possession was taken, the acts of user relied upon by the applicant and the intention of the adverse possessor. This latter consideration is important, especially where the acts relied upon as constituting adverse possession are equivocal. A person claiming to have taken adverse possession must be more than a persistent trespasser.

The control exercised over the land must be continuous and uninterrupted for the whole of the limitation period. If this is not the case, the limitation period ceases to run against the person to whom it accrues (s. 19(2) of the Limitation of Actions Act).

Acts of control include the payment of rates, the construction of improvements, the erection of fencing and the carrying out of maintenance.

The applicant's statutory declaration in support of the Form 14 – General Request should declare to the following facts, giving sufficient detail to allow an assessment to be made as to whether the common law requirements for adverse possession are met:

1. The particulars of the possession upon which the application is based.
2. The manner and extent to which the land has been used and occupied.
3. The nature of all improvements of the land.
4. The extent and manner in which the land is enclosed.
5. The acts of ownership upon which the adverse possession is based.
6. The time when the improvements and fencing were erected and by whom and the persons who maintained such improvements, fencing etc.

7. Whether the applicant has been assessed as owner and/or paid the rates on the land.
8. Whether there are any documents or evidence of title affecting the said land under the control or possession of the applicant other than those listed in an attached schedule.
9. That no person other than the registered owner has any claim, estate or interest at law or in equity in the said land, save and except those mentioned in an attached schedule.
10. The names and addresses of the owners and occupiers of all lands contiguous to the subject land in an attached schedule.

The application should be supported by:

1. A statutory declaration by at least two disinterested persons who are familiar with the history of the land for the required period setting out, from their own knowledge and observation, the actual use and occupation of the land by the applicant and their predecessors in title during the period.
2. A letter from the local authority stating in whose name the rates were assessed and by whom the rates were paid for the period in question, or other documentary evidence of payment of rates for that period. If the documentary evidence consists of rates notices and/or receipts, the information should also be summarised in the form of a table showing rating periods, amounts and payment dates in chronological order.

Lodgement fees apply to the Request and any **successful application** will require a notation of the payment of transfer duty before it can be registered. To facilitate this requirement a notification will be forwarded to the lodger of the application during the advertising period to allow for a transfer duty notation to be endorsed.

Before registering the applicant as an adverse possessor, the Registrar requires the applicant to give public notice of their request. For information about advertising see [60-0830].

A successful application requires the creation of an indefeasible title in the applicant's name and the prescribed fee for the creation of the new title is payable.

A person claiming an interest in a lot which is the subject of an application by adverse possessor may lodge a caveat pursuant to s. 104 of the Land Title Act.

See Example 17 – Request for Title by Adverse Possession

[14-2300] Deregistered Company

Company Deregistered Prior to the *Companies Act 1961*

Pursuant to s. 300 of the Companies Act, when a company was dissolved, all property and rights whatsoever vested in the company immediately before its dissolution shall be 'deemed to be *bona vacantia*, and shall accordingly belong to the Crown'.

However, during this period the Crown could not hold freehold land or an interest in freehold land. It was not until the *Queensland Government Land Holding Amendment Act 1992*, which inserted s. 15A into the *Real Property Act 1861*, that "The Crown in right of the State may, under this Act, acquire, hold and deal with land under the name 'Queensland Government'."

When dealing with the property of a company that was deregistered prior to 1 July 1962, a Form 14 – General Request executed by a person authorised to sign on behalf of the Crown, together with evidence of the dissolution, may be lodged to vest the property in the name of the State of Queensland (represented by the Department of Justice and Attorney General).

Upon registration the title is fully cancelled and the property becomes unallocated State Land under the *Land Act 1994*.

Lodgement fees are not applicable.

When dealing with the lease of a company that was deregistered prior to 1 July 1962, see part 8, esp. [8-2040].

Company Deregistered under the Australian Securities and Investments Commission (ASIC)

The property of a deregistered company vests in ASIC pursuant to s. 601AD of the *Corporations Act 2001* (Cth). If it is intended that the vesting be recorded on the title, a Form 14 – General Request is lodged to notify the Registrar. The property is then registered in the name of the ASIC. Upon registration, ASIC has power to deal with the property in any way (s. 601AE of the Corporations Act).

When dealing with the property of a deregistered company that has vested in ASIC, an instrument may be lodged which disposes of the property of the company, executed by ASIC, together with evidence that the company is deregistered, without the necessity of vesting the property in the name of ASIC on the title. Lodgement fees are payable.

[14-2310] Foreclosure and Vesting

A mortgagee, upon default by the mortgagor under the mortgage, may, subject to the terms of the mortgage, seek a foreclosure order under s. 78(2)(c)(ii) of the *Land Title Act 1994*. If the Court grants a foreclosure order, the mortgagor is no longer able to exercise its right of redemption and the title vests in the mortgagee.

Usually, such orders stipulate a time by which the mortgagor must repay the total amount owing under the mortgage and if the mortgagor defaults, foreclosure occurs and the title vests in the mortgagee.

The mortgagee then lodges a Form 14 – General Request to Register Order of Foreclosure and Vesting (also called a Request to Vest).

The following practice requirements apply:

- the applicant in Item 5 must be the mortgagee in whom the title will vest;
- a copy of the order certified by the Court must be deposited with the Form 14;
- if the court order stipulates conditions for foreclosure and vesting to occur – a statutory declaration from the mortgagee or their solicitor declaring that the conditions have been met must be deposited; and
- the Form 14 must have a duty notation.
- the address for service of notices to the applicant must be inserted in Item 5

Lodgement fees are payable.

See Example 18 – Request to Register Order of Foreclosure and Vesting

[14-2312] Court order to discharge mortgage under section 136 of the *Property Law Act 2023*

Where a mortgagee is:

- out of the jurisdiction; or
- can not be found or is not known; or
- is deceased and no personal representative is administering the deceased person's estate; or
- is uncertain in identity,

the person entitled to redeem the mortgage may apply to the Supreme Court under s. 136 of the Property Law Act for an order that the amount of the debt be ascertained and paid into the Court. A certificate of the Registrar of the Court that such payment has been made and that no amount remains payable under the mortgage, operates to discharge the mortgage debt (ss. 136(3) and 136(4) of the Property Law Act).

Where a person entitled to redeem a mortgage has obtained an order under s. 136 of the Property Law Act and seeks for the mortgage registered over the title to be released, a Form 14 (General Request to register order of the court) should be lodged, together with the original certificate and court order. Where the court order and the certificate do not both specify the mortgage dealing number, a letter should also be deposited confirming the mortgage to which the certificate and court order applies.

Lodgement fees are payable.

[14-2315] Dedication of Road by Notice

Section 54(1) of the *Land Title Act 1994* allows for the dedication of the whole of a lot as a road for public use, by registration of a dedication notice. The form of a dedication notice is by way of a Form 14 – General Request.

Part of a lot may **not** be dedicated as a road for public use under s. 54 of the Land Title Act.

Item 6 of the Form 14 must request that 'the within land be dedicated as road pursuant to s. 54(1) of the Land Title Act. The form must be executed by registered owner or their solicitor.

A dedication notice (Form 14) must be accompanied by the approval of the relevant planning body, and typically this will be by way of a Form 18 – General Consent. Alternatively, a letter on the appropriate letterhead from the relevant planning body may be deposited with the Form 14.

If the land to be dedicated is subject to any interests e.g. easements, leases, profits, etc., consent by way of a Form 18 – General Consent of the grantee/lessee of that interest is also required to be deposited with the Form 14.

The dedication of the lot as road takes effect from the day the dedication notice is registered.

Lodgement fees apply. A duty notation is not required.

A constructing authority having acquired fee simple land for road purpose under s. 12B of the *Acquisition of Land Act 1967* may dedicate a lot as road by registering a dedication notice. A dedication notice must be made on a Form 14 –General Request and be for the whole of a lot.

Item 6 of the form must request that 'the within land be dedicated as road pursuant to s. 12B of the *Acquisition of Land Act 1967*'. The form must be executed by the constructing authority or their solicitor.

Lodgement fees do not apply. A duty notation is not required.

[14-2320] Resumption

Generally

A constructing authority, within the meaning of the *Acquisition of Land Act 1967* has power to take land or an interest in land (for example, an easement) for a purpose stated in the schedule of the Act.

If a resumption relates to only part of a lot or the interest being taken cannot be described by reference to an existing description, a plan identifying the land or interest is required to be registered.

Registration of the Form 14 – General Request records the resumption of land or interest in the freehold land register or the relevant State land register.

The consent of any registered proprietor e.g. mortgagee whose interest is affected by a resumption is not required.

Lodgement fees apply except where the constructing authority is the State. The form must have a duty notation.

Resumption of an Easement

A Form 14 – General Request to record the resumption and a copy of the taking of easement notice are required to be lodged.

Where an interest in land, being an easement is resumed and the resumed easement intersects or follows an existing easement registered under the *Land Title Act 1994* or *Land Act 1994*, the prior registered easement continues to exist and the resumed easement is subject to the former's covenants.

Resumption of Freehold Land by a Constructing Authority

A Form 14 – General Request to record a resumption of freehold land and a copy of the taking of land notice (gazette notice) are required to be lodged.

Once land has been resumed, there may be a following action to dedicate the land as road.

The publishing in the gazette of the taking of land notice cancels all registered interests in the land including mortgages, leases and easements and identifies the land taken and the manner in which the land is to be held by the constructing authority.

If, for example the wording of the taking of land notice states:

> 'the land is taken by [Name of Department] as constructing authority for the State of Queensland for [a public purpose] as from [Date] and vests in the State of Queensland'

the lot becomes unallocated State land and is no longer recorded in the Freehold Land Register. Or, if for example the wording of the taking of land notice states:

> 'the land is taken by [Name of Department] as constructing authority for the State of Queensland for [a public purpose] as from [Date] and vests in the State of Queensland' for an estate in fee simple'

the lot taken will be recorded in the Freehold Land Register in the name of the State with reference to the representative department.

Resumption of a Lease under the *Land Act 1994*

A Form 14 – General Request to record the resumption of a lease under Chapter 5 Part 3 Division 1 of the Land Act and a copy of the taking of leasehold interests in land notice (gazette notice) are required to be lodged.

Once the lease has been resumed the land becomes unallocated State land.

The publishing in the gazette of the taking of leasehold interests in land notice cancels all registered interests in the land including mortgages, leases and easements.

Revocation of Resumption

A revocation can only be considered if compensation has not been determined or paid.

A resumption may be revoked by publishing a revocation proclamation in the government gazette. To give effect to the revocation in the register, a Form 14 – General Request by the constructing authority to request revocation of resumption must be registered. A copy of the revocation notice must be deposited with the request.

See Example 19 – Request to Record Revocation of Resumption

Vesting

[14-2330] By Proclamation or Legislation (including a regulation)

A proclamation or legislation may vest interests in land in the State, a statutory body representing the State, or a local government, or another entity.

A Form 14 – General Request to Vest must be lodged to vest the interest in the name identified in the proclamation/legislation.

The following practice requirements apply:

- the applicant in Item 5 must be the person in whom the interest is vested by the proclamation/legislation;
- either
  - a copy of the proclamation must be deposited with the Form 14, or
  - in the case of a vesting by legislation, reference to the relevant provision of the vesting legislation must be included in item 6 of the Form 14, and if the land is identified by way of transfer schedule, a certified copy of the transfer schedule must be deposited; and
- the Form 14 must have a duty notation.

The address for service of notices to the applicant must be inserted in Item 5.

Lodgement fees are payable unless exempted by legislation.

[14-2332] By Order of the Court

A Court may order that a lot or an interest be vested in a person other than the registered owner or holder.

To record such an order on the register a Form 14 – General Request to Register Order of the Court (also called a Request to Vest) must be lodged.

The following practice requirements apply:

- the applicant in Item 5 must be the person in whom the lot or interest is vested;
- a copy of the order certified by the Court must be deposited with the Form 14; and
- the Form 14 must have a duty notation.

The address for service of notices to the applicant must be inserted in Item 5.

Lodgement fees are payable.

[14-2335] Vesting in a Trustee

A Form 14 – General Request to Register Order of the Court (also called a Request to Vest) must be lodged to give effect to a vesting order made under the *Trusts Act 2025* or another Act.

The following practice requirements apply:

- the applicant(s) in Item 5 must be the trustee(s) in whom the land is vested by the vesting order;
- a copy of the vesting order certified by the Court must be deposited with the Form 14; and
- either:
  - an original Form 20 – Trust Details Form (see [51-4100]); or
  - all documents that create the trust upon which the interest is vested;

must be deposited with the Request. For information about depositing supporting documentation see Part [60-1030].

The Form 14 must have a duty notation and lodgement fees are payable.

The address for service of notices to the applicant must be inserted in Item 5.

[14-2350] Request for Determination of Lease

In this numbered section a reference to a lease is taken to include a reference to a lease or sublease under the *Land Title Act 1994* or a sublease or sub sublease under the *Land Act 1994.*

Under s. 157 of the *Property Law Act 2023*

Usually, a lessor has an express power granted in the lease to re-enter and take possession of the premises where the lessee has defaulted under the terms of the lease. Section 157 of the Property Law Act implies into the lease a provision that the lessor may re-enter. Section 68 of the Land Title Act or s. 339 of the Land Act may also be invoked for this purpose. A Form 14 – General Request for Determination of the lease is required to be lodged to remove the lease from the title.

Proof of the re-entry and taking of possession by the lessor must be provided to the Registrar.

If a court order for re-entry and possession has been issued, a copy of the order must be deposited with the Form 14. If court action has not been taken, a declaration by the lessor or a person authorised by the lessor is required, together with evidence of the lessee's default under the lease and the demand for remedy of that default. Appropriate evidence is a photocopy of the completed Form 7 under the Property Law Act – Notice to remedy breach of covenant. The declaration must set out the circumstances of repudiation by the lessee or the facts and circumstances of the re-entry and possession.

The Request must have a duty notation if the lease commenced before 1 January 2006. Lodgement fees are applicable.

The interests of existing sub-lessees or sub-sub lessees may also be determined by being included in the same Request, providing the relevant evidence is deposited.

Company Deregistered under the Australian Securities and Investments Commission (ASIC)

If the lessor re-enters and takes possession of premises leased to a company that has been deregistered, a Form 14 – General Request should be lodged to record the re-entry, supported by a Form 20 – Declaration detailing the facts and circumstances of the default, including:

- the lessee has defaulted;
- the lessor has re-entered and taken possession;
- the lessee company is deregistered; and
- notices have been served on the ASIC.

Copies of notices served on ASIC and a search from ASIC evidencing the defunct status of the lessee company are also required to be deposited.

> Note – The unreported decision of Dowsett J in the matter of the *Corporations (Queensland) Act 1990 and Hassell Holdings Pty Ltd* (Supreme Court of Queensland, No 20 of 1994) held that a mortgagee exercising a power of sale could serve notice of default on ASIC.

Lodgement fees are payable. The Request must have duty notation if the lease commenced before 1 January 2006.

Re-entry by Lessor by Repudiation

A request to record the re-entry by the lessor for repudiation is made in Form 14 – General Request. Item 6 of the Form 14 should state the lease is determined for common law repudiation. The request must be supported by statutory declaration/s, which must clearly:

1. State that the lease was determined for common law repudiation and not pursuant to a right of re-entry in the lease.
2. Provide evidence of the conduct of the lessee that amounted to a repudiation (for example, the lessee left the premises (in the case of land) or abandoned the water allocation on a particular date without consent and has not returned. The lessee may have also removed or abandoned some or all of its fixtures, fittings and stock).
3. Provide evidence of the conduct of the landlord that amounted to an acceptance of the repudiation (for example the lessor re-took possession of the premises or water allocation on a particular date after the lessee abandoned. The lessor may have also relet premises or water allocation/s to a new lessee etc.).

Lodgement fees are payable. The Request must have duty notation if the lease commenced before 1 January 2006.

There is no requirement to provide a copy of a notice of default under s. 153 of the Property Law Act to the Registrar where the lease is determined for repudiation at common law.

[14-2360] Vesting under the *Associations Incorporation Act 1981*

A Form 14 – General Request is lodged in relation to incorporated associations in the following situations:

- Where land or an interest formerly held by trustees is to be vested in the name of an incorporated association under the *Associations Incorporation Act 1981* (as amended) a Form 14 – General Request is required.

The address for service of notices to the applicant must be inserted in Item 5.

Lodgement fees are payable.

See Example 24 – Request to Record Incorporated Association and notations.

- Where two or more incorporated associations amalgamate, a Form 14 – General Request is lodged by the secretary of the new association requesting that the land or interest held by the previous associations be vested in the name of the new association. The Form 14 – General Request is executed by the secretary of the new association and is lodged, together with a certified copy of the certificate of incorporation of the new, amalgamated association. Land or interests previously held by the prior associations will now be recorded as being in the name of the new association. A duty notation is not required.
- Where a body which holds letters patent under the (now repealed) *Religious Educational and Charitable Institutions Act 1861* (repealed by No 74 of 1981, s. 4, sch 1) incorporates, a request to vest the land or interest so held in the association is lodged. The Form 14 – General Request is executed by the secretary of the association and is lodged with a certified copy of the certificate of incorporation of that body. A duty notation is not required.
- Where an incorporated association is cancelled, a Form 14 – General Request may be lodged requesting the property of the cancelled association to be vested in the Public Trustee of Queensland pursuant to s94 of the *Associations Incorporation Act 1981*. The Form 14 – General Request is lodged with a copy of the gazette notice vesting the property in the Public Trustee. Alternatively, the chief executive of the department that administers the Associations Incorporation Act may, by a gazette notice, vary the trusts and vest the property in another body or party. In this case, a Form 14 – General Request is lodged, together with a copy of the gazette notice. A duty notation is required in either case.
- Pursuant to section 92 of the Associations Incorporation Act, where an incorporated association is wound up under section 90, the chief executive of the department that administers the Associations Incorporation Act may, by a gazette notice, vest all or any of the surplus assets of the incorporated association in the Public Trustee. A Form 14 – General Request is lodged, together with a copy of the gazette notice. A duty notation is required.
- Where a receiver and manager appointed by a mortgagee executes an instrument or document for an association under the Associations Incorporation Act, a copy of the deed of appointment certified by a solicitor is required as evidence of the appointment.

[14-2365] Recording Vesting under the Returned & Services League of Australia (Queensland) Branch) Act 1956

The Returned & Services League of Australia (Queensland Branch) Act provides that upon the passing of a resolution by any district branch or sub-branch adopting the Act, any land held by that district branch or sub-branch or by any person/s

on behalf of the district branch or sub-branch becomes vested in the branch or sub-branch in the name of 'Trustees of the Returned & Services League of Australia, (Queensland Branch) [name of sub-branch/district branch, as the case may be] Sub-Branch/District Branch [as the case may be]'. To record such a vesting, a Form 14 – Request to Vest must be lodged, together with a certificate that a resolution adopting the Act has been passed by the district branch or sub-branch, showing the **date of adoption** of the Act and signed by the president and secretary of the district branch or sub-branch (s. 3 of the Returned & Services League of Australia (Queensland Branch) Act).

No lodgement fees are payable and a duty notation is not required.

The address for service of notices to the applicant must be inserted in Item 5.

[14-2390] Trustee

A lot or an interest can be held by a registered owner or holder as trustee for one or more other parties. If no appointment of a new trustee is involved, the instruments or documents required to be lodged for registration in the registry in certain circumstances are as follows:

- where a trustee dies: a Form 4 – Record of Death (see part 51 – Trusts, esp. [51-2060] to [51-2090]); and
- where a trustee retires or is discharged: a Form 14 – General Request to record retirement or discharge, together with an original Form 20 – Trust Details Form (see [51-4100]) or documentary evidence, see Example 22 -Request to Record Retirement (or Discharge) of Trustee.

Lodgement fees apply.

A duty notation is required on a retirement or discharge.

If the appointment of a new trustee is to be simultaneously recorded, the appropriate instrument or document is a Form 1 – Transfer (see part 1 – Transfer, esp. [1-2400] to [1-2420]).

[14-2400] Legal and Beneficial Interests Merge

From time to time the situation will arise where a person (A), being registered on the title as the sole 'devisee in trust' or 'personal representative', is also the sole beneficiary under the will of the deceased or is the only person entitled to the deceased's estate under the rules of intestacy.

Where A has discharged all required executorial duties, other than having effected the transfer, then the property is held by A as trustee. The law is well settled that one cannot be a trustee for oneself, and so the doctrine of merger operates to merge the beneficial and legal estates.

Where A is registered as 'devisee in trust' or 'personal representative' and is alive, but is the sole beneficiary under the will and is entitled to be registered as 'devisee', the property may be dealt with in the following manner:

> A Form 14 – Request to Record a Merger of estates should be lodged, supported by a declaration by A to the effect that they (as 'personal representative') have completed all executorial duties in respect of the administration of the estate of the deceased proprietor, and that they are the sole beneficiary of the estate of the deceased.
>
> See Example 23 – Request to Record Merger of Estates.

A duty notation is required, and lodgement fees apply.

When A is registered as 'devisee in trust' or 'personal representative' and is deceased, but is the sole beneficiary under the will and is entitled to be registered as 'devisee' a Transmission Application must be lodged (see Part 5 [5-2030]).

[14-2410] Application by Local Government under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012

Where land, or a lease under the *Land Act 1994* with overdue rates is:

- submitted for sale by auction but the land is not sold, the land is taken to have been sold to the local government; or
- valueless or not worth selling;

a local government can apply to be registered as owner of the land, or holder of the lease under the Land Act.

An application to register land, or a lease under the Land Act in the name of a local government must be in a Form 14 – General Request.

Lodgement fees are payable and a duty notation is required.

If the application is over the whole of the land, a new indefeasible title will not be created[2]. However, if the land is held in separate titles by tenants in common, or is part of an existing indefeasible title, a new indefeasible title must be requested and applicable fees paid.

See Example 25 – Application by Local Government under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012.

[14-2420] Change of Department Representing the State of Queensland

A change of a title from one representative department to another, within the State of Queensland, is **not** a transfer of title. As no interest is passing, a Form 1 – Transfer is not appropriate.

A Form 14 – General Request to record a change of the department representing the State is the appropriate form even where there is a shift of responsibilities to a different department.

The address for service of notices to the applicant must be inserted in Item 5.

Item 6 of the Request must provide the full circumstances of the change and include where applicable:

- a reference to the relevant legislative authority, if the change is by way of a statutory vesting; or
- details of relevant Administrative Arrangements Order(s), if the change is by way of a machinery of government change; or
- details of any agreement, the payment of money or other arrangement, if there is a shift of responsibilities to a different department.

Lodgement fees are not applicable. A duty notation is required for only a statutory vesting.

[14-2425] Removal of a Profit a prendre

If the specified period of time has expired or the event upon which it is based has happened, then a profit a prendre may be removed under the provision of s. 97L(3) of the *Land Title Act 1994* or s. 373O(3) of the *Land Act 1994*.

The removal is lodged in a Form 14 – General Request. Any interested party can apply. If the removal is based upon the happening of an event, then evidence that clearly establishes the occurrence of that event must be deposited.

Lodgement fees are not applicable. A duty notation is not required.

See Example 26 – Request to Remove a Profit a Prendre.

[14-2430] Order of the Court Modifying or Extinguishing an Easement

If the court makes a direct order for the extinguishment of an easement or modification of the covenants to an easement (pursuant to s. 181(6) of the *Property Law Act 2023*), the appropriate instrument or document to be lodged is a Form 14 – Request to Record an Order of the Court, made by either the grantor or the grantee of the easement.

Request to Record Reservation of Name for a Community Titles Scheme

[14-2500] Reservation of Name for Community Titles Scheme

A plan for a community titles scheme may not be accepted for lodgement if the name has been reserved or used for another community titles scheme.

An application to reserve, extend or withdraw a reservation of name for a proposed community titles scheme must be made by lodging a Form 14 – General Request. Only one name is to be reserved over any one parcel of land unless the Registrar is satisfied that an appropriate reason is given for example, the names being reserved are for a layered scheme. However, a name may be recorded over more than one parcel if all the parcels are to be included in the same scheme.

The Request may be made by the registered owner of the land or by another party on behalf of the proposed development. It must specify the name to be reserved for the proposed scheme and should also clearly identify the parcels to be included in the scheme land.

Prior to applying for reservation of a name for a community titles scheme, a search of previously reserved and registered names should be undertaken to ensure the envisaged name is available for reservation.

The reservation period is initially two years from the date of lodgement; however, it may be extended by a further one year if an application for extension is lodged during the initial two year period. A reservation ends if the applicant withdraws the reservation or a community titles scheme is established on the scheme land using the reserved name.

See Example 27 – Request to Record Reservation of Name for a Community Titles Scheme.

[14-2530] Duplication of Names

Names may be duplicated or similar only when:

- the name for the scheme being reserved is not in the same Local Government Area; or
- where the name for the scheme being reserved is in the same Local Government Area, not in the same Locality/Suburb.

The prior written approval of the Registrar will be required in all other circumstances, which could be subject to the consent of the body corporate of the existing scheme or compliance with other special conditions.

[14-2540] Extension of Reservation of Name

The period of reservation of name for a proposed scheme may be extended for a further period of one year provided the request to extend the reservation of name is lodged before the expiry of the term of the original reservation of name. The request to extend the reservation of name should be lodged to allow sufficient time for processing prior to the expiry of the original reservation of name.

The request to extend reservation of a name must be made by the person who originally requested reservation of that name.

If the period of time for the original reservation of a name has expired a new request for reservation of the name may be lodged using the name previously reserved, providing a scheme has not been established using that name.

[14-2550] Withdrawal of Reservation of Name

A name that has been reserved for a proposed community titles scheme may be withdrawn. The person who originally requested that the name be reserved must be the applicant for the request to withdraw the reservation of that name.

Request to Record Community Management Statement

[14-2600] Community Management Statements

The following items are required to be lodged to record a CMS:

- Form 14 – General Request with:
  - the CMS in the appropriate form;
  - Schedules A to E that have been completed as they apply to the community titles scheme; and
  - if planning body notation to the CMS is required (i.e. if an exemption does not apply) – a properly completed Form 18C – Planning body community management statement notation signed by the planning body; and
- the related plan of subdivision (if applicable).

A Request to Record a First CMS must show the name of the community titles scheme in the following style: ‘Brighton Villa community titles scheme’. A Request to Record a New CMS must show the name of the community titles scheme including the community titles scheme number in the following style: ‘Brighton Villa community titles scheme 1246’.

It is very important that each CMS is accurate, complete and reliable for the benefit of the owners and other interested parties. As community management statements are important, the Registrar will examine them diligently to ensure they comply with the *Body Corporate and Community Management Act 1997* and the regulations that apply under the Act. The schedules comprise an integral part of the CMS and their compliance will also be examined thoroughly.

There are a number of variations in the appropriate information to be provided in a Form 14 – Request to Record a First or New CMS explained below.

When completing Item 2 in the Request to Record First CMS, the ‘Lot [number] on [Plan reference]’ and ‘Title Reference(s)’ of the lots being surveyed to create the scheme and any other lot/s intended to become scheme land must be inserted. However, for a New CMS, the Request to Record New CMS is recorded only on the title for the common property for the scheme land which should be referred to in Item 2 as follows: ‘Common property of Brighton Villa community titles scheme

1246' followed by the title reference only. However, if additional lots are being added to the existing scheme land, the full description and title reference of the additional lots must also be shown.

Both the registered owner(s) and the applicant in a request to register a First CMS are the owner(s) shown on the titles for the scheme land shown in Item 2 of the Request. However, in a New CMS, the body corporate for the community titles scheme is the registered owner and the applicant and should be shown as follows: 'Body corporate for Brighton Villa community titles scheme 1246'.

The request to record a First CMS must also include the address for service of notices on the body corporate. This is not required in a New CMS unless the address is also being changed. The wording of the request in a First CMS should be as follows:

> 'I hereby request that the first community management statement deposited herewith be recorded as the community management statement for (for example) Brighton Villa community titles scheme and that… (insert full address and postcode) … be recorded as the address for service on the body corporate for the scheme.'

For a request to record a New CMS, the request should be stated as follows:

> 'I hereby request that the new community management statement deposited herewith which amends schedule(s)… and/or Item 2 regulation module of the existing community management statement be recorded as the community management statement for (for example) Brighton Villa community titles scheme 1246.'

Where a request to record a change of address is included in a request to record a New CMS an additional current prescribed fee is also payable.

The CMS and all sheets that comprise schedules to it must be numbered sequentially beginning with the CMS as 'Page 1 of … pages'. More than one schedule may be contained on a sheet. With the exception of any sketch plans that are included, and which may be prepared on international A3 paper folded to A4 size, the CMS must conform to the requirements set out in part 59 esp. [59-2000] to [59-2060]. See part 45 for detail of CMS, esp. [45-2140] to [45-2320].

See also Example 28 – Request to Record "First" Community Management Statement.

Request to Record Change of Address for a Community Titles Scheme

[14-2700] Change of Address of Body Corporate

This address for service of the body corporate is an integral component of every Request to Record First CMS that is lodged for a community titles scheme. The address disclosed in the First CMS is recorded on the indefeasible title for the common property.

That address may be changed by the body corporate lodging either a Request to Record Change of Address for Body Corporate in a Form 14 – General Request or as part of a request to record a New CMS.

A lodgement fee is applicable; however, there is no additional fee for lodging through the post.

See Part [14-2600], Example 29 - Request to Record "New" Community Management Statement and

Example 30 – Request to Record Change of Address for Body Corporate.

[14-2800] Update of a Registered Power of Attorney

A registered power of attorney may require updating following a change of name of a principal and/or an attorney, or following a change to the description of the property identified in the power of attorney. For an update of a registered power of attorney to record a change of a company name, the evidence provided must contain the date the change of name of the company was effective from, as this date is required to be entered into the power of attorney register. Updating the power of attorney will facilitate prompt registration of later transactions signed under the power of attorney.

Note: *Changed* names of attorneys resulting from incorrectly prepared documentation cannot be corrected. A new Power of Attorney must be lodged. The incorrect power of attorney should be revoked.

A power of attorney may be updated by the registration of an instrument or document to record the change. Form 14 – General Request is appropriate for the purpose. Copies of supporting evidence certified by the issuing agency must be deposited with the request. For information about options for deposit of supporting evidence see [60-1030]. If an update is required to be recorded against more than one registered power of attorney, separate requests are required to update each registered power of attorney. Evidence that has already been deposited in the registry may be referred to in item 5 in the following manner 'Certificate of change of name [or other evidence] deposited with dealing number [number]'.

A lodgement fee applies for each power of attorney being updated. A duty notation is not required.

See Example 31 – Request to Record Update of Power of Attorney.

[14-2810] Statutory Charge under the *Land Tax Act 2010*

Section 60 of the Land Tax Act provides that unpaid land tax is a first charge on land and has priority over all other encumbrances. The Commissioner of Queensland Revenue Office may lodge and register a charge under Part 4, Division 5 of the *Taxation Administration Act 2001*.

Under s. 47B of the Taxation Administration Act, a Form 14 – General Request executed by the Commissioner or delegate must be lodged. A certificate of the Commissioner stating there is a charge over the land for a stated outstanding amount of tax must be deposited with the request.

A duty notation is not required however lodgement fees are applicable.

[14-2820] Removal of Statutory Charge under the *Land Tax Act 2010*

A charge under s. 60 of the Land Tax Act registered against an indefeasible title may be removed only by lodgement of a Form 14 – General Request to remove the charge executed by the Commissioner of Queensland Revenue Office or delegate.

A duty notation is not required however lodgement fees are applicable.

[14-2825] Statutory Charge under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*

Under the provisions of s. 53AX of the South-East Queensland Water (Distribution and Retail Restructuring) Act, the Northern SEQ Distributor-Retailer Authority, the Central SEQ Distributor-Retailer Authority and the Southern SEQ Distributor-Retailer Authority may record a charge over land for overdue water and sewerage charges.

Form 14 – General Request is appropriate for the purpose and should be executed by an authorised delegate of the relevant Distributor-Retailer Authority or a solicitor.

A certificate signed by the Chief Executive Officer stating the distributor-retailer's charge exists over the land must accompany the charge.

A duty notation is not required however lodgement fees are applicable.

[14-2827] Removal of Statutory Charge under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*

A charge under s. 53AX of the South-East Queensland Water (Distribution and Retail Restructuring) Act registered against a title may be removed only by the lodgement of a Form 14 – General Request to remove the charge executed by an authorised delegate of the relevant Distributor-Retailer Authority or a solicitor.

A certificate signed by the Chief Executive Officer stating the amount has been paid must be deposited with the release of the charge.

A duty notation is not required however lodgement fees are applicable.

[14-2830] Statutory Charge under the *Retirement Villages Act 1999*

Creation of Statutory Charge over Retirement Village Land

Section 116 of the Retirement Villages Act (the Act) provides for the creation of a statutory charge over the whole of retirement village land immediately the chief executive of the department administrating the Act registers a retirement village.

The provisions require the chief executive to give written notice of the registration of a retirement village to the Registrar. Section 116(4) of the Act requires that the Registrar must record the charge in the register under the *Land Title Act 1994.*

The charge once recorded in the registry will not be removed from the indefeasible title without lodgement of appropriate documentation. This includes cases where retirement village land the subject of a charge is subdivided to create indefeasible titles for new lots.

Form 14 – General Request is appropriate for the purpose of recording the statutory charge. The Form 14 must identify the retirement village land and be executed by the chief executive or delegate.

No lodgement fees are payable and a duty notation is not required.

Additional Retirement Village Land

Section 117 of the Act provides that when any new land becomes retirement village land additional to the original retirement village land the charge over the original land is released and a charge is created over the original land and the new land. The chief executive as soon as practical after receiving notice by the scheme operator of the change to retirement village land must notify the Registrar of Titles.

A request to release the charge over the original land and a request to register a new charge over all land must be lodged. Form 14 – General Request is appropriate for each purpose. The request to register the new charge must identify all the retirement village land and the day on which the new land became retirement village land. The chief executive or delegate must execute each instrument.

No lodgement fees are payable and a duty notation is not required.

[14-2840] Removal of Statutory Charge under the *Retirement Villages Act 1999*

A statutory charge under s. 116 of the Retirement Villages Act registered against an indefeasible title may only be removed by lodgement of a Form 14 – General Request to remove the charge. The chief executive or delegate must execute the request to remove the charge.

No lodgement fees are payable and a duty notation is not required.

[14-2850] Statutory Charge under the *First Home Owners Grant Act 2000*

Section 48 of the First Home Owners Grant Act provides for the Commissioner of Queensland Revenue Office to recover an amount of money paid in error to an applicant or a former applicant for a first home owner grant. Section 49 authorises the Commissioner of Queensland Revenue Office to register a charge over an interest in the land on which the home, for which the grant was sought, is fixed.

Form 14 – General Request is appropriate for the purpose and must be executed by the Commissioner or delegate. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, stating that there is a charge over the land under s. 49 of the First Home Owners Grant Act and the amount owed in relation to the charge must be deposited as evidence of the charge.

Lodgement fees apply but a duty notation is not required.

[14-2860] Removal of Statutory Charge under the *First Home Owners Grant Act 2000*

A charge under s. 49 of the First Home Owners Grant Act registered against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, stating the amount owed in relation to the charge over the land has been paid must be deposited as evidence of the payment of the charge. The Commissioner of Queensland Revenue Office or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

[14-2865] Statutory Charge under the *Public Health Act 2005*

Section 407 of the Public Health Act provides for a local government to register a charge over land owned by a person where there is an unpaid amount payable by that person for steps taken by the local government under that Act. The request to register the charge must be accompanied by a certificate signed by the chief executive officer of the local government stating there is a charge over the land under s.407 of the Public Health Act.

A charge registered pursuant to s.407 of the Public Health Act has priority over all encumbrances over the land or the lease under the Land Act other than encumbrances in favour of the State or a government entity.

Form 14 – General Request is appropriate for the purpose of recording the statutory charge and should be executed by the chief executive officer or delegate.

Lodgement fees are applicable. A duty notation is not required.

[14-2866] Removal of Statutory Charge under the *Public Health Act 2005*

A registered charge under s. 407 of the Public Health Act against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge and must be executed by the local government or their legal practitioner.

Lodgement fees are applicable. A duty notation is not required

[14-2870] Statutory Charge under the *Duties Act 2001*

Section 198 of the Duties Act provides that the Commissioner of Queensland Revenue Office may register a charge over land owned by a corporation to pay outstanding land rich duty payable by a land rich corporation.

Form 14 – General Request is appropriate for the purpose and must be executed by the Commissioner or delegate. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, stating that there is a charge under s. 198 of the Duties Act and the amount of land rich duty owed in relation to the charge over the land must be deposited as evidence of the charge.

Lodgement fees apply but a duty notation is not required.

[14-2880] Removal of Statutory Charge under the *Duties Act 2001*

A charge under s. 198 of the Duties Act registered against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge. The Commissioner of Queensland Revenue Office or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

[14-2890] Statutory Charge by utility service provider under the *Body Corporate and Community Management Act 1997*

Section 197 of the Body Corporate and Community Management Act (the BCCM Act) provides for a utility service provider, other than the Urban Land Development Authority or a local government, to ask the Registrar to register a charge for unpaid fees for services delivered to a body corporate. The unpaid amount is payable proportionately by each lot owner according to the contribution schedule lot entitlement for the lot and under the BCCM Act the amount payable by a lot owner is a charge on the lot.

Form 14 – General Request is appropriate for the purpose and the applicant must be the utility service provider. The request may be signed in accordance with the execution requirements for the applicant or by a solicitor for the applicant. A certificate signed by the utility service provider stating that there is a charge on all the lots under s. 196(10)(b) of the BCCM Act must be deposited with the request.

Normal lodgement fees apply but a duty notation is not required.

[14-2900] Removal of Statutory Charge by utility service provider under the *Body Corporate and Community Management Act 1997*

Immediately after the amount secured by a charge registered pursuant to s. 197 of the Body Corporate and Community Management Act is paid the utility service provider must remove the charge. The charge may only be removed by lodgement of a Form 14 – Request to remove charge and must be removed from all the lots in the scheme. A partial removal of a charge is not permitted. The applicant must be the utility service provider and the request may be signed in accordance with the execution requirements for the applicant or by a solicitor for the applicant.

Normal lodgement fees apply but a duty notation is not required.

[14-2905] Statutory Charge under the *Building Industry Fairness (Security of Payment) Act 2017*

Chapter 3 of the Building Industry Fairness (Security of Payment) Act (the BIF Act) provides for an adjudication process in relation to disputed progress payments. If an adjudicator decides that a respondent is required to pay an amount (the adjudicated amount) to the claimant an adjudication certificate providing details of the adjudicated amount is issued.

Section 100B of the BIF Act provides for a claimant (who must be a head contractor) to ask the Registrar to register a charge for the unpaid adjudicated amount over a relevant property if the respondent (or their related entity) is the registered owner of that relevant property. Pursuant to s. 100B(1)(d) of the BIF Act, prior to lodging a request to register the charge with the Registrar, the claimant is required to file the adjudication certificate as a judgement for debt in a court of competent jurisdiction.

Recording a Charge

Form 14 – General Request is the appropriate form, and the applicant must be the claimant. The request may be signed in accordance with the execution requirements for the applicant or by a solicitor for the applicant.

The following must be deposited with the request:

- a copy of the adjudication certificate; and
- a statutory declaration that includes the following:
  - the lot on plan description of the relevant property;
  - a statement that the adjudicated amount has not been paid; and
  - if applicable – confirmation that the registered owner of the relevant property is a 'related entity' for the respondent.

Normal lodgement fees apply but a duty notation is not required.

Extension of Charge

The charge expires 24 months after the day it is registered, however section 100C(3) of the BIF Act provides for a charge to be extended. The claimant can apply to a court of competent jurisdiction for an extension (of an additional period of not more than 24 months), prior to the expiry of the charge.

The claimant must notify the Registrar of Titles of the extension.

Form 14 – General Request is the appropriate form. A copy of the Court Order extending the charge must be deposited with the request.

[14-2906] Removal of Statutory Charge under the *Building Industry Fairness (Security of Payment) Act 2017*

The Building Industry Fairness (Security of Payment) Act (the BIF Act) provides for a charge under Section 100B of the BIF Act to be released or set aside.

Release of Charge

Request by Claimant

The claimant must release the charge as soon as practicable under section 100D(2) of the BIF Act when the charge expires or when the adjudicated amount is paid.

Form 14 – General Request is the appropriate form. The dealing number of the charge must be provided.

Normal lodgement fees apply but a duty notation is not required.

Request by Registered Owner

The registered owner of the relevant property can apply for a charge to be released under section 100D(4) of the BIF Act if the registered owner is satisfied the charge has expired or the adjudicated amount has been paid and the claimant has not released the charge.

Form 14 – General Request is the appropriate form. The dealing number of the charge must be provided. The request must be accompanied by a statutory declaration by the registered owner. The statutory declaration must include:

1. the lot on plan description of the relevant property; and
2. either:
    a. where the charge has expired:
        i. a statement that the charge has expired under:
            – s. 100C(1) of the BIF Act (24 months after the charge is registered); or
            – s. 100C(5)(a) of the BIF Act (adjudication decision set aside); or
            – s. 100C(5)(b) of the BIF Act (security payment by respondent); or
            – s. 100C(5)(c) of the BIF Act (court dismisses proceedings); and
        ii. if the charge expired under section 100C(1) of the BIF Act – a statement that a search of court records indicates that the claimant has not applied for an extension under section 100C(2) of the BIF Act; or
    b. confirmation that the adjudicated amount the subject of the charge has been paid to the claimant.

Normal lodgement fees apply but a duty notation is not required.

Setting aside a Charge

Section 100E of the BIF Act provides for the registered owner of the relevant property to apply to a court of competent jurisdiction to have a charge under Section 100B of the BIF Act set aside. If the court orders that the charge be set aside, the owner may request that the Registrar removes the charge.

Form 14 – General Request is the appropriate form. The request must be accompanied by a copy of the court order which sets aside the charge.

Normal lodgement fees apply but a duty notation is not required.

[14-2910] Request for separate indefeasible title for a lot

Under provisions of s. 40 of the *Land Title Act 1994*, where the Registrar has created a single indefeasible title for two or more lots, the registered owner may request the Registrar to create separate indefeasible titles for any of the lots. Separate indefeasible titles can only issue for lots that:

- have the following depicted on the relevant survey plan:
    – a separate surveyed area;
    – dimensions;
    – a unique identifier; and
- have not been re-surveyed or cancelled.

A Form 14 – General Request is the appropriate form and must be signed by all of the registered owners. On registration of the request, a separate indefeasible title will be created for each of the lots contained in the title. The Registrar will not create an indefeasible title for multiple lots.

A duty notation is not required on the Request. Lodgement and creation of indefeasible title fees are applicable.

Where multiple parcels of land are compulsorily held in one title only by virtue of a condition of a local government consent on a plan, separate titles may be issued if the appropriate local government grants approval to the removal of the conditional consent and submits this decision in writing to the Registrar.

Prior to 1948 there was no legislative authority for local governments to conditionally consent to a plan of subdivision. The *Local Government Act 1936* was amended in 1948 to add s. 34A(3) (12 Geo. VI No 49, 1948, assented to and commenced 9 December 1948), and provide this authority. Accordingly, conditions placed on plans prior to 1948 are invalid. A common noting on these plans was ‘lots to be held in the one ownership’.

Where an application is lodged requesting separate indefeasible titles for lots over a plan that bears a notation of this nature the Registrar will:

- On plans with the local government approval dated on or after 9 December 1948, require local government consent before the titles can be issued. As a minimum, the council will have to provide their consent in writing on paper that contains their letterhead. The plan will then be noted that the conditional consent no longer applies.
- On plans with the local government approval dated before 9 December 1948, issue the titles with no further action.

[14-2915] Request for separate title for a tenant in common

A tenant in common of a share in a lot may request the Registrar to create a separate title for the share. A Form 14 – General Request is the appropriate form and must be signed by the tenant in common.

A duty notation is not required on the Request. Lodgement and creation of new title fees are applicable.

[14-2920] Local government Statutory Charges

Section 95 of the *Local Government Act 2009* provides that a local government may register a charge over land or a lease under the *Land Act 1994*, for the payment of overdue rates or charges. Section 97 of the *City of Brisbane Act 2010* provides for the Brisbane City Council to register a charge over rateable land for overdue rates and charges. Rateable land is described in section 95 of the City of Brisbane Act.

[14-2930] Registration of a charge

To register a charge a Form 14 – General Request is appropriate for the purpose and must be executed by the local government or by a lawyer. A certificate signed by chief executive of the local government stating that there is a charge over the land or the lease under the *Land Act 1994* must be deposited with the request.

A charge registered pursuant to s. 95 of the *Local Government Act 2009* or s. 97 of the *City of Brisbane Act 2010* has priority over all encumbrances over the land or the lease under the Land Act other than encumbrances in favour of the State or a government entity.

Lodgement fees are applicable. A duty notation is not required.

[14-2940] Removal of a charge

A registered charge under s. 95 of the *Local Government Act 2009* or s.97 of the *City of Brisbane Act 2010* against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge and must be executed by the local government or by a lawyer. A certificate signed by the chief executive officer or delegate of the local government stating that the overdue rates or charges have been paid must be deposited with the request.

Lodgement fees are applicable. A duty notation is not required.

[14-2950] Subdivision of a Water Allocation

A registered owner of a water allocation seeking to subdivide it into two or more smaller allocations must first apply to the Chief Executive (s. 159(1) of the Water Act 2000) for the issue of a Water Allocation Dealing Certificate, whether or not the water allocation is managed under a Resource Operations Licence (ROL).

When the certificate approving the subdivision has been obtained, it must be deposited with a Form 14 – General Request Subdivision of a Water Allocation. Certificates are valid for 40 business days or until the expiry date shown on the certificate. A separate Form 14 – General Request is required to be lodged for each Water Allocation to be subdivided.

In addition, for a subdivision of a water allocation managed under a ROL, a W2F152 – Notice of existence of water supply contract must also be deposited.

Lodgement fees (including a fee for each new water allocation title to be issued) apply. A duty notation is not required.

Where the water allocation is subject to a mortgage, the consent of the mortgagee in Form 18 – General Consent is required to be deposited with the request.

When a subdivision is lodged, no other dealings affecting the relevant title will be accepted for lodgement, until after the subdivision is registered.

See Example 32 – Subdivision of Water Allocation.

[14-2960] Amalgamation of Water Allocations

A registered owner of two or more water allocations seeking to amalgamate them into a single water allocation must first apply to the Chief Executive (s. 159(1) of the *Water Act 2000*) for the issue of a Water Allocation Dealing Certificate, whether or not the water allocations are managed under a Resource Operations Licence (ROL).

When the certificate approving the amalgamation has been obtained, it must be deposited with a Form 14 – General Request Amalgamation of Water Allocations. Certificates are valid for 40 business days or until the expiry date shown on the certificate. A separate Form 14 – General Request is required to be lodged for each amalgamation request.

In addition, for an amalgamation of water allocations managed under a ROL, a W2F152 – Notice of existence of water supply contract must also be deposited.

Lodgement fees (including a fee for each new water allocation title to be issued) apply. A duty notation is not required.

Where the water allocation is subject to a mortgage, the consent of the mortgagee in Form 18 – General Consent is required to be deposited with the request.

When an amalgamation is lodged, no other dealings affecting the relevant title will be accepted for lodgement, until after the amalgamation is registered. This includes a collateral mortgage (see part 2 – Mortgage (National Mortgage Form), esp. [2-2080])

Where any resource related element of the water allocations to be amalgamated are not the same, the holder must change to the elements so that the water allocations being amalgamated have the same attributes. See [49-2970]. The Request to Change Water Allocation must be lodged prior to the Request to Amalgamate Water Allocations.

See Example 33 – Amalgamation of Water Allocation.

[14-2970] Change of Water Allocation

A registered owner of a water allocation seeking to change a resource related element must apply to the Chief Executive (s. 159(1) of the *Water Act 2000*) for a Water Allocation Dealing Certificate approving such change to the resource related elements.

When the certificate approving the change has been obtained, it must be deposited with a Form 14 – General Request Change of a Water Allocation. Certificates are valid for 40 business days or until the expiry date shown on the certificate. A separate Form 14 – General Request is required to be lodged for each Water Allocation to be changed.

In addition, where the water allocation is managed by a Resource Operations Licence (ROL) holder a Form W2F152 – Notice of Existence of Water Supply Contract – issued by the ROL holder, is also required to be deposited with the request for change. See part 49 – Water Allocations, esp. [49-0030].

Lodgement fees are applicable. A duty notation is not required.

See Example 34 – Change of Water Allocation.

[14-2980] Statutory Charge under the *Water Supply (Safety and Reliability) Act 2008*

Under s. 361 of the Water Supply (Safety and Reliability) Act where the Chief Executive gives a debt notice in relation to land that is not leased from the State under the *Land Act 1994*, the debt becomes a charge on the land. The Chief Executive must lodge a request to register a charge. The request must be on a Form 14 – General Request and state that the request is under Chapter 4 Part 1 Division 4 of the Water Supply (Safety and Reliability) Act. The request must be accompanied by:

- a certificate signed by the Chief Executive stating the debt is a charge over the land under Chapter 4 Part 1 Division 4 of the Water Supply (Safety and Reliability) Act; and
- a copy of the debt notice.

The request will usually be signed by the Director Water Allocations.

Lodgement fees are not applicable.

The charge once registered on the title will not impede registration of other dealings. However, the charge attaches to the land and binds the owner and the owner's successors.

[14-2990] Release of Statutory Charge under the *Water Supply (Safety and Reliability) Act 2008*

A charge under Chapter 4 Part 1 of Division 4 of the Water Supply (Safety and Reliability) Act (the Act) registered over land that is not leased from the State under the *Land Act 1994* may be released on the payment of the debt (s. 361(2) of the Act).

A request to release a charge under the above provision must be on a Form 14 – General Request which:

- shows the dealing number to be released; and
- is accompanied by a certificate stating that the debt has been paid.

The request will usually be signed by the Director Water Allocations.

Lodgement fees are not applicable.

The Chief Executive is also authorised to lodge at any time a request to release a charge (s. 361(3) of the Act). A request to release the charge under s. 361(3) of the Act must be on a Form 14 – General Request which states:

- the dealing number to be released; and
- that the release is under s. 361(3) of the *Water Supply (Safety and Reliability) Act 2008.*

The request requires no supporting evidence.

The request will usually be signed by the Director Water Allocations.

Lodgement fees are not applicable.

[14-3000] Amendment of Statutory Charge under the *Water Supply (Safety and Reliability) Act 2008*

A charge under Chapter 4 Part 1 Division 4 of the Water Supply (Safety and Reliability) Act (the Act) registered over land that is not leased from the State under the *Land Act 1994* may be varied at any time by the Chief Executive under s. 361(3) of the Act.

A request to record a variation of charge must be on a Form 14 – General Request which:

- states the dealing number of the charge being varied; and
- is accompanied by a certificate stating the type of variation requested.

The request will usually be signed by the Director Water Allocations.

Lodgement fees are not applicable.

[14-3010] Condition under s. 362 of the *Water Supply (Safety and Reliability) Act 2008*

Under s. 362 of the Water Supply (Safety and Reliability) Act where the Chief Executive gives a debt notice in relation to land leased from the State under the *Land Act 1994*, the debt is a condition of the lease. The Chief Executive must lodge a request to register the condition. The request must be on a Form 14 – General Request and state the details of the condition and that the request is under Chapter 4 Part 1 Division 4 of the Water Supply (Safety and Reliability) Act. The request must be accompanied by:

- a certificate signed by the Chief Executive stating the details of the debt; and
- a copy of the debt notice.

The request will usually be signed by the Director Water Allocations.

Lodgement fees are not applicable.

[14-3015] Removal of a Carbon Abatement Interest

Under the provision of s. 97U(3) of the *Land Title Act 1994* or s. 373Y(3) of the *Land Act 1994*, a carbon abatement interest may be removed if:

a. a request to remove the carbon abatement interest is lodged, and the request establishes that—
    i. the period of time for which the carbon abatement interest was intended to exist has ended; or
    ii. an event upon which the carbon sequestration was intended to end has happened; or
b. the registrar receives a request to remove the interest under an Act of the Commonwealth.

The removal is lodged in a Form 14 – General Request. Any interested party can apply. If the removal is based upon the happening of an event then evidence that clearly establishes the occurrence of that event must be deposited.

Lodgement fees are applicable. A duty notation is not required.

[14-3020] Notice of Agreement under the *Nature Conservation Act 1992*

Under the Nature Conservation Act, a land-holder and the minister administering the Act can enter into a conservation agreement in relation to the land-holder's land.

Pursuant to s. 43B of the Nature Conservation Act, a conservation agreement may be entered into for declaration of a special wildlife reserve. Section 45 of the Nature Conservation Act provides that a conservation agreement may also be entered into for establishing a nature refuge.

If a conservation agreement is entered into in relation to specified private land (which is defined as land other than State land), then the chief executive of the administering authority must give the Registrar notice of the agreement within 14 days of the making of the conservation agreement (s. 134(2) of the Act).

A conservation agreement that is recorded by the Registrar is binding on the landholder, the landholder's successors in title and other persons who have an interest in the title (s. 43C(1)(b) and s. 51(1) of the Act).

A deposit fee is not applicable.

Removal

When a conservation agreement is terminated or varied in terms of its effect on the subject land, the chief executive must notify the Registrar (s. 134(6) of the Act). The Registrar must remove the particulars of the land from the Registrar's records (s. 134(7) of the Act).

[14-3025] Statutory Charge under the *Building Boost Grant Act 2011*

Section 86 of the Building Boost Grant Act authorises the Commissioner of Queensland Revenue Office to recover a wrongly paid amount of a grant by recording a statutory charge over the title.

Form 14 – General Request is appropriate for the purpose and must be executed by the Commissioner or delegate. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, must be deposited as evidence of the charge. The certificate states that there is a charge over the land under s. 86 of the Building Boost Grant Act and shows the amount owed in relation to the charge,

Lodgement fees apply but a duty notation is not required.

Removal

A charge under s. 86 of the Building Boost Grant Act registered against a title may only be removed by lodgement of a Form 14 – General Request to remove the charge. A certificate, issued by the Commissioner of Queensland Revenue Office or delegate, must be deposited as evidence of the payment of the charge. The certificate states that the amount owed in relation to the charge over the land has been paid. The Commissioner of Queensland Revenue Office or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

[14-3030] Statutory Charge under the *Veterans' Entitlements Act 1986* (Cth)

Section 52ZF of the Veterans' Entitlements Act (the Act) provides that where a debt is owed to the Commonwealth, the person's real assets are subject to a charge in favour of the Commonwealth to secure payment of the debt. Section 52ZL of the Act authorises the Repatriation Commission to register a charge.

Lodgement fees apply but a duty notation is not required.

Removal

A charge under the Act may only be removed by lodgement of a Form 14 – General Request. The request is made by the Commonwealth of Australia and executed by an authorised officer or a legal representative.

Lodgement fees apply but a duty notation is not required.

[14-3040] Removal of Historical Charge dealings

Historical Charge dealings that are registered as encumbrances on title are usually associated with private ownership of resources, such as coal. They were valid at the time of registration and continue to confer property rights and interests that are protected under Queensland's land titling system.

Parties seeking to deal with land that is subject to a Charge are responsible for addressing any issues arising from the encumbrance as part of their due diligence process.

Where a historical Charge is registered on title, and the charge is no longer required or being utilised, lodgement of a Form 14 General Request for the removal of the encumbrance is appropriate. The possible options are:

a. The registered owner may make the request provided it is supported by an Order of the Court. Refer to [part 60-1030] for further information regarding deposit of supporting documentation; or

b. The Public Trustee of Queensland may make the request pursuant to section 61 of the *Public Trustee Act 1978;* or

c. The registered holder of the Charge. Where the holder of the Charge is deceased, the Charge must first be transmitted to the personal representative of the deceased holder's estate, or the beneficiary entitled to the Charge under the deceased holder's estate. The personal representative or beneficiary may then make the request for the removal of the Charge.

A duty notation is required, and lodgement fees are payable.

[14-3050] Post-Registration Correction of a Survey Plan

Corrections following registration are made to the register, pursuant to section 15 of the *Land Title Act 1994* or section 291 of the *Land Act 1994*, and the survey plan is part of the register. The Registrar may only make a correction to the register if the register is incorrect, and the correction will not prejudice the rights of the holder of an interest recorded in the register.

Surveyors who become aware of an error on a registered survey plan, or are notified of an error, are expected to correct the error. Refer to Direction 23.5 of the Registrar of Titles Direction for the Preparation of Plans.

See Example 39 - Cadastral Surveyor Person - Interests or Surveyor's Certification not affected.

See Example 40 - Cadastral Surveyor Corporation - Interests or Surveyor's Certification affected.

[14-4000] Forms

[14-4000] General Guide to Completion of Forms

For general requirements for completion of forms see part 59.

Guide to Completion of Form 14 for Examples 1 to 25

[14-4010] Item 1

Insert nature of request.

[14-4020] Item 2

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

Water Allocation Description

A water allocation should be identified as 'Water Allocation', 'Allocation' or 'WA'. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

e.g.	**Lot on Plan Description**	**Title reference**
	WA 27 on AP 7900	46012345

State Tenure Description

The description of the relevant State tenure should always read 'Lot [no.] on [plan reference]'. Plan references must contain the appropriate prefix (e.g. 'CP' for a crown plan).

e.g.	**Lot on Plan Description**	**Title reference**
	Lot 27 on CP LIV1234	40567123

[14-4030] Item 3

Insert, as the case requires, the full name of the person/entity owning or holding the interest which is the subject of the request and shown in Item 4, for example:

- the registered owner of a freehold lot; or the holder of a lease or licence under the *Land Act 1994*, or the holder of a water allocation; or
- the registered proprietor or holder of a secondary interest (e.g. mortgagee or lessee of a lease of freehold).

[14-4040] Item 4

Insert interest, either fee simple, water allocation, the type of State tenure e.g. State Lease, or lease or mortgage number.

[14-4050] Item 5

Insert full name of applicant.

Complete the postal address of the applicant for service of notice for a request that changes:

- the registered owner of a freehold lot; or
- the holder of a lease or licence under the *Land Act 1994*; or
- the holder of a water allocation; or
- An address for service of notice is not required for requests to change or correct the name of the registered owner.

[14-4060] Item 6

Insert details of the Request.

[14-4070] Item 7

Complete and execute where indicated.

Example 1 – Request to Record Correction of Name (Natural Person) supported by a declaration from the solicitor's firm that prepared the original instrument or document

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

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. Nature of request

REQUEST TO RECORD CORRECTION OF NAME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description
LOT 14 ON RP238942

Title Reference
11345070

3. Registered Proprietor/State Lessee
WAYNE KYLE PEARSON and MEREDITH JULIE PEARSON

4. Interest
FEE SIMPLE

5. Applicant
DWAYNE KYLE PEARSON

6. Request
I hereby request that: the name of one of the Registered Owners be corrected from Wayne Kyle Pearson to Dwayne Kyle Pearson in accordance with the declaration deposited herewith.

7. Execution by applicant

L J Fung
LOIS JANE FUNG

1/11/2023 .....
Execution Date **~~Applicant's or~~ Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

SAMPLE

Example 1 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Oaths Act 1867

STATUTORY DECLARATION

Title Reference [11345070]

I, **LOIS JANE FUNG** of 24 Logan Road, Logan in the State of Queensland, Solicitor, solemnly and sincerely that:

1. My firm, Smith & Co prepared a Form 1 – Transfer in the name of WAYNE Kyle Pearson and Meredith Julie Pearson lodged under Dealing No. 710478823.
2. The name WAYNE Kyle Pearson in item 5 of the transfer was shown incorrectly.
3. The name should have been shown as DWAYNE Kyle Pearson.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

W J Brown
Signature

1/ 12 /2023
Execution Date

L J Fung
Declarant's Signature

WILLIAM JOHN BROWN
Full Name

JP Qual #12345
Type of Witness*[2]

.....
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment**~~*[3]

SAMPLE

Example 1A – Request to Record Correction of Name (Natural Person) supported by a declaration by the registered owner

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD CORRECTION OF NAME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description
LOT 14 ON RP238942

Title Reference
11345070

3. Registered Proprietor/State Lessee
WAYNE KYLE PEARSON and MEREDITH JULIE PEARSON

4. Interest
FEE SIMPLE

5. Applicant
DWAYNE KYLE PEARSON

6. Request

I hereby request that: the name of one of the Registered Owners be corrected from Wayne Kyle Pearson to Dwayne Kyle Pearson in accordance with the declaration deposited herewith.

7. Execution by applicant

L J Fung
LOIS JANE FUNG

21/11/2023 .....
Execution Date **~~Applicant's or~~ Solicitor's Signature**

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

NOTE: Form must be accompanied by Statutory Declaration and any relevant evidence referred to in the declaration

Example 1A (contd)

SAMPLE

Title Reference [11345070]

Oaths Act 1867

STATUTORY DECLARATION

I, **DWAYNE KYLE PEARSON** of 24 Hideaway Close, Narangba in the State of Queensland, solemnly and sincerely declare that:

1. On 20 May 2023 a transfer to Wayne Kyle Pearson and Meredith Julie Pearson was lodged under dealing 710478823.
2. My name in item 5 on the transfer was shown incorrectly as WAYNE Kyle Pearson.
3. My name should have been shown as DWAYNE Kyle Pearson as evidenced by the name shown in the copy of my certificate of birth deposited herewith.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

…W J Brown…… **Signature**

18/ 11 /2023
Execution Date

B K Pearson…… **Declarant's Signature**

WILLIAM JOHN BROWN.
Full Name

JP Qual #12345.
Type of Witness*[2]

……
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment***[3]~~

SAMPLE

Example 2 – Request to Record Change of Name of Registered Owner (Natural Person)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 2

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD A CHANGE OF NAME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 10 ON RP225533

Title Reference

17688021

3. Registered Proprietor/State Lessee

GEOFFREY MATTHEW WINDSOR and LAURA MARGARET BARNARD

4. Interest

FEE SIMPLE

5. Applicant

LAURA MARGARET WINDSOR

6. Request

I hereby request that: in accordance with the declaration dated 21 November 2021 deposited herewith, the change of name of Laura Margaret Barnard to Laura Margaret Windsor be registered.

7. Execution by applicant

21/11/23
Execution Date

L M Windsor
.....
Applicant's or Solicitor's Signature

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

NOTE: Form must be accompanied by Statutory Declaration and any relevant evidence referred to in the declaration

SAMPLE

Example 2 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [17688021]

Oaths Act 1867

STATUTORY DECLARATION

I, **LAURA MARGARET WINDSOR**, of 111 Example Street, Brisbane, in the State of Queensland solemnly and sincerely declare that:

1. I am the person identical with Registered Owner **LAURA MARGARET BARNARD** named in Item 3 on the attached Form 14 – General Request.

2. My true and correct name is as shown in Item 5 on the Form 14 – General Request as **LAURA MARGARET WINDSOR** as on the 14th day of August 2023 I married **GEOFFREY MATTHEW WINDSOR**, as evidenced by the office copy Certificate of Marriage deposited herewith.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867*.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

J J Preston.
Signature

1/ 11 /2023
Execution Date

L M Windsor
Declarant's Signature

JOHN JAMES PRESTON.
Full Name

SOLICITOR
Type of Witness*[2]

BRADSHAW AND PARTNERS
Name of Law Practice /
Witness's Place of Employment*[3]

SAMPLE

Example 3 – Request to Record Change of Name of Registered Owner (Corporation)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD CHANGE OF NAME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 14 ON RP977000

Title Reference

11326072

3. Registered Proprietor/State Lessee

XYZ CORPORATION LIMITED ACN 001 311 711

4. Interest

FEE SIMPLE

5. Applicant

EXIT CORPORATION LIMITED ACN 001 311 711

6. Request

I hereby request that: the change of name of the registered owner from XYZ Corporation Limited ACN 001 311 711 to Exit Corporation Limited ACN 001 311 711 be recorded.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/11/21
Execution Date

S Brown, Director
SAMUEL DENIS BROWN
.....
G Wolfe, Director/Secretary
GERALD JOSEPH WOLFE
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Example 4 – Request to Remove Expired Lease

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

FORM 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REMOVE EXPIRED LEASE

Lodger (Name, address, E-mail & phone number)

SMITH & CO SOLICITORS
218 EDWARD ST
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 27 ON RP131121

Title Reference
18329006

3. Registered Proprietor/State Lessee

BIG SHOPPING CENTRE LTD A.C.N. 001 002 003

4. Interest

LEASE NO. 724074211

5. Applicant

BIG SHOPPING CENTRE LTD A.C.N. 001 002 003

6. Request

I hereby request that: the expired lease noted in Item 4 be removed from title.

7. Execution by applicant

John James Preston
Solicitor

J Preston

18 / 06 / 2025
Execution Date

.....
~~**Applicant's or**~~ **Solicitor's Signature**

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

SAMPLE

Example 4A – Request to Remove Expired Lease (multiple interests)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

FORM 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REMOVE EXPIRED LEASE

Lodger (Name, address, E-mail & phone number)

SMITH & CO SOLICITORS
218 EDWARD ST
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description | **Title Reference**

LOT 27 ON RP131121	18329006
LOT 29 ON RP131121	18329008
LOT 17 ON SP301286	18941210

3. Registered Proprietor/State Lessee

BIG SHOPPING CENTRE LTD A.C.N. 001 002 003

4. Interest

Lease Numbers: 724074211; 724073619; and 725281641

5. Applicant

BIG SHOPPING CENTRE LTD A.C.N. 001 002 003

6. Request

I hereby request that: the expired leases noted in Item 4 be removed from title.

7. Execution by applicant

John James Preston
Solicitor

J.Preston

18 / 06 / 2025
Execution Date

.....
~~**Applicant's or**~~ **Solicitor's Signature**

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

SAMPLE

Example 5 – Request to Register Merger of Lease

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REGISTER MERGER OF LEASE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 1 ON RP112233

Title Reference

11223244

3. Registered Proprietor/State Lessee

JANE ELIZABETH SMITH

4. Interest

FEE SIMPLE

5. Applicant

JANE ELIZABETH SMITH

6. Request

I hereby request that: Lease No. 600555333 be merged in the fee simple.

7. Execution by applicant

21/11/21
Execution Date

J E Smith
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Example 6 – Request to Register Merger of Easement

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REGISTER MERGER
OF EASEMENT NO. 623456789

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description — **Title Reference**

DOMINANT TENEMENT

LOT 3 ON RP877500 — 21138062

SERVIENT TENEMENT

EASEMENT A IN LOT 4 ON RP877500 — 21138063

3. Registered Proprietor/State Lessee

XYZ CORPORATION LIMITED ACN 001 222 349

4. Interest

FEE SIMPLE

5. Applicant

XYZ CORPORATION LIMITED ACN 001 222 349

6. Request

I hereby request that: Easement No. 623456789 be merged in the fee simple of the land described above.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/11/21
Execution Date

P D Mazwell, Director
PETER DOUGLAS MAZWELL
.....
M S Hudson, Director/Secretary
MATTHEW STANLEY HUDSON
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Example 7 – Request to Register Discharge of Writ of Execution

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

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1. Nature of request

REQUEST TO REGISTER DISCHARGE OF WRIT OF EXECUTION BY ENFORCEMENT CREDITOR

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 10 ON RP100006

Title Reference

16679023

3. Registered Proprietor/State Lessee

DALE RAYMOND WHITE

4. Interest

FEE SIMPLE

5. Applicant

ERICA JUNE JONES

6. Request

I hereby request that: the discharge of Writ of Execution No 700334991 be registered.

7. Execution by applicant

E J Jones

21/11/21 .....

Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: If executed by the enforcement creditor no evidence is required
If executed by a solicitor for the enforcement credit, evidence of satisfaction of the debt is required see Part 12

SAMPLE

Example 8 – Request to Record Removal of Caveat –moved to Part 11 – Example 10 (see [11-4200])

SAMPLE

Example 9 – Request to Register Satisfaction of Writ of Execution

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REGISTER SATISFACTION OF WRIT OF EXECUTION

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 2 ON RP223311

Title Reference

12255187

3. Registered Proprietor/State Lessee

JANET DESLEY BROWNE

4. Interest

FEE SIMPLE

5. Applicant

JANET DESLEY BROWNE

6. Request

I hereby request that: Writ of Execution No 600721789 be discharged upon the grounds that the writ of execution has been satisfied, as evidenced by the [certificate of search issued by the Supreme Court Registrar or other evidence] deposited herewith.

7. Execution by applicant

J D Browne

21/11/21 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Evidence of satisfaction of the debt is required to be deposited see Part 12

SAMPLE

Example 10 – Request to Record Extension of Writ of Execution

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

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. Nature of request

REQUEST TO RECORD EXTENSION OF WRIT OF EXECUTION

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 2 ON RP223311

Title Reference

15023186

3. Registered Proprietor/State Lessee

DALE RODNEY CROSS

4. Interest

FEE SIMPLE

5. Applicant

CREDIT QUICK CORPORATION PTY LTD ACN 002 390 480

6. Request

I hereby request that: in accordance with the court order dated 13 April 2021 deposited herewith, you record an extension for a period of three months of Writ of Execution No. 634882911.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/11/21
Execution Date

M P Laidlaw, Director
MARTIN PETRIE LAIDLAW
.....
D T Wright, Director/Secretary
DOUGLAS THOMAS WRIGHT
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Example 11 – Request to Register Standard Terms Document

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REGISTER STANDARD TERMS DOCUMENT FOR LEASE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description **Title Reference**

NOT APPLICABLE

3. Registered Proprietor/State Lessee

NOT APPLICABLE

4. Interest

NOT APPLICABLE

5. Applicant

ADVANCED LIFE PTY LTD ACN 010 330 730

6. Request

I hereby request that: pursuant to s.169 of the Land Title Act 1994 the attached Standard Terms Document containing Lease covenants for Advanced Life Pty Ltd ACN 010 330 730 be registered.

7. Execution by applicant

F B Chan

FRED BRIAN CHAN

21/11/21 .....
Execution Date **~~Applicant's or~~ Solicitor's Signature**

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

SAMPLE

Example 12 – Request to Record Transmission by Bankruptcy (Request by Official Trustee)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

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. Nature of request

REQUEST TO RECORD
TRANSMISSION BY BANKRUPTCY

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description | **Title Reference**

LOT 2 ON RP571535 | 30066134

3. Registered Proprietor/State Lessee

EDWARD ROBERT SULLIVAN

4. Interest

FEE SIMPLE

5. Applicant

THE OFFICIAL TRUSTEE IN BANKRUPTCY

Address for the service of notices to the applicant: PO BOX 10443 ADELAIDE STREET BRISBANE QLD 4001

6. Request

I hereby request that: the applicant be registered as a proprietor of the estate or interest specified in Item 4 in the and described in Item 2 in consequence of the bankruptcy of EDWARD ROBERT SULLIVAN as evidenced by the National Personal Insolvency index extract and declaration deposited herewith.

7. Execution by applicant

The seal of the Official Trustee in Bankruptcy was hereto affixed by me, **Digby Nicholas Bartholomew Ross**, the Official Receiver for the Bankruptcy District of the State of Queensland

(seal)

D N B Ross

21/10/21
Execution Date

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

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

NOTE: Items to be deposited:
- Extract from the National Personal Insolvency Index;
- Supporting declaration/s.

SAMPLE

Example 12 (contd)

Title Reference [3006134]

Oaths Act 1867

STATUTORY DECLARATION

I, **DIGBY NICHOLAS BARTHOLOMEW ROSS** of c/- 13th Level, 340 Adelaide Street, Brisbane in the State of Queensland, a Commonwealth Public Servant, solemnly and sincerely declare that:

1. I am the Official Receiver for the Bankruptcy District of the State of Queensland under the *Bankruptcy Act 1966* (Cth) and am authorised to act on behalf of the Official Trustee in Bankruptcy pursuant to s. 18(8) of the Act.

2. Edward Robert Sullivan is registered as proprietor of an estate in fee simple in that land comprised in Indefeasible Title 30066334 being Lot 2 RP571535.

3. The said Edward Robert Sullivan registered as proprietor in the said Indefeasible Title is one and the same person as and identical with the Edward Robert Sullivan mentioned in extract from the National Personal Insolvency Index deposited herewith who disclosed his interest in the said land as an asset of his estate.

4. I am advised and verily believe that by virtue of section 58 of the *Bankruptcy Act 1966* (Cth) the Official Trustee in Bankruptcy is entitled to be registered as proprietor of the interest of Edward Robert Sullivan in the said land.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

H P Thomas.
Signature

18/ 11 /2023
Execution Date

…D N B Ross….
Declarant's Signature

HAROLD PETER THOMAS.
Full Name

JP Qual #19833..
Type of Witness*[2]

……
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment***[3]~~

Example 12 (contd)

SAMPLE

National Personal Insolvency Index
Insolvency Trustee Service Australia
Extract as at 04:18 pm 21-Nov-2007

Name	**SULLIVAN, EDWARD ROBERT**
Date of Birth	16-Sep-1942
Administration Number	QLD 2541/3/0
Date Filed	20-Oct-2006
Date SA Filed	20-Oct-2006
Entered on NPII	20-Oct-2006
Date Ended	<No Data Held>
Result	<No Result>
Address	1 Choonda Street CORINDA QLD 4075
Occupation	UNEMPLOYED
Business Name	<No Data Held>
Business Address	<No Data Held>
Trustee	OFFICIAL TRUSTEE IN BANKRUPTCY
Overall Summary	This individual is an undischarged bankrupt.

Administration Type	Bankruptcy
Petition Type	Debtor Petition

End of Report

SAMPLE

The information in this extract comes from ITSA's National Personal Insolvency Index database as at the time and date indicated in this document. If you consider that the information contains errors, please promptly advice ITSA.

Example 13 – Request to Record Transmission by Bankruptcy (Request by Trustee other than Official Trustee)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD
TRANSMISSION BY BANKRUPTCY

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 33 ON RP213130

Title Reference

34567112

3. Registered Proprietor/State Lessee

ROBERT TIMOTHY McCARTHY and ANNA JANE McCARTHY

4. Interest

THE ½ SHARE OF AN ESTATE IN FEE SIMPLE HELD BY ROBERT TIMOTHY MCCARTHY IN THE LOT DESCRIBED IN ITEM 2.

5. Applicant

THE TRUSTEE OF THE PROPERTY OF ROBERT TIMOTHY MCCARTHY (a bankrupt)

ADDRESS FOR THE SERVICE OF NOTICES TO THE APPLICANT: GPO BOX 301, BRISBANE, 4001

6. Request

I hereby request that the applicant be registered as proprietor of the estate or interest specified in Item 4 in the land described in item 2 in consequence of the bankruptcy of ROBERT TIMOTHY MCCARTHY as evidenced by the National Personal Insolvency Index extract and in accordance with the declaration of Arthur Wayne Lachlan deposited herewith.

7. Execution by applicant

A W Lachlan
Arthur Wayne Lachlan as Trustee in Bankruptcy

21/11/23 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Items to be deposited:
- Extract from the National Personal Insolvency Index (see Example 12);
- Supporting documentation.

SAMPLE

Example 13 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [34567112]

Oaths Act 1867

STATUTORY DECLARATION

I, **ARTHUR WAYNE LACHLAN,** Chartered Accountant of c/- Level 30, Waterfront Place, 1 Eagle Street, Brisbane, Queensland solemnly and sincerely declare that:

1. On 1 November 2022 I became the trustee in bankruptcy of the estate of Robert Timothy McCarthy pursuant to a sequestration order made that day in the Federal Court by District Registrar McPherson sitting in the General Division of the Bankruptcy Division of the State of Queensland, the order having been made after all requirements of s. 52 of the *Bankruptcy Act 1966* (Cth) were satisfied.

2. Pursuant to s58 of the *Bankruptcy Act 1966* (Cth), upon the making of the said sequestration order, all the divisible property of Robert Timothy McCarthy vested in me. That divisible property includes the right title and interest of Robert Timothy McCarthy.

3. The said Robert Timothy McCarthy is one and the same person and identical with the Robert Timothy McCarthy mentioned in the extract from the National Personal Insolvency Index deposited herewith.

4. The said Robert Timothy McCarthy disclosed his interest in the property described as Lot 33 on RP 213130 contained in Indefeasible Title 34567112 as an asset of his estate.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

W J Brown....
Signature

1/ 11/ 2023
Execution Date

A W Lachlan....
Declarant's Signature

WILLIAM JOHN BROWN..
Full Name

SOLICITOR.
Type of Witness*[2]

BROWN AND ASSOCIATES
Name of Law Practice /
Witness's Place of Employment*[3]

SAMPLE

Example 14 deleted

SAMPLE

Example 15 – Request to Record Annulment of Bankruptcy

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD ANNULMENT OF BANKRUPTCY

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 811 ON RP993662

Title Reference

13182248

3. Registered Proprietor/State Lessee

TRUSTEE OF THE PROPERTY OF KAREN ELIZABETH JOHNSTONE (A BANKRUPT)

4. Interest

FEE SIMPLE

5. Applicant

KAREN ELIZABETH JOHNSTONE

ADDRESS FOR THE SERVICE OF NOTICES TO THE APPLICANT: 160 MARSDEN ROAD KALINGA QLD 4030

6. Request

I hereby request that: the above land be vested in the applicant in consequence of the annulment of the bankruptcy of KAREN ELIZABETH JOHNSTONE as evidenced by the extract from the National Personal Insolvency deposited herewith.

7. Execution by applicant

K E Johnstone

21/11/21
Execution Date

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

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

NOTE: Items to be deposited:
- Extract from the National Personal Insolvency Index (see Example 12);
- If executed by the trustee, no further evidence. If executed by the former bankrupt or a solicitor a Form 18 – General Consent from the trustee or a statutory declaration by the trustee authorising the transaction (see clause [14-2250])

SAMPLE

Example 16 – Request to Record Removal of Life Estate Charge

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD REMOVAL OF LIFE ESTATE CHARGE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 10 ON RP224436

Title Reference

17317021

3. Registered Proprietor/State Lessee

JAMES EDWARD CORNWALL AS PERSONAL REPRESENTATIVE

4. Interest

ESTATE FOR LIFE

5. Applicant

JAMES EDWARD CORNWALL

6. Request

I hereby request that: in accordance with the copy of the death certificate of the life tenant deposited herewith, the life estate charge under instrument No. 611223345 entered against the above lot be removed.

7. Execution by applicant

J E Cornwall

21/11/21 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Items to be deposited:
- Certified copy of certificate of death, or evidence of relinquishment of life interest, as applicable.

SAMPLE

Example 17 – Request for Title by Adverse Possession

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST FOR TITLE BY ADVERSE POSSESSION

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 4 ON RP955211

Title Reference
19229134

3. Registered Proprietor/State Lessee

ANGUS THOMAS BLACK

4. Interest

FEE SIMPLE

5. Applicant

LAWRENCE FABIAN FORBES

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 3 Brisbane Road, Brisbane 4000

6. Request

I hereby request that: pursuant to Part 6, Division 5 of the Land Title Act 1994 and in accordance with the declarations and the other evidence deposited herewith, I be recorded as Registered Owner in fee simple by adverse possession of the land described above.

7. Execution by applicant

L F Forbes

8/10/07
Execution Date

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

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

NOTE: Items to be deposited:
- Supporting declaration and evidence.

SAMPLE

Example 17 (contd)

Title Reference [19229134]

Oaths Act 1867

STATUTORY DECLARATION

I, **LAWRENCE FABIAN FORBES,** of 3 Brisbane Road, Brisbane in the State of Queensland solemnly and sincerely declare that:

1. I am the applicant in an application for title by adverse possession dated 8 October 2007 lodged with the Registrar of Titles.

2. I began occupying the subject land on or about 7 January 1975. To the best of my knowledge the land had not been occupied for some time. The land was vacant.

3. On 30 June 1975 I completed construction of a dwelling house on the land. I have continued to use the land for residential purposes up to the date of this application.

4. Since 30 June 1975 I have paid rates on the land to the Brisbane City Council as evidenced by the attached certificate.

5. I enclose declaration by Edith Dora Leary and Francis Terrence Darville, residents of No. 2 and No. 7 Brisbane Road, Brisbane respectively testifying as to my occupation of the land.

6. There is no person in possession or occupation of the land adversely to my estate or interest therein.

7. I am not aware of any mortgage, encumbrance or claim affecting the land or that any person other than the registered owner has any claim, estate or interest in the land in law or in equity.

8. I have never been the tenant of the registered owner of the land and I have never been contacted by him or anyone acting on his behalf.

9. I have no documents, receipts or contracts in my possession or under my control from the registered owner of any other person deriving title thereunder relating to the land.

10. In consequence of the evidence herein set forth I verily believe and claim that I am entitled to be registered as owner of the land described above under Part 6, Division 5 of the *Land Title Act 1994*.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

SAMPLE

WJ Brown..

Signature

L F Forbes....

Declarant's Signature

8/ 10 /2023
Execution Date

WILLIAM JOHN BROWN....
Full Name

JP (Qual) #12345..
Type of Witness*[2]

……
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment**~~*[3]

SAMPLE

Example 17 (contd)

Title Reference [19229134]

Oaths Act 1867

STATUTORY DECLARATION

I, **EDITH DORA LEARY,** of 2 Brisbane Road, Brisbane in the State of Queensland solemnly and sincerely declare that:

1. I have occupied 2 Brisbane Road, Brisbane since 1972.
2. I recall that Lawrence Fabian Forbes commenced occupation of the property at 3 Brisbane Road, Brisbane on or about January 1975.
3. I remember that shortly after that time Lawrence Fabian Forbes constructed a home on the land.
4. Since that time Lawrence Fabian Forbes has used the land for his residence.
5. To the best of my knowledge at no time has any person come forward claiming an interest in the land.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

R A Mills.....
Signature

21/ 10 /2023
Execution Date

E D Leary
Declarant's Signature

ROBERT ADAM MILLS...
Full Name

SOLICITOR.
Type of Witness*[2]

MILLS, MOORE, SMITH AND PARTNERS
Name of Law Practice /
Witness's Place of Employment*[3]

SAMPLE

Title Reference [19229134]

Oaths Act 1867

STATUTORY DECLARATION

I, **FRANCIS TERRENCE DARVILLE** of 7 Brisbane Road, Brisbane in the State of Queensland solemnly and sincerely declare that:

1. On 13 September 1970 I purchased 7 Brisbane Road, Brisbane. I have lived at that address since that time.

2. I remember that around January 1975 Lawrence Fabian Forbes was occupying 3 Brisbane Road, Brisbane. I remember that in the winter of 1975 Lawrence Fabian Forbes built a home on the land.

3. I have not noticed any other person come forward claiming an interest in that land.

4. Lawrence Fabian Forbes has occupied the land since 1975.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

L Gibbs.
Signature

29/ 10/ 2023
Execution Date

F T Darville.....
Declarant's Signature

Leroy Gibbs.
Full Name

C Dec
Type of Witness*[2]

.....
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment***[3]~~

SAMPLE

Example 18 – Request to Register Order of Foreclosure and Vesting

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

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. Nature of request

REQUEST TO REGISTER ORDER OF FORECLOSURE AND VESTING

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 6 ON RP177662

Title Reference

13352117

3. Registered Proprietor/State Lessee

XYZ CORPORATION PTY LTD ACN 003 976 423 (IN LIQUIDATION)

4. Interest

FEE SIMPLE

5. Applicant

BRISBANE BANKING CORPORATION LIMITED ACN 003 421 600

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: PO BOX 259 SOUTH BRISBANE 4101

6. Request

I hereby request that: in accordance with the court order dated 20 July 2021 deposited herewith you register the order for foreclosure and vesting of the interest of the Registered Owner shown in Item 4 above in the applicant.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/11/21
Execution Date

M J Kendall, Director
MARCUS JOHN KENDALL
.....
K M Chan, Director/Secretary
KEVIN MICHAEL CHAN
.....
Applicant's ~~or Solicitor's~~ Signature

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

NOTE: Items to be deposited:
- Court issued copy of the order;
- If the court order stipulates conditions for foreclosure and vesting to occur – a statutory declaration from the mortgagee or their solicitor declaring that the conditions have been met.

SAMPLE

Example 19 – Request to Record Revocation of Resumption

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD REVOCATION OF RESUMPTION

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 10 ON RP223344

Title Reference

13123066

3. Registered Proprietor/State Lessee

MORETON BAY REGIONAL COUNCIL (FORMERLY CABOOLTURE SHIRE COUNCIL)

4. Interest

FEE SIMPLE

5. Applicant

MORETON BAY REGIONAL COUNCIL

ADDRESS FOR SERVICE OF NOTICES: PO BOX 22, NARANGBA QLD 4460

6. Request

I hereby request that: in accordance with the gazette notice dated 11 May 2021 revoking a previous gazette notice registered under dealing 6032214/88 you record the revesting of the above-described land in the name of DEVELOPMENT CO PTY LTD ACN 003 520 397 for an estate in fee simple.

7. Execution by applicant

S Jones,

.....
MORETON BAY REGIONAL COUNCIL
Stephen James Jones Chief Executive Officer

21/11/21
Execution Date

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

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

NOTE: Items to be deposited:
- Proclamation revoking resumption.

SAMPLE

Example 20 deleted

SAMPLE

Example 21 – Request to Record Determination of Lease

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD
DETERMINATION OF LEASE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 12 ON RP674555

Title Reference

13088190

3. Registered Proprietor/State Lessee

ABC CORPORATION LTD ACN 011 632 911

4. Interest

LEASE NO. 718654213

5. Applicant

ABC CORPORATION LTD ACN 011 632 911

6. Request

I hereby request that: Lease No. 718654213 be determined and cancelled from the above title in accordance with the attached statutory declaration.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/11/21
Execution Date

L Blundell, Director
LAUREL BLUNDELL
.....
J Smith, Director/Secretary
JORDAN RAYMOND SMITH
.....
Applicant's or Solicitor's Signature

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

NOTE: Items to be deposited:
- Supporting documentation.

SAMPLE

Example 21 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [13088190]

Oaths Act 1867

STATUTORY DECLARATION

I, **LAUREL BLUNDELL** of 122 Edward Street, Brisbane, Queensland solemnly and sincerely declare that:

1. I am a director of ABC Corporation Ltd ACN 011 632 911 and am duly authorised to make this declaration on its behalf.

2. On 5 November 2020 ABC Corporation Ltd as lessor entered into Lease No. 718654213 with XYZ Corporation Limited ACN 003 976 423 as lessee of the premises known as Sunshine Place situated at 14 Sunny Street, Brisbane and described as Lot 12 on RP674555.

3. On 1 March 2021 ABC Corporation Ltd served the two notices annexed hereto ("**Notices**") claiming breaches of the lease on the Principal Executive Officer, Richard Manuel Morrow at the lessee's registered office at 222 Bowen Road, Manly.

4. The breaches stated in the Notices were not remedied by the lessee and the lease was subsequently determined by the Registered Owner who re-entered and took possession of the premises.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

P D James
Signature

19/ 11 /21
Execution Date

Laurel Blundell
Declarant's Signature

Pamela Diane James..
Full Name

Solicitor.
Type of Witness*[2]

James and Associates.
Name of Law Practice /
Witness's Place of Employment*[3]

SAMPLE

Example 22 – Request to Record Retirement (or Discharge) of Trustee

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD THE RETIREMENT (OR DISCHARGE) OF TRUSTEE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 17 ON RP113268

Title Reference

13088190

3. Registered Proprietor/State Lessee

ANTHEA NICOLA RICHARDS AND JONATHON MATTHEW BRADY AS TRUSTEE UNDER INSTRUMENT NO. 732468931

4. Interest

FEE SIMPLE

5. Applicant

ANTHEA NICOLA RICHARDS

6. Request

I hereby request that: you record the retirement/discharge of the above-named Jonathon Matthew Brady in accordance with terms of the deed of retirement (or discharge) deposited.

7. Execution by applicant

A N Richards

21/11/21 .....

Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: Items to be deposited:
- Certified copy of original deed of retirement (or discharge).

SAMPLE

Example 23 – Request to Record Merger of Estates

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

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. Nature of request

REQUEST TO RECORD MERGER OF ESTATES

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 3 ON RP32044

Title Reference

22383085

3. Registered Proprietor/State Lessee

JONATHAN COLIN MIDDLETON AS DEVISEE IN TRUST

4. Interest

FEE SIMPLE

5. Applicant

JONATHAN COLIN MIDDLETON

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 30 INALA AVENUE, BROWNS PLAINS QLD 4060

6. Request

I hereby request that: you register the applicant as the registered owner of the lot pursuant to a merger of the beneficial and legal estate.

7. Execution by applicant

J C Middleton

10/11/23 .....

Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: Items to be deposited:
- Supporting declaration.

N.B. – The request requires a duty notation.

SAMPLE

Example 23 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [23383085]

Oaths Act 1867

STATUTORY DECLARATION

I, **JONATHAN COLIN MIDDLETON** of 30 Inala Avenue, Browns Plains in the State of Queensland solemnly and sincerely declare that:

1. I am the executor of the estate of Rose Middleton, and the registered owner of the lot described in the attached Form 14 – General Request as devisee in trust.

2. Pursuant to the will of Rose Middleton, deposited with Transmission by Death No. 700015762, Joyce Elva Middleton is the life tenant of the said lot, and I am the devisee in trust.

3. The life tenant, Joyce Elva Middleton, died on 14 September 2022 as appears by the certificate of death deposited herewith. I am the sole beneficiary.

4. I have effected all executorial duties in respect of the administration of the estate of Rose Middleton deceased.

5. The legal and beneficial estates have merged and are vested in me.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the *Oaths Act 1867.*

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

P S Parker
Signature

10/ 11 /2023
Execution Date

J C Middleton
Declarant's Signature

Paula Simone Parker.
Full Name

JP (Qual) #98765.
Type of Witness*[2]

……
~~**Name of Law Practice /**~~
~~**Witness's Place of Employment***[3]~~

SAMPLE

Example 24 – Request to Record Incorporated Association

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

RECORDING UNDER THE ASSOCIATIONS INCORPORATION ACT 1981

Lodger (Name, address, E-mail & phone number) **Lodger Code**

JOHN WATERHEAD.
24 FLATHEAD COURT
SURFHAVEN QLD 4999
(07) 3278 5943

2. Lot on Plan Description | **Title Reference**

LOT 999 ON RP999999 | 14399224

3. Registered Proprietor/State Lessee

WILLIAM SANDMAN and NORMAN BEACHCOMBER AS TRUSTEE OF THE COASTAL GOLF CLUB UNDER NOMINATION OF TRUSTEES 666655554

4. Interest

FEE SIMPLE

5. Applicant

COASTAL GOLF CLUB INCORPORATED

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: POX 5555 GOLD COAST MAIL CENTRE 9726

6. Request

I hereby request that: the Registrar of Titles record the interest of the above registered proprietors in the name of the applicant in accordance with s. 24 of the Associations Incorporation Act 1981 and certify that the applicant is incorporated as evidenced by the certificate of incorporation deposited.

7. Execution by applicant

J D Surfboard
JOHN DAVID SURFBOARD
Secretary, Coastal Golf Club Incorporated

21/11/21 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: It should be noted that:
- the registered proprietor/State Lessee in Item 3 should be as shown on the current title/lease; and
- the applicant in Item 5 is the incorporated association; and
- the request in Item 6 should be substantially as shown in the example; and
- the signing of Item 7 must be by the secretary of the association (see ss24(1), (2) and (3) of the *Associations Incorporation Act 1981*; and
- these Requests attract normal lodgement fees; and
- there is no duty payable; and
- a copy of the certificate of incorporation, issued by the relevant agency and certified by an appropriate officer of that agency is to be provided; or

SAMPLE

Example 25 – Application by Local Government under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

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1. Nature of request

APPLICATION BY LOCAL GOVERNMENT UNDER CHAPTER 4 PART 12 DIVISION 3 OF THE LOCAL GOVERNMENT REGULATION 2012

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 10 ON RP120610

Title Reference

11223134

3. Registered Proprietor/State Lessee

JOHN DAVID BROWN

4. Interest

FEE SIMPLE

5. Applicant

SMITHSON CITY COUNCIL

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: PO BOX 31 SMITHSON QLD 4878

6. Request

I hereby request that: under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012 the land in item 2 be registered in the name of the applicant in Item 5.

7. Execution by applicant

(local government seal)

J Bloggs
Authorised Officer

22/11/21
Execution Date

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

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

SAMPLE

Example 26 – Request to Remove a Profit a Prendre

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO REMOVE PROFIT A PRENDRE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 5 ON RP900432

Title Reference
50008710

3. Registered Proprietor/State Lessee

KRISTINA MARIA JOHNSON

4. Interest

PROFIT A PRENDRE NO. 700258637

5. Applicant

KRISTINA MARIA JOHNSON

6. Request

I hereby request that: Profit a Prendre No. 700258637 be removed as the term specified in instrument expired on 20/09/2007.

7. Execution by applicant

F B Chan
FRED BRIAN CHAN

21/9/21
Execution Date

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

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

SAMPLE

Guide to Completion of Form 14 for Example 26

[14-4090] Item 1

Insert the nature of the request.

[14-4100] Item 2

Insert the 'Lot on Plan' descriptions and identify all burdened and, if applicable, benefited lots comprised in the profit a prendre.

[14-4110] Item 3

Insert the full name(s) of the registered proprietor(s) or holder(s) of the lot(s) affected by the profit a prendre.

[14-4120] Item 4

Insert the profit a prendre number.

[14-4130] Item 5

Insert the full name of the applicant.

[14-4133] Item 6

Insert the appropriate words for the relevant request.

[14-4136] Item 7

Execute as required.

Example 27 – Request to Record Reservation of Name for a Community Titles Scheme

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD RESERVATION OF NAME FOR COMMUNITY TITLES SCHEME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 70 ON SP900432

Title Reference

50046270

3. Registered Proprietor/State Lessee

BRIGHTON PTY LTD ACN 007 768 903

4. Interest

FEE SIMPLE

5. Applicant

BRIGHTON PTY LTD ACN 007 768 903

6. Request

I hereby request that: the name Brighton Villa be reserved for the community titles scheme proposed for the land described in item 2.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/9/23
Execution Date

C Johns, Director
CHARLES ANTHONY JOHNS
.....
K Brown, Director/Secretary
KENNETH ROBERT BROWN
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Guide to Completion of Form 14 for Example 27

[14-4140] Item 1

Insert the nature of the request (i.e. 'Request for reservation of name/extension of reservation of name/withdrawal of reservation of name').

[14-4150] Item 2

Insert the full description of:

- the land for the proposed scheme; or
- the common property, if the name is to be reserved over an existing scheme.

[14-4160] Item 3

Insert the full name(s) of the registered owner(s).

[14-4170] Item 4

Insert fee simple.

[14-4180] Item 5

Insert the full name of the applicant.

[14-4190] Item 6

Insert the appropriate words for the relevant request.

[14-4200] Item 7

Execute as required.

Example 28 – Request to Record "First" Community Management Statement

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD FIRST COMMUNITY MANAGEMENT STATEMENT FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

LOT 70 ON SP900432

Title Reference

50046270

3. Registered Proprietor/State Lessee

BRIGHTON PTY LTD ACN 007 768 903

4. Interest

NOT APPLICABLE

5. Applicant

BRIGHTON PTY LTD ACN 007 768 903

6. Request

I hereby request that: the first CMS deposited herewith be recorded as the CMS for Brighton Villa Community Titles Scheme and that 32 This Rd Indooroopilly Qld 4068 be recorded as address for service on the body corporate for the scheme.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/10/21
Execution Date

C Johns, Director
CHARLES ANTHONY JOHNS
.....
K R Brown, Director/Secretary
KENNETH ROBERT BROWN
.....
Applicant's or Solicitor's Signature

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

SAMPLE

Guide to Completion of Form 14 for Example 28

[14-4218] Lodger Details

The name, address, contact phone number and lodger code (if applicable) should be completed by the person/firm actually lodging the request for registration.

[14-4220] Item 1

Insert the nature of the request.

Example:

'Request to record first community management statement for Brighton Villa community titles scheme'.

[14-4230] Item 2

Insert the lot on plan description and title reference for each current parcel which will be subdivided to create the scheme land.

Example:

e.g.	**Lot on Plan Description**	**Title reference**
	Lot 70 on RP885798	50046270

[14-4240] Item 3

Insert the name(s) of the registered owner(s) as per the title(s).

[14-4250] Item 4

Insert not applicable.

[14-4260] Item 5

Insert the name of the applicant – registered owner(s).

[14-4270] Item 6

Insert the appropriate words of request including the address for service.

Example:

> '… the first CMS deposited herewith be recorded as the CMS for Brighton Villa community titles scheme and that (show postal address) be recorded as the address for the service of the body corporate for the scheme'.

[14-4280] Item 7

Execution may be by the applicant or applicant's solicitor. If signed by a solicitor print the full name of the solicitor signing.

Example 29 – Request to Record "New" Community Management Statement

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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Dealing Number

OFFICE USE ONLY

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1. Nature of request

REQUEST TO RECORD NEW COMMUNITY MANAGEMENT STATEMENT FOR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

COMMON PROPERTY OF FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

Title Reference
19203231

3. Registered Proprietor/State Lessee

BODY CORPORATE FOR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

4. Interest

NOT APPLICABLE

5. Applicant

BODY CORPORATE FOR FAWLTY TOWERS COMMUNITY TITLES SCHEME 2345

6. Request

I hereby request that: the new CMS deposited herewith which amends (insert appropriate Item and schedule e.g. Item 2 (regulation module) and Schedule C) of the existing CMS be recorded as the CMS for Fawlty Towers Community Titles Scheme 2345.

7. Execution by applicant

Celeste Sybil Booth
Treasurer
Body Corporate for Fawlty Towers CTS 2345

C Booth

21/10/24 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

SAMPLE

Guide to Completion of Form 14 for Example 29

[14-4290] Lodger Details

The name, address, contact phone number and lodger code (if applicable) should be completed by the person/firm actually lodging the request for registration.

[14-4300] Item 1

Insert the nature of the request.

Example:

> 'Request to record new community management statement for Fawlty Towers community titles scheme 2345.'

[14-4310] Item 2

Insert the description and title reference for the common property for the scheme.

Example:

e.g.	**Lot on Plan Description**	**Title reference**
	Common property of Fawlty Towers community titles scheme 2345	19201331

[14-4320] Item 3

Insert the name of the body corporate e.g. 'Body corporate for Fawlty Towers community titles scheme 2345'.

[14-4330] Item 4

Insert not applicable.

[14-4340] Item 5

Insert the name of the body corporate e.g. 'Body corporate for Fawlty Towers community titles scheme 2345'.

[14-4350] Item 6

Insert the appropriate words of request.

Example:

> '… the new CMS deposited herewith which amends (for example) Schedule(s) (A etc) and/or (for example) Item 2 (regulation module) of the existing CMS be recorded as the CMS for Fawlty Towers community titles scheme 2345.'

[14-4360] Item 7

Execution can be by the applicant, or on behalf of the applicant by certain persons, refer to Part [45-2060] for further information and guidance.

Example 30 – Request to Record Change of Address for Body Corporate

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO RECORD CHANGE OF ADDRESS FOR THE BODY CORPORATE

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description

COMMON PROPERTY OF BRIGHTON VILLA COMMUNITY TITLES SCHEME 1246

Title Reference
50055887

3. Registered Proprietor/State Lessee

BODY CORPORATE FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME 1246

4. Interest

NOT APPLICABLE

5. Applicant

BODY CORPORATE FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME 1246

6. Request

I hereby request that: the address for the service of body corporate under s. 315 of the Body Corporate and Community Management Act 1997 be recorded as 32 Any Road, Indooroopilly Q 4068.

7. Execution by applicant

K R Brown
Kenneth Robert Brown
Secretary
Body Corporate for Brighton Villa CTS 1246

21/10/24 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

SAMPLE

Guide to Completion of Form 14 for Example 30

[14-4370] Item 1

Insert the nature of the request.

[14-4380] Item 2

Insert the description and title reference of the common property e.g. ‘Common property of Brighton Villa community titles scheme 1246’.

[14-4390] Item 3

Insert the name of the body corporate e.g. ‘Body corporate for Brighton Villa community titles scheme 1246’.

[14-4400] Item 4

Insert not applicable.

[14-4410] Item 5

Insert the name of the body corporate.

[14-4420] Item 6

Insert the appropriate request which includes the new address for service of the body corporate.

[14-4430] Item 7

Execute as required. For further information refer to Part [45-2060].

Example 31 – Request to Record Update of Power of Attorney

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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Dealing Number

OFFICE USE ONLY

Privacy Statement

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1. Nature of request

REQUEST TO RECORD UPDATE
OF POWER OF ATTORNEY

Lodger (Name, address, E-mail & phone number)

SMITH & CO.
SOLICITORS
218 EDWARD STREET
BRISBANE QLD 4000
mail@smithco.com.au
(07) 3278 5943

Lodger Code
21

2. Lot on Plan Description **Title Reference**

NOT APPLICABLE

3. Registered Proprietor/State Lessee

ABC PTY LTD ACN 001 002 003

4. Interest

POWER OF ATTORNEY NO. 701234567

5. Applicant

XYZ PTY LTD ACN 001 002 003

6. Request

I hereby request that: XYZ Pty Ltd ACN 001 002 003 be recorded as the principal [or attorney] in Power of Attorney No 701234567 in accordance with the certified copy of the certificate of change of name [or other relevant evidence] deposited herewith.

7. Execution by applicant

W G Smith
WILLIAM GRAHAME SMITH

21/9/21 .....
Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: Items to be deposited:
- Copy of evidence certified by the relevant issuing agency

SAMPLE

Guide to Completion of Form 14 for Example 31

[14-4440] Item 1

Insert the nature of the request.

[14-4450] Item 2

Insert not applicable.

[14-4460] Item 3

Insert the name of the principal/attorney as registered.

[14-4470] Item 4

Insert the reference to the power of attorney to be updated.

[14-4480] Item 5

Insert full name of principal/attorney to be registered.

[14-4490] Item 6

Insert details of the request.

[14-4500] Item 7

Execute as required.

Example 32 – Subdivision of Water Allocation

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

SUBDIVISION OF WATER ALLOCATION

Lodger (Name, address, E-mail & phone number)

A. Water-Owner
PO Box 999
ANYTOWN QLD 4999
(07) 4999 9999

Lodger Code

2. Lot on Plan Description

LOT 1234 ON AP1234

Title Reference

46009999

3. Registered Proprietor/State Lessee

ALFRED BRIAN WATER-OWNER and BETTY BEATRICE WATER-OWNER

4. Interest

WATER ALLOCATION

5. Applicant

ALFRED BRIAN WATER-OWNER and BETTY BEATRICE WATER-OWNER

6. Request

I hereby request that: the Water Allocation shown in Item 2 be subdivided in accordance with Dealing Certificate No. 199999 deposited herewith.

7. Execution by applicant

A B Water-Owner
B B Water-Owner

21/9/21 .....
Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: Items to be deposited:
- Water Allocation Dealing Certificate
- If managed under a Resource Operations Plan: Notice to registrar of water allocations of Existence of Supply Contract (W2F152)

SAMPLE

Guide to Completion of Form 14 for Example 32

[14-4510] Item 1

Insert the nature of the request.

[14-4520] Item 2

Insert Lot/Plan description of water allocation to be subdivided. Only one Water Allocation is permitted on each Form 14 – General Request.

[14-4530] Item 3

Insert the full name(s) of the registered owner(s).

[14-4540] Item 4

Insert: Water Allocation.

[14-4550] Item 5

Insert the full name of the applicant.

[14-4560] Item 6

Insert the appropriate words for the relevant request.

For example:

> I hereby request that: the water allocation shown in Item 2 be subdivided in accordance with Dealing Certificate No. 199999 deposited herewith.

[14-4570] Item 7

Execute as required.

Example 33 – Amalgamation of Water Allocation

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

Form 14 Version 4
Page 1 of 1

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

AMALGAMATION OF WATER ALLOCATION

Lodger (Name, address, E-mail & phone number)

A. Water-Owner
PO Box 999
ANYTOWN QLD 4999
(07) 4999 9999

Lodger Code

2. Lot on Plan Description

	Title Reference
LOT 1234 ON AP1234	46009999
LOT 1235 ON AP1234	46008888

3. Registered Proprietor/State Lessee

AQUA OWNERS PTY LTD A.C.N. 999 999 999

4. Interest

WATER ALLOCATION

5. Applicant

AQUA OWNERS PTY LTD A.C.N. 999 999 999

6. Request

I hereby request that: the Water Allocations shown in Item 2 be amalgamated in accordance with Dealing Certificate No. 199998 deposited herewith.

7. Execution by applicant

(seal)
or full name of
company to be shown

21/9/21
Execution Date

A Water-Owner, Director
ALFRED BRIAN WATER-OWNER
.....
B Water-Owner, Director/Secretary
BETTY BEATRICE WATER-OWNER
.....
Applicant's or Solicitor's Signature

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

NOTE: Items to be deposited:
- Water Allocation Dealing Certificate
- If managed under a Resource Operations Plan: Notice to registrar of water allocations of Existence of Supply Contract (W2F152)

SAMPLE

Guide to Completion of Form 14 for Example 33

[14-4580] Item 1

Insert the nature of the request.

[14-4590] Item 2

Insert Lot/Plan description of all Water Allocations to be amalgamated. Only one amalgamation request is permitted on each Form 14 – General Request.

[14-4600] Item 3

Insert the full name(s) of the registered owner(s).

[14-4610] Item 4

Insert: Water Allocation.

[14-4620] Item 5

Insert the full name of the applicant.

[14-4630] Item 6

Insert the appropriate words for the relevant request.

For example:

> I hereby request that: the water allocations shown in Item 2 be amalgamated in accordance with Dealing Certificate No. 199998 deposited herewith.

[14-4640] Item 7

Execute as required.

Example 34 – Change of Water Allocation

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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Dealing Number

OFFICE USE ONLY

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. Nature of request

CHANGE OF WATER ALLOCATION

Lodger (Name, address, E-mail & phone number)

B. F. Pioneer
PO Box 999
ANYTOWN QLD 4999
(07) 4999 9999

Lodger Code

2. Lot on Plan Description

LOT 1234 ON AP1234

Title Reference

46009999

3. Registered Proprietor/State Lessee

BURNETT FITZROY PIONEER

4. Interest

WATER ALLOCATION

5. Applicant

BURNETT FITZROY PIONEER

6. Request

I hereby request that: the Water Allocation shown in Item 2 be changed in accordance with Dealing Certificate No. 199998 deposited herewith.

7. Execution by applicant

B F Pioneer

21/9/21
Execution Date

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

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

SAMPLE

NOTE: Items to be deposited:
- Water Allocation Dealing Certificate
- If managed under a Resource Operations Plan: Notice to registrar of water allocations of Existence of Supply Contract (W2F152)

Guide to Completion of Form 14 for Example 34

[14-4650] Item 1

Insert the nature of the request.

[14-4660] Item 2

Insert Lot/Plan description of the water allocation to be changed. Only one Water Allocation is permitted on each Form 14 –General Request.

[14-4670] Item 3

Insert the full name(s) of the registered owner(s).

[14-4680] Item 4

Insert: Water Allocation.

[14-4690] Item 5

Insert the full name of the applicant.

[14-4700] Item 6

Insert the appropriate words for the relevant request.

For example:

> I hereby request that: the water allocation shown in Item 2 be changed in accordance with Dealing Certificate No. 199998 deposited herewith.

[14-4710] Item 7

Execute as required.

Example 35 – Statutory Charge under the Building Industry Fairness (Security of Payment) Act 2017

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

RECORD STATUTORY CHARGE

Lodger (Name, address, E-mail & phone number)

TR CONSTRUCTIONS P/L
PO BOX 53
BRISBANE 4001
trconstructions@email.com

Lodger Code

2. Lot on Plan Description

LOT 9876 ON SP 313131

Title Reference

51099977

3. Registered Proprietor/State Lessee

CHRISTOPHER ROGER TAYLOR

4. Interest

FEE SIMPLE

5. Applicant

TR CONSTRUCTIONS PTY LIMITED A.C.N. 111 999 555

6. Request

I hereby request that: A Charge under section 100B of the Building Industry Fairness (Security of Payment) Act 2017 and as set out in the attached evidence be recorded against the land referred to in item 2

7. Execution by applicant

TR CONSTRUCTIONS PTY LTD
A.C.N. 111 999 555

Trevor Roberts

Sole Director and Sole Secretary

1 / 10 / 2020 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Items to be deposited:
- Adjudication Certificate
- Statutory Declaration

SAMPLE

Guide to Completion of Form 14 for Example 35

[14-4720] Item 1

Insert the nature of the request.

[14-4725] Item 2

Insert Lot/Plan description/s and title reference/s.

[14-4730] Item 3

Insert the full name(s) of the registered owner(s) (the respondent).

[14-4735] Item 4

Insert: Fee Simple.

[14-4740] Item 5

Insert the full name of the applicant (the claimant). If the applicant is a company include the Australian Company Number.

[14-4745] Item 6

Insert the appropriate words for the relevant request.

For example:

> I hereby request that: A Charge under section 100B of the Building Industry Fairness (Security of Payment) Act 2017 and as set out in the attached evidence be recorded against the land referred to in item 2.

[14-4750] Item 7

Execute as required.

Example 36 – Extension of Charge under the Building Industry Fairness (Security of Payment) Act

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

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OFFICE USE ONLY

Privacy Statement
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1. Nature of request

RECORD THE EXTENSION OF STATUTORY CHARGE 960000677

Lodger (Name, address, E-mail & phone number)

TR CONSTRUCTIONS P/L
PO BOX 53
BRISBANE 4001
trconstructions@email.com

Lodger Code

2. Lot on Plan Description

LOT 9876 ON SP 313131

Title Reference

51099977

3. Registered Proprietor/State Lessee

CHRISTOPHER ROGER TAYLOR

4. Interest

STATUTORY CHARGE 960000677

5. Applicant

TR CONSTRUCTIONS PTY LIMITED A.C.N. 111 999 555

6. Request

I hereby request that: Statutory Charge dealing number 960000677 be extended pursuant to section 100C(2) and (4) of the Building Industry Fairness (Security of Payment) Act 2017 and in accordance with the attached evidence.

7. Execution by applicant

TR CONSTRUCTIONS PTY LTD
A.C.N. 111 999 555

Trevor Roberts

Sole Director and Sole Secretary

1 / 10 / 2020 .....
Execution Date **Applicant's or Solicitor's Signature**
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

NOTE: Items to be deposited:
- Copy of Court Order extending the charge

SAMPLE

Guide to Completion of Form 14 for Example 36

[14-4755] Item 1

Insert the nature of the request.

[14-4760] Item 2

Insert Lot/Plan description/s and title reference/s.

[14-4765] Item 3

Insert the full name(s) of the registered owner(s) (the respondent).

[14-4770] Item 4

Insert: the dealing number of the Statutory Charge to be extended.

[14-4775] Item 5

Insert the full name of the applicant (the claimant). If the applicant is a company include the Australian Company Number.

[14-4780] Item 6

Insert the appropriate words for the relevant request.

For example:

> Statutory Charge dealing number XXXXXXXXX be extended pursuant to section 100C(2) and (4) of the Building Industry Fairness (Security of Payment) Act 2017 and in accordance with the attached evidence.

[14-4785] Item 7

Execute as required.

Example 37 – Removal of a Charge under the Building Industry Fairness (Security of Payment) Act

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

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OFFICE USE ONLY

Privacy Statement
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1. Nature of request

RECORD THE RELEASE OF
STATUTORY CHARGE 960000677

Lodger (Name, address, E-mail & phone number)

RHODES AND ASSOCIATES
SOLICITORS
PO BOX 99
BRISBANE 4001
Nicholas.Rhodes@rhodesandassoc.com.au

Lodger Code

2. Lot on Plan Description

LOT 9876 ON SP 313131

Title Reference

51099977

3. Registered Proprietor/State Lessee

CHRISTOPHER ROGER TAYLOR

4. Interest

STATUTORY CHARGE 960000677

5. Applicant

CHRISTOPHER ROGER TAYLOR

6. Request

I hereby request that: Statutory Charge dealing number 960000677 be removed pursuant to section 100D(4) of the Building Industry Fairness (Security of Payment) Act 2017 and in accordance with the attached statutory declaration.

7. Execution by applicant

Nicholas Rhodes
SOLICITOR

15 / 1/ 2021 .....
Execution Date **Applicant's or Solicitor's Signature**

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

NOTE: Items to be deposited:
- *For a Release where the request is made by the registered owner:* Statutory Declaration by Applicant (respondent/registered owner)
- *For a Setting Aside:* Copy of Court Order setting the Statutory Charge aside.

SAMPLE

Guide to Completion of Form 14 for Example 37

[14-4790] Item 1

Insert the nature of the request. (Either Release or Setting Aside)

[14-4795] Item 2

Insert Lot/Plan description/s and title reference/s.

[14-4800] Item 3

Insert the full name(s) of the registered owner(s) (the respondent(s)).

[14-4805] Item 4

Insert: the dealing number of the Statutory Charge.

[14-4810] Item 5

Insert the full name of the applicant. If the applicant is a company include the Australian Company Number.

The applicant will be:

- *For a Release - request by claimant* – the claimant;
- *For a Release – request by registered owner* – the registered owner;
- *For a Setting Aside* – the registered owner.

[14-4815] Item 6

Insert the appropriate words for the relevant request.

For example:

- *For a Release - request by claimant:*

  Statutory Charge dealing number XXXXXXXXXX be removed pursuant to section 100D(2) of the Building Industry Fairness (Security of Payment) Act 2017.
- *For a Release – request by registered owner:*

  Statutory Charge dealing number XXXXXXXXX be removed pursuant to section 100D(4) of the Building Industry Fairness (Security of Payment) Act 2017 and in accordance with the attached statutory declaration.
- *For a Setting Aside:*

  Statutory Charge dealing number XXXXXXXXX be removed pursuant to section 100E(4) of the Building Industry Fairness (Security of Payment) Act 2017 and in accordance with the attached court order.

[14-4820] Item 7

Execute as required.

Example 38 – Request to Cancel Expired Lease

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

Duty Imprint

FORM 14 Version 4

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

REQUEST TO CANCEL EXPIRED LEASE

Lodger (Name, address, E-mail & phone number)

Cooper and Associates
218 EDWARD ST
BRISBANE QLD 4000
mail@cooperlaw.com.au
(07) 3278 5943

Lodger Code

005A

2. Lot on Plan Description

LOT 27 ON RP131121

Title Reference

18329006

3. Registered Proprietor/State Lessee

SMALL SHOPPING CENTRE PTY LTD A.C.N. 001 002 003

4. Interest

LEASE NO. 724074211

5. Applicant

SMALL SHOPPING CENTRE PTY LTD A.C.N. 001 002 003

6. Request

I hereby request that: the lease noted in Item 4 be cancelled and removed from title as the option was not exercised, as confirmed in the attached statutory declaration.

7. Execution by applicant

Dianne Allyson Smith
Sole Director and Secretary
Small Shopping Centre Pty Ltd
A.C.N. 001 002 003

DSmith

18 / 06 / 2025
Execution Date

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

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

SAMPLE

Example 38 cont.

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [18329006**]**

Oaths Act 1867

STATUTORY DECLARATION

I, **DIANNE ALLYSON SMITH**, of **45 Queen Street**, **Brisbane,** in the **State of Queensland** solemnly and sincerely declare that:

1. I am the Sole Director and Secretary of Small Shopping Centre Pty Ltd A.C.N. 001 002 003, and I am duly authorised to make this declaration.
2. The Lease registered under Dealing No. 600290364 on Title Reference 18329006 has expired and the Option to renew was not exercised by the Lessee.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

SCooper
……
Signature

17 / 09 / 2025
Execution Date

Dsmith
……
Declarant's Signature

Sean Cooper
……
Full Name

Solicitor
……
Type of Witness*[2]

Cooper and Associates
……
Name of Law Practice / Witness's Place of Employment*[3]

SAMPLE

Guide to Completion of Form 14 for Example 38

[14-4825] Item 1

Insert ‘Request to Cancel Expired Lease’

[14-4830] Item 2

Insert Lot/Plan description/s and title reference/s.

[14-4835] Item 3

Insert the full name(s) of the registered owner(s)

[14-4840] Item 4

Insert: ‘Lease No. <dealing number of Lease(s) to be cancelled>’

[14-4845] Item 5

Insert the full name of the applicant. If the applicant is a company include the Australian Company Number.

[14-4850] Item 6

Insert the appropriate words for the relevant request.

For example:

> ‘I hereby request that the lease noted in Item 4 be cancelled and removed from title as the option was not exercised as confirmed in the attached statutory declaration.’

[14-4855] Item 7

Execute as required.

Example 39 - Post-Registration Correction of a Survey Plan (Cadastral Surveyor Person - Interests or Surveyor's Certification not affected)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

FORM 14 Version 4
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Duty Imprint

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

POST REGISTRATION CORRECTION TO PLAN SP123456

Lodger (Name, address, E-mail & phone number)

John Brown Surveys
123 Main Street
SPRINGFIELD QLD 4300
lodgements@jbsurveys.com.au

Lodger Code

2. Lot on Plan Description

N/A

Title Reference

N/A

3. Registered Proprietor/State Lessee

N/A

4. Interest

N/A

5. Applicant

JOHN WILLIAM BROWN

6. Request

I hereby request that: the plan identified in Item 1 be corrected in accordance with Direction 23.5 of the Registrar of Titles Directions for the Preparation of Plans, as described in the enclosed letter.

7. Execution by applicant

John William Brown
Cadastral Surveyor

JBrown

17 / 09 / 2025
Execution Date

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

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

SAMPLE

John Brown Surveys
123 Main St, Springfield QLD 4300
info@jbrownsurveys.com.au

Registrar of Titles
C/- Titles Queensland Corrections
GPO Box 1401
Brisbane QLD 4001

Dear Registrar

RE: Post Registration Correction to SP123456

The register is in error in relation to SP123456 that was certified by me personally.

There is a typographical error in the Permanent Marks (PM) table on sheet 1 in relation to the row labelled 1-OPM, where the PM number is incorrectly identified as 201138, instead of the correct PM number 201168.

In reviewing our field records for the survey, the error relates to a data coding error when the PM was surveyed, and this error was not identified in quality assurance checks on the plan. The PM number 201168 has been confirmed being correct by field inspection of the stamped number, and by correlation with Qld Globe and SCDB.

Please refer to the enclosed deposited copy of the current registered version of the plan which shows the changes to be made. Your attention is drawn the requested corrections in square brackets and a revision cloud.

The rights of the holder of any interests recorded in the register, are not prejudiced by this correction.

Sincerely

JBrown

John William Brown
Cadastral Surveyor

SAMPLE

Example 40 - Post-Registration Correction of a Survey Plan (Cadastral Surveyor Corporation - Interests or Surveyor's Certification affected)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

FORM 14 Version 4
Duty Imprint

Dealing Number

OFFICE USE ONLY

Privacy Statement
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1. Nature of request

POST REGISTRATION CORRECTION TO PLAN SP123456

Lodger (Name, address, E-mail & phone number)

Surveyor Corporation Pty Ltd
123 Main Street
SPRINGFIELD QLD 4300
lodgements@surveyor.com.au

Lodger Code

2. Lot on Plan Description

N/A

Title Reference

N/A

3. Registered Proprietor/State Lessee

N/A

4. Interest

N/A

5. Applicant

SURVEYOR CORPORATION PTY LTD A.C.N. 123 456 789

6. Request

I hereby request that: the plan identified in Item 1 be corrected in accordance with Direction 23.5 of the Registrar of Titles Directions for the Preparation of Plans, as described in the enclosed statutory declaration.

7. Execution by applicant

John William Brown
Director
Surveyor Corporation Pty Ltd
A.C.N. 123 456 789

17 / 09 / 2025
Execution Date

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

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

SAMPLE

Example 40 (contd)

QUEENSLAND TITLES REGISTRY
Land Title Act 1994, Land Act 1994
and Water Act 2000

DECLARATION

Title Reference [N/A]

Oaths Act 1867

STATUTORY DECLARATION

I, **John William BROWN, a Director of Surveyor Corporation Pty Ltd A.C.N. 123 456 789**, of **123 Main Street, SPRINGFIELD** in the **State of Queensland** solemnly and sincerely declare that:

1. The register is in error in relation to SP123456 that was certified by Surveyor Corporation Pty Ltd
2. There is an error in the calculated area of Lot 5 which is currently shown on the plan as 5.466 hectares, which instead should be 5.467 hectares.
3. The calculated Bowditch adjusted area for Lot 5 was 5.4665 hectares before rounding, however the area shown on the plan was rounded as per section 9.35.2 of the Cadastral Survey Requirements (CSR) version 6 to the nearest even digit.
4. Rounding of areas in section 9.33.2 of CSR version 8.02 which was current when the plan was certified, requires that where the digit immediately following the last digit to be retained is exactly 5 or greater, that digit should be increased by one.
5. The area for Lot 5 has been calculated from the currently registered version of the plan by a Bowditch adjusted area, and this calculation in conjunction with the relevant section 9.33.2 of CSR version 8.02, confirms that the correct area for Lot 5 is 5.467 hectares.
6. Please refer to the enclosed deposited copy of the current registered version of the plan which shows the changes to be made. Your attention is drawn to the requested corrections in square brackets and a revision cloud.
7. The rights of the holder of any interests recorded in the register, are not prejudiced by this correction.

and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths Act 1867.

I declare that the contents of this statutory declaration are true and correct. Where the contents of this declaration are based on information and belief, the contents are true to the best of my knowledge and I have stated the source of that information and grounds for the belief.

I understand that it is a criminal offence to provide a false matter in a declaration, for example, the offence of perjury under section 123 of the Criminal Code.

I state that*[1]:

~~A. This declaration was made in the form of an electronic document.~~

~~B. This declaration was electronically signed.~~

~~C. This declaration was made, signed and witnessed under part 6A of the *Oaths Act 1867*~~

D. This Declaration was physically signed in the physical presence of the witness.

JPreston		JBrown
Signature	17 / 09 / 2025 **Execution Date**	**Declarant's Signature**
John James Preston		
Full Name		
Solicitor		
Type of Witness*[2]		
Big Law Firm		
Name of Law Practice / Witness's Place of Employment*[3]		

SAMPLE

Guide to Completion of Form 14 for a Post-Registration Correction of a Survey Plan (Examples 39 and 40)

[14-4860] Item 1

Insert Post-Registration Correction and Plan Number, e.g. 'Post Registration Correction to Plan SP123456'

[14-4865] Item 2

Insert N/A

[14-4870] Item 3

Insert N/A

[14-4875] Item 4

Insert N/A

[14-4880] Item 5

The applicant must be the cadastral surveyor person, or surveyor corporation that executed the plan being corrected, unless otherwise authorised by section 32 the *Survey and Mapping Infrastructure Act 2003*. If the applicant is a surveyor corporation the Australian Company Number must be included.

[14-4885] Item 6

Where interests or surveyor's certification **are not affected**, insert the appropriate words for the relevant request.

For example:

> 'I hereby request that: the plan identified in Item 1 be corrected in accordance with Direction 23.5 of the Registrar of Titles Directions for the Preparation of Plans, as described in the enclosed letter'

Where interests or surveyor's certification **are affected**, insert the appropriate words for the relevant request.

For example:

> 'I hereby request that: the plan identified in Item 1 be corrected in accordance with Direction 23.5 of the Registrar of Titles Directions for the Preparation of Plans, as described in the enclosed statutory declaration.'

[14-4890] Item 7

A surveyor person can execute in their individual capacity, see Example 39.

For a surveyor corporation, the execution should be made by a company officer (e.g. Director), or authorised person (e.g. delegate), and an execution clause must be included detailing the name and position of the signatory, see Example 40.

[14-4895] Supporting Evidence

Where interests or surveyor's certification **are not affected**:

Refer to direction 23.5.1 (Interests or Surveyor's Certification not affected not affected) in the Registrar of Titles Directions for the Preparation of Plans (RTDPP). See Example 39.

Where interests or surveyor's certification **are affected**:

Refer to direction 23.5.2 (Interests or Surveyor's Certification affected) in the Registrar of Titles Directions for the Preparation of Plans (RTDPP). See Example 40.

[14-5500] Duty

Set out below is an alphabetical list of likely Form 14 – General Requests, with information as to whether a request requires a Queensland duty notation. The list was prepared in consultation with the Queensland Revenue Office.

FORM 14 – GENERAL REQUEST LIST OF LIKELY REQUESTS	DUTY NOTATION REQUIRED
Abolishment of council and vesting in another	No
Acquisition of land by Commonwealth	No
Agreement – River Improvement Trust Act 1940	No
Amalgamation of Water Allocation	No
Annulment of bankruptcy	Yes
Application for title by possession (executed after 1 March 2002)	Yes
Application under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012	Yes
Cancellation of a caveat	No
Cancellation of expired lease of freehold or water allocation lodged in the first unexercised option period see part 7, esp. [7-2200])	Yes*
Cancellation of expired lease over freehold or water allocation lodged after the first unexercised option period see part 7, esp. [7-2200])	No
Cancellation of an Agreement – Local Government (Planning and Environment) Act 1990	No
Cessation of Public Trustee as administrator	No
Change or correction of name of corporation	No
Change or correction of name of natural person	No
Change of Water Allocation	No
Correction of deed of grant (s. 359 of the Land Act 1994)	No
Determination of lease	Yes*
Discharge of trustee only	Yes
Discharge/Satisfaction/Cancellation of Writ	No
Disclaimer of lease	Yes*
Divest and Vest – changing registered proprietor details	Yes
Divest and Vest – no change to registered proprietor details	Yes
Extinguishment of lease other than surrender	Yes
Merger of lease	No
Notice of forfeiture, foreclosure and vesting	Yes
Order of the court – changing registered proprietor details	Yes
Order of the court –no change to registered proprietor details	Yes
Order in Council	No
Proclamation resuming land (State)	Yes
Proclamation resuming easement (State)	Yes
Realignment of a road – notification	No
Realignment of a road – determination	No
Removal of trustee only	Yes
Resignation of trustee only	Yes

FORM 14 – GENERAL REQUEST LIST OF LIKELY REQUESTS	DUTY NOTATION REQUIRED
Retirement of trustee only	Yes
Register any direction, licence or order of the Supreme Court not being a vesting order	No
Removal of carbon abatement interest	No
Removal of charge created by a will	Yes
Removal of instalment contract caveat	No
Revocation of proclamation resuming land	No
Revocation of proclamation resuming easement	No
Request for separate indefeasible titles	No
Request to record change of name by a corporation	No
Request to record change of name by a natural person	No
Request to record correction of name	No
Request to record first CMS	No
Request to record new CMS	No
Request to record reservation of name for a community titles scheme	No
Request to record change of address of a body corporate	No
Request to record removal of profit a prendre	No
Request to register standard terms document (s. 169 of the Land Title Act 1994 or s. 317 of the Land Act 1994)	No
Subdivision of Water Allocation	No
Transmission by bankruptcy – registered proprietor	Yes
Transmission by bankruptcy – lessee, etc	Yes
Vesting order – land	Yes
Vesting order – not land	Yes
Withdrawal of caveat (by equitable mortgagee)	No
Withdrawal of caveat (other than by equitable mortgagee)	No

*only where the lease commenced before 1 January 2006 and no Form 13 – Amendment of Lease altering the commencement date has been registered.

[14-7000] eConveyancing

[14-7010] Electronic Conveyancing and Electronic Conveyancing Document

Electronic Conveyancing (or eConveyancing) is the term used to refer to the electronic preparation, lodgement, processing and registration of instruments and other documents (Electronic Conveyancing Documents) in accordance with the *Land Title Act 1994* (Qld) and the Electronic Conveyancing National Law (Queensland) (the ECNL). eConveyancing is the primary method of conveyancing in Queensland, and its use is mandated for a number of instruments and documents. Refer to part [14-7105 and 62-6000] for further information on the application of the eConveyancing mandate An Electronic Conveyancing Document is a document under the ECNL that is lodged electronically through an Electronic Lodgment Network (see s. 14B of the Land Title Act and s. 7 of the ECNL). For more information, refer to Part 62 – eConveyancing.

The terms Electronic Conveyancing and eConveyancing are used interchangeably in this Part and throughout the Land Title Practice Manual.

[14-7100] Scope Restrictions

Refer to the Titles Queensland website for the list of transactions currently available through eConveyancing

[14-7105] Electronic Conveyancing Mandate

The eConveyancing mandate commenced on 20 February 2023 and applies to all industry professionals who are eligible to become subscribers of an Electronic Lodgment Network Operator (ELNO); as well as to Corporate Entities who are lodging a required instrument.

The mandate, introduced by the *Land Title Regulation 2022* provides that certain types of Titles instruments, known as required instruments, must be lodged through an Electronic Lodgment Network (ELN). For more information, refer to Part [62-6000] – eConveyancing Mandate.

When a Form 14 is used for the purpose of withdrawing a caveat it is a required instrument under the Regulation and is therefore required to be lodged through a ELN unless an exemption applies. For more information refer to Parts [62-6010], [11-5320] and [11-5610] as well as the Titles Queensland website.

Because the Electronic Lodgment Network Operators (ELNOs) regularly update their functionality in conjunction with Titles Queensland, and the Queensland Revenue Office (QRO), a current list of required instruments and their inclusions and exemptions is maintained on the Titles Queensland website rather than in the Land Title Practice Manual to ensure the information is as current and accurate as possible.

ELN Subscribers should therefore refer to the Titles Queensland website for the list of required instruments to be lodged through eConveyancing as well as any exemptions that may apply. Specifically, ELN Subscribers should confirm that the instrument is not exempt and is included in the mandate before attempting to lodge the instrument by way of eConveyancing.

[14-7110] Exemptions to Required Instruments

There are two categories of exemptions that may apply to required instruments, these are general exemptions, and instrument specific exemptions.

The general exemptions to the mandate are those which are contained in the Regulation and apply to all instruments required to be lodged through eConveyancing. These general exclusions can be found in Part [62-6022] of the Manual and on the Titles Queensland Website.

Instrument specific exemptions are those exclusions which apply only to a specific instrument (for example a Form 14 - Withdrawal of Caveat) and a list of these exclusions can be found on the Titles Queensland Website and are updated from time to time as the functionality of each instrument changes.

[14-7115] When an Exemption Applies

In circumstances where an exemption applies, an Exemption Request Form (ERF) should be completed. For further information refer to Part [62-6040].

[14-7200] Prescribed Requirements – Form 14 (electronic)

Under the Participation Rules (Queensland) a Prescribed Requirement is a published requirement of the Registrar that Subscribers to an Electronic Lodgment Network are required to comply with.

Currently there are no prescribed requirements for a Form 14 (electronic).

[14-7300] Attachments

An attachment cannot be included with an Electronic Conveyancing Document unless:

- it is in the circumstances detailed in this section; and
- the attachment only includes the stated evidence required in those circumstances.

Attachments must be uploaded in portable document format (PDF). For information regarding uploading attachments, refer to the relevant Electronic Lodgment Network Operator.

[14-7301] Requests relating to a Caveat

Instrument being Lodged	Attachment Type	Notes / Guidance
Removal of Caveat	Court Order	See Part [11-2080]
Notice under section 126(2) of the *Land Title Act 1994*	Notice Served	See Part [11-2035]

[14-7302] Requests relating to a Charge or Statutory Charge

Instrument being Lodged	Attachment Type	Notes / Guidance
Statutory Charge	Details of Charge	Depending on the type of statutory charge being recorded, supporting evidence may not be required, see Part 14
Removal of Statutory Charge	Supporting Evidence	Depending on the type of statutory charge being removed, supporting evidence may not be required, see Part 14
Charge	Details of Charge	Depending on the type of charge being recorded, supporting evidence may not be required, see Part 14
Removal of Charge	Supporting Evidence	Depending on the type of charge being removed, supporting evidence may not be required, see Part 14

[14-7303] Requests relating to a Writ of Execution / Enforcement Warrant

Instrument being Lodged	Attachment Type	Notes / Guidance
Cancellation of a Registered Writ	Certificate of Search	See Part [14-2125]
Satisfaction of a Registered Writ	Evidence of Satisfaction	See Part [14-2125]

[14-7304] Requests relating to Plans and Surveying matters

Instrument being Lodged	Attachment Type	Notes / Guidance
Request to Record a Notice of Realignment	Notice of Realignment	See s. 61(6) of the *Local Government Act 2009*
Request to Record a Determination of Realignment	Determination Notice	See s. 65(4)(b) of the *Local Government Act 2009*

[14-7305] Requests relating to Administrative Advices

Instrument being Lodged	Attachment Type	Notes / Guidance
Administrative Noting Miscellaneous	Supporting Evidence	For information regarding the required supporting evidence for the various Administrative Noting Miscellaneous types, see Part [52-0280]
Appointment of Administrator	Supporting Evidence	See Part [52-0070]
Carbon Farming Interest	Supporting Evidence	See Part [52-0125]
Notice of Intention to Resume	Supporting Evidence	See Part [52-0100]
River Improvement Trust Notice	River Improvement Trust - Improvement Notice	See Part [52-0110]

[14-7306] Requests relating to Recording an Interest or Noting on title

Instrument being Lodged	Attachment Type	Notes / Guidance
Request to Record a Declared Beach Area	Land Act Regulation	See s. 431Q of the *Land Act 1994*

[14-7307] Requests relating to Orders of the Court

Instrument being Lodged	Attachment Type	Notes / Guidance
Order of the Court (relating to an Interest)	Court Order	A copy of the court order must be deposited.

[14-8000] Fees

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

[14-9000] Cross References and Further Reading

Part 1 – Transfer

Part 2 – Mortgage (National Mortgage Form)

Part 11 – Caveat

Part 12 – Request to Register Writ or Warrant of Execution

Part 20 – Schedule, Enlarged Panel, Additional Page, Declaration or Standard Terms Document

Part 45 – Body Corporate and Community Management Schemes

Part 49 – Water Allocations

Part 52 – Administrative advices

[14-9050] Notes in text

Note[1] – This numbered section, paragraph or statement does not apply to water allocations.

Note[2] – This numbered section, paragraph or statement does not apply to State land.

Note[3] – This numbered section, paragraph or statement does not apply to freehold land.