

# Part 14 – General Request

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## Part 14 – General Request

### General Law

[14-0000]

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.

### <sup>1,2</sup>Body Corporate and Community Management Requests

[14-0100]

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

### <sup>1,2</sup>Reservation of Name

[14-0110]

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.

### <sup>1,2</sup>Community Management Statement

[14-0120]

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.

## **<sup>1,2</sup>Change of address of Body Corporate**

[14-0130]

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 [14-2700].

## **Legislation**

[14-1000]

### **<sup>2</sup>Application of the *Land Title Act 1994* to the *Water Act 2000***

Under the provisions of the *Water Act*, the *Land Title Act* applies to the registration of an interest or dealing for a water allocation on the water allocations register subject to some exceptions.

A relevant interest or dealing may be registered in a way mentioned in the *Land Title Act* and the Registrar of Water Allocations may exercise a power or perform an obligation of the Registrar of Titles under the *Land Title Act*:

- (a) as if a reference to the Registrar of Titles were a reference to the Registrar of Water Allocations; and
- (b) as if a reference to the freehold land register were a reference to the water allocations register; and
- (c) as if a reference to freehold land or land were a reference to a water allocation; and
- (d) as if a reference to a lot were a reference to a water allocation; and
- (e) with any other necessary changes.

### **<sup>1,3</sup>Reference to the Chief Executive in the *Land Act 1994***

The functions of the Chief Executive under the *Land Act* relating to the keeping of registers are carried out by the Registrar of Titles under delegation given under s. 393 of that Act.

## **Practice**

### **Request to Record Correction or Change of Name**

[14-2000]

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 interests 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.

## Natural Person

[14-2010]

To correct or change the name of a natural person, a Form 14 – General Request must be lodged with a Form 20 – Declaration (statutory) 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 he or she will:

- (a) retain his or her previous legal name (e.g. birth name); or
- (b) adopt the surname of his or her 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 his/her/their legal name;
- Mary and/or Tom may adopt a surname of Brown-Green as his/her/their legal name.

Conversely, when a person who adopted his or her 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 his or her partner or ends the civil partnership, he or she may revert to his or her previous legal name as his or her 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 his/her 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

**Note** – Where an office copy is required the copy must be certified by the issuing authority. For further information on depositing supporting evidence see part 60 – Miscellaneous, esp. [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 hold as joint tenants and both their names are incorrect or have changed), only one Form 14 – General Request is required.

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.

## Corporation

[14-2020]

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 an office 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.

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.

### **Documents to be Deposited When Requesting Change or Correction of Name**

[14-2025]

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 [60-1030].

However, if a statutory declaration, made by a lawyer, is deposited stating that:

- (1) the error was made in the document that recorded the owner's or the holder's name/s; and
- (2) the document was prepared by him/her,

then 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.

## Incorporated Association

[14-2030]

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 [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 [60-1030].

See Example 3.

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

[14-2040] deleted

## Transition from an Incorporated Association to a Company Registered under the *Corporations Act 2001* (Cth)

[14-2035]

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 [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.

## Request to Remove Expired Lease from Title

[14-2045]

See part 7 – Lease, esp [7-2200]. See Example 4.

## Request to Register Merger of Interest

[14-2050]

A merger of interest may occur in the following circumstances:

- <sup>2</sup>merger of mortgage see [14-2060];
- <sup>2</sup>merger of lease see [14-2070];
- <sup>1</sup>merger of easement see [14-2080]; and
- <sup>1,2</sup>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 his/her own right, i.e. not as trustee. In that situation, the leasehold interest cannot merge with the freehold interest.

### <sup>2</sup>Merger of Mortgage

[14-2060]

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.

### <sup>2</sup>Merger of Lease

[14-2070]

Where a lessee becomes the registered owner of:

- a lot; or
- <sup>1</sup>part of the lot;

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. 115 of the *Property Law Act 1974*). 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.

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.

### **<sup>1</sup>Merger of Easement (Extinguishment under s. 87A of the *Land Title Act 1994* or s. 368(2) of the *Land Act 1994*)**

[14-2080]

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.

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.

### **Withdrawal of Caveat and Discharge, Satisfaction, Cancellation and Withdrawal of Writ of Execution**

[14-2090]

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.

### **Withdrawal, Removal and Cancellation of Caveat**

[14-2100]

#### **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.

#### **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 (s. 159 of the *Land Title Act 1994* or s. 308 of the *Land Act 1994*).

#### **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.

See Example 8.

#### **Removal of lapsed caveat**

Any person can 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.

#### **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.

Sufficient evidence must be included with the Form 14 – General Request to Cancel Caveat to satisfy the Registrar of one of the above circumstances, including a Form 20 – Declaration setting out the grounds supporting the request and any relevant documentary evidence.

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.

#### **Partial Withdrawal of registered Caveat by Caveator**

[14-2110]

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
- <sup>1</sup>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.

A caveator can partially withdraw a registered caveat by lodging a Form 14 – Request to Partially Withdraw Caveat which can be signed by the caveator or by the caveator's current solicitor. The parcels or the part of the title over which the caveat is to be withdrawn must be clearly identified.

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

**<sup>2</sup>Instalment Contract Caveat**

[14-2120]

A caveat lodged to protect a purchaser's interest under an instalment contract pursuant to s. 74 of the *Property Law Act 1974*, may be removed or withdrawn by a Form 14 – General Request. Lodgement fees are payable, however, a duty notation is not required.

**Discharge, Satisfaction or Cancellation of Writ of Execution**

[14-2125]

**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 [60-1030].

All items on the Form 14 must be appropriately completed. Applicable lodgement fees must be paid. See Example 7.

**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 [60-1030].

All items on the Form 14 must be appropriately completed. Applicable lodgement fees must be paid. See Example 9.

**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.

### **Withdrawal of Writ of Execution Issued by the Registrar of SPER**

[14-2127]

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.

### **Partial Discharge, Satisfaction or Cancellation of Writ of Execution**

[14-2130]

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

- 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
- <sup>1,2</sup>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.

<sup>2</sup>Where a writ of execution is registered over a lot which is subsequently subdivided, the writ then affects the new titles created by the:

- <sup>1</sup> plan of subdivision for freehold land; or
- <sup>3</sup> subdivision of a water allocation;

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.

[14-2140] deleted

**Extension of Writ of Execution**

[14-2150]

Refer to part 12, esp [12-2010] and [12-2020]. See Example 10.

**Standard Terms Document Forming Part of Instrument/Document**

[14-2160]

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 Record Transmission by Bankruptcy**

[14-2170]

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 he/she has 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.

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

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.

## **Bankruptcy of Debtor or Deceased Debtor's Estate**

[14-2180]

A person may become bankrupt:

- On the acceptance of their own petition (Debtor's Petition) by the Official Receiver through the Insolvency and Trustee Service Australia (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 Insolvency and Trustee Service Australia 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 Insolvency and Trustee Service Australia (ITSA) 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;
- <sup>1, 2</sup>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*).

See Examples 12 and 13.

[14-2190] to [14-2200] deleted

### **Trustee by Part IV Composition or Arrangement, Part IX Debt Agreement or Part X Personal Insolvency Agreement**

[14-2210]

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.

### ***Bankruptcy Legislation Amendment Act 2004 (Cth)***

[14-2220]

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.

**Part X arrangement entered into prior to 1 December 2004**

[14-2225]

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.

**Controlling Trustee under Part X of the *Bankruptcy Act 1966* (Cth)**

[14-2230]

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*).

<sup>2</sup>Section 189AB of the *Bankruptcy Act* creates a statutory charge. That charge is a caveatable interest and a caveat may be lodged (see part 11, esp [11-0030]).

**Powers of a Trustee**

[14-2240]

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. <sup>1</sup>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. 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).

### **Annulment of Bankruptcy**

[14-2250]

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.

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:

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

### **Disclaimer**

[14-2260]

#### **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 to validate the trustee's right to disclaim must be deposited.



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 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
- the notified persons have not, within 28 days 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 effect to s. 133(2) of the *Bankruptcy Act 1966* (Cth), a Form 14 – General Request to register 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 to validate the trustee's right to disclaim.
- 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)).

A statutory declaration by the liquidator as to the service of notice of the disclaimer and any response received (s. 568A(1)(b) of the *Corporations Act 2001* (Cth)) must be deposited with the Form 14.

The administrative advice will alert interested parties that all rights, interest 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 *Land 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.

A statutory declaration by the liquidator as to the service of notice of the disclaimer and any response received (s. 568A(1)(b) of the *Corporations Act 2001* (Cth)) must be deposited with the Form 14. A lessor may make this declaration if the liquidator is unwilling to do so provided the relevant lease has no affected interests e.g. mortgages and sub-leases.

Where a lease being disclaimed has an affected interest, evidence that the Notice of Disclaimer was served on that party is also required to be deposited. A period of 14 days from when the Notice of Disclaimer was served is required to have elapsed before registration of the Form 14 under s. 568C(3) of the Corporations Act.

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.

**Charge under s. 139ZN or 139ZR of the *Bankruptcy Act 1966* (Cth)**

[14-2270]

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.

## 1,<sup>2</sup>Interest for Life

[14-2280]

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.

### 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.

## 1,<sup>2</sup>Application for Title by Adverse Possession

[14-2290]

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*.

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*, 6th edn, Thomson Sweet & Maxwell, 2003.
- (2) Butt, P, *Land Law*, 5th edn, Thomson Lawbook Co, 2005.
- (3) Bradbrook, A, MacCallum, S and Moore, AP, *Australian Real Property Law*, 4th edn, Thomson Lawbook Co, 2007.
- (4) Wallace et al, *Real Property Law in Queensland*, 4<sup>th</sup> edn, Thomson Reuters, 2015.

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 he or she has 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 as far as is known to the applicant 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 his/her 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** executed after 1 March 2002 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.

## Deregistered Company

[14-2300]

### <sup>1,2</sup>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.

## **<sup>2</sup>Foreclosure and Vesting**

[14-2310]

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.

Registry lodgement fees are payable.

See Example 18.

## **<sup>1,2</sup>Dedication of Road by Notice**

[14-2315]

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.

## **<sup>1</sup>Resumption**

[14-2320]

### **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 to forms except where the constructing authority is the State (s. 6(7)(a) of the Land Title Regulation 2015 or s. 87(5)(a) of the Land Regulation 2020). 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.

### **<sup>2</sup>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.

### **<sup>3</sup>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.

## **Vesting Order**

### **By Proclamation**

[14-2330]

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

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

The following practice requirements apply:

- the applicant in Item 5 must be the person in whom the land is vested by the proclamation;
- a copy of the proclamation must be deposited with the Form 14; and
- the Form 14 must have a duty notation.

Registry lodgement fees are payable unless exempted by the legislation that authorises the vesting.



**By Order of the Court**

[14-2332]

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.

Registry lodgement fees are payable.

**Vesting in a Trustee**

[14-2335]

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 1973* 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 [60-1030].

[14-2340] deleted

**Request for Determination of Lease**

[14-2350]

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. 124 of the *Property Law Act 1974***

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 107 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. 124 of the Property Law Act to the Registrar where the lease is determined for repudiation at common law.

## Recording Vesting in an Incorporated Association

[14-2360]

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.

See Example 24 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 is lodged requesting the property of the association to be vested in the Public Trustee of Queensland. The Form 14 – General Request is lodged with a copy of the Order in Council vesting the property in the Public Trustee. Alternatively, the Governor in Council may, by an Order in Council, 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 Order in Council. A duty notation is not required in either case.
- 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.

## Recording Vesting under the Returned & Services League of Australia (Queensland) Branch) Act 1956

[14-2365]

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.

[14-2370] and [14-2380] deleted

## Trustee

[14-2390]

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.

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]).

## Legal and Beneficial Interests Merge

[14-2400]

From time to time the situation will arise where a person (A), being registered on the title as ‘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 he/she (as ‘personal representative’) has effected all executorial duties in respect of the administration of the estate of the deceased proprietor, but has not effected a transfer to himself/herself. See Example 23. A duty notation is required.

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]).

## <sup>1</sup>Application by Local Government under Chapter 4 Part 12 Division 3 of the Local Government Regulation 2012

[14-2410]

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.

<sup>2</sup>If the application is over the whole of the land, a new indefeasible title will not be created. 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.

## **<sup>1</sup>Change of Department Representing the State of Queensland**

[14-2420]

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.

## **<sup>1</sup>Removal of a Profit a prendre**

[14-2425]

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.

## **<sup>1</sup>Order of the Court Modifying or Extinguishing an Easement** [14-2430]

If the court makes a direct order for the extinguishment of an easement or modification of the covenants to an easement, without requiring the participation of the parties to the court application to execute appropriate documentation to give effect to the order (pursuant to s. 181 of the *Property Law Act 1974*), 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.

## **<sup>1, 2</sup>Request to Record Reservation of Name for a Community Titles Scheme**

### **<sup>1, 2</sup>Reservation of Name for Community Titles Scheme** [14-2500]

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.

~~[14-2510] to [14-2520]~~

### **<sup>1, 2</sup>Duplication of Names** [14-2530]

Names may be duplicated or similar only with the prior written approval of the Registrar. Depending on the circumstances, approval may be given subject to either:

- the written consent of the body corporate of the existing scheme; or
- a declaration stating that:
  - the name for the scheme being reserved is not in the same locality as the existing scheme, i.e. not in the same town or city or is not within 100 kilometres of the existing scheme; and

- the existing scheme has been established for some time and is not currently being marketed.

The circumstances may also require other special conditions to be complied with before approval is given.

### **1.2 Extension of Reservation of Name**

[14-2540]

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 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.

### **1.2 Withdrawal of Reservation of Name**

[14-2550]

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**

### **1.2 Community Management Statements**

[14-2600]

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 regulated 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.

[14-2610] deleted

## Request to Record Change of Address for a Community Titles Scheme

### <sup>1,2</sup>Change of Address of Body Corporate

[14-2700]

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 Examples 29, 30 and [14-2600].

## **Update of a Registered Power of Attorney**

[14-2800]

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.

## **<sup>1,2</sup>Charge under the *Land Tax Act 2010***

[14-2810]

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 State Revenue 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.

## **<sup>1,2</sup>Removal of Charge under the *Land Tax Act 2010***

[14-2820]

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 State Revenue or delegate.

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

## **<sup>1</sup>Statutory Charge under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009***

[14-2825]

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.

### **<sup>1</sup>Removal of Statutory Charge under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009***

[14-2827]

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.

### **<sup>1,2</sup>Statutory Charge under the *Retirement Villages Act 1999***

[14-2830]

#### **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 administering 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.

### **<sup>1,2</sup>Release of Statutory Charge under the *Retirement Villages Act 1999***

[14-2840]

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.

### **<sup>1</sup>Charge under the *First Home Owners Grant Act 2000***

[14-2850]

Section 48 of the First Home Owners Grant Act provides for the Commissioner of State Revenue 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 State Revenue 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 State Revenue 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.

### **<sup>1</sup>Removal of Charge under the *First Home Owners Grant Act 2000***

[14-2860]

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 State Revenue 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 State Revenue or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

### **Charge under the *Duties Act 2001***

[14-2870]

Section 198 of the Duties Act provides that the Commissioner of State Revenue 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 State Revenue 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.

## **Removal of Charge under the *Duties Act 2001***

[14-2880]

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 State Revenue or delegate must execute the request.

Lodgement fees apply but a duty notation is not required.

## **<sup>1,2</sup>Charge by utility service provider under the *Body Corporate and Community Management Act 1997***

[14-2890]

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.

## **<sup>1,2</sup>Removal of Charge by utility service provider under the *Body Corporate and Community Management Act 1997***

[14-2900]

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.

## **<sup>1,2</sup>Statutory Charge under the *Building Industry Fairness (Security of Payment) Act 2017***

[14-2905]

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.

## <sup>1,2</sup>Removal of Charge under the *Building Industry Fairness (Security of Payment) Act 2017*

[14-2906]

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.

### **1,2Request for separate indefeasible title for a lot**

[14-2910]

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.

## **2Request for separate title for a tenant in common**

[14-2915]

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.

## **1Local government charge**

[14-2920]

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.

### **1Registration of a charge**

[14-2930]

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* 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.

## **<sup>1</sup>Removal of a charge**

[14-2940]

A registered charge under s. 95 of the *Local Government Act 2009* 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.

[14-2495] and [14-2947] deleted

## **<sup>2,3</sup>Subdivision of a Water Allocation**

[14-2950]

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.

## **<sup>2,3</sup>Amalgamation of Water Allocations**

[14-2960]

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.

## **2,3 Change of Water Allocation**

[14-2970]

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.

## **1,2 Charge under the *Water Supply (Safety and Reliability) Act 2008*** [14-2980]

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.

## **1,2Release of Charge under the *Water Supply (Safety and Reliability) Act 2008***

[14-2990]

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.

## **1,2Amendment of Charge under the *Water Supply (Safety and Reliability) Act 2008***

[14-3000]

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.

## **1,3Condition under s. 362 of the *Water Supply (Safety and Reliability) Act 2008***

[14-3010]

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.

## **<sup>1</sup>Removal of a Carbon Abatement Interest**

[14-3015]

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.

If non-freehold land is involved, the Minister administering the Act must consent to the removal on a Form 18 – General Consent.

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

## **Forms**

### **General Guide to Completion of Forms**

[14-4000]

For general requirements for completion of forms see part 59.

A document that is lodged as an electronic conveyancing document must be accompanied by a set of lodgement instructions identifying the nominated Responsible Subscriber and the order in which the documents are to be lodged. The lodgement instructions must be digitally signed by the Responsible Subscriber for the transaction.

### **Guide to Completion of Form 14 for Examples 1 to 25**

#### **Item 1**

[14-4010]

Insert nature of request.

**Item 2****[14-4020]****<sup>1,2</sup>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

**<sup>2,3</sup>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

**<sup>1,3</sup>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

**Item 3****[14-4030]**

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).

**Item 4****[14-4040]**

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

**Item 5****[14-4050]**

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

- the name or any part of the name of the above, for example a Request to Change Name or Request to Correct Name.

**Item 6****[14-4060]**

Insert details of the Request.

**Item 7****[14-4070]**

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  
Page 1 of 2

*Dealing Number*



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**1. Nature of request**

REQUEST TO RECORD CORRECTION OF NAME

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

**Lodger Code**

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

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

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE, QLD 4060

**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

21/11/2007

**Execution Date**

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

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

**Example 1 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [11345070]**

I, **LOIS JANE FUNG** of 24 Logan Road, Logan in the State of Queensland, Solicitor, do solemnly and sincerely declare as follows:

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*.

**DECLARED AND SIGNED** before me at Brisbane     )  
this 21<sup>st</sup> day of November 2007                     )

*L J Fung*

.....  
(Signature of Declarant)

*W J Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN

.....  
(Name of Witness in Full)

**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  
Page 1 of 2

*Dealing Number*



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**1. Nature of request**

REQUEST TO RECORD CORRECTION OF NAME

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

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

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

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE, QLD 4060

---

**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

21/11/2007

**Execution Date**

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

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



**Example 1A (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [11345070]**

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

1. On 20 May 2003 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*.

**DECLARED AND SIGNED** before me at Brisbane )  
this 21<sup>st</sup> day of November 2007 )

*D K Pearson*  
.....  
(Signature of Declarant)

*W J Brown JP(Qual.) #12345*  
.....  
(Signature of a Justice of the Peace/Solicitor)

**WILLIAM JOHN BROWN**  
.....  
(Name of Witness in Full)

**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*



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**1. Nature of request**

REQUEST TO RECORD A CHANGE OF NAME

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
21

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

**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

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE, QLD 4060

**6. Request**

I hereby request that: in accordance with the declaration dated 21 November 2007 deposited herewith, the change of name of Laura Margaret Barnard to Laura Margaret Windsor be registered.

**7. Execution by applicant**

21/11/07  
**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

**Example 2 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [17688021]**

I, **LAURA MARGARET WINDSOR**, do solemnly and sincerely declare as follows:

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

My true and correct name is as shown in Item 5 on the Form 14 – General Request as **LAURA MARGARET WINDSOR** as on the 14<sup>th</sup> day of August 2007 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.

**DECLARED AND SIGNED** before me at Brisbane     )  
this 21<sup>st</sup> day of November 2007                     )

*L M Windsor*  
.....  
(Signature of Declarant)

*W J Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN

.....  
(Name of Witness in Full)

**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*



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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

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE, QLD 4060

**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

21/11/07

**Execution Date**

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

S Brown, Director  
SAMUEL DENIS BROWN

.....  
G Wolfe, Director/Secretary  
GERALD JOSEPH WOLFE

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

**Example 4 – Request to Record Removal of Expired Lease from Title**

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*



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**1. Nature of request**

REQUEST TO RECORD REMOVAL  
OF EXPIRED LEASE FROM TITLE

**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 27 ON RP131121

**Title Reference**

18329006

**3. Registered Proprietor/State Lessee**

SWANSDOWN PTY LTD ACN 020 777 420

**4. Interest**

LEASE NO. 300290364 (L336621P)

**5. Applicant**

BLACKDON PTY LTD ACN 030 662 421

**6. Request**

I hereby request that: the dealing noted in the attached statutory declaration marked Annexure "A" be removed from the title.

**7. Execution by applicant**

(seal)  
or full name of  
company to be shown

21/11/07

**Execution Date**

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

*D A Smith*, Director  
DIANNE ALLYSON SMITH

.....  
*M Hudson*, Director/Secretary  
MARGARET ALICE HUDSON

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

**Example 4 (contd)**

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

**ANNEXURE "A"**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [18329006]**

This is annexure "A" referred to in the Form 14 – General Request executed for Blackdon Pty Ltd ACN 030 662 421 dated 21 November 2007.

I, **DIANNE ALLYSON SMITH** of Brisbane, in the State of Queensland, Director of Blackdon Pty Ltd ACN 030 662 421 do hereby solemnly and sincerely declare as follows:

1. I am duly authorised to make this declaration.
2. Lease registered under Dealing No 600290364 (L336621P) on Title Reference 18329006 may be removed, as the option to renew has not been exercised.

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

**DECLARED AND SIGNED** before me at Brisbane )  
this 21<sup>st</sup> day of November 2007 )

*D A Smith*  
.....  
(Signature of Declarant)

*W J Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN  
.....  
(Name of Witness in Full)

**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*



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<b>1. Nature of request</b>	<b>Lodger</b> (Name, address, E-mail & phone number)	<b>Lodger Code</b>
REQUEST TO REGISTER MERGER OF LEASE	SMITH & CO. SOLICITORS 218 EDWARD STREET BRISBANE QLD 4000 mail@smithco.com.au (07) 3278 5943	21

---

<b>2. Lot on Plan Description</b>	<b>Title Reference</b>
LOT 1 ON RP112233	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**

21/11/07  
**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

**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  
Page 1 of 1

*Dealing Number*



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**1. Nature of request**

REQUEST TO REGISTER MERGER  
OF EASEMENT NO. 623456789

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
21

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

**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

21/11/07  
**Execution Date**

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

*P D Mazwell*, Director  
PETER DOUGLAS MAZWELL

.....  
*M S Hudson*, Director/Secretary  
MATTHEW STANLEY HUDSON

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



## 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*



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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

21/11/07  
**Execution Date**

*E J Jones*  
.....  
**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 esp. clause [12-2060]

**Example 8 – Request to Record Removal of Caveat**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

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**1. Nature of request**

REQUEST TO RECORD REMOVAL OF CAVEAT

**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 RP112234

**Title Reference**

11223145

**3. Registered Proprietor/State Lessee**

JOHN DONALD BROWNE

**4. Interest**

FEE SIMPLE

**5. Applicant**

JOHN DONALD BROWNE

**6. Request**

I hereby request that: in accordance with the court order dated 3 April 2007 deposited herewith, Caveat No. 630711945 be removed.

**7. Execution by applicant**

21/11/07

**Execution Date***J D Browne*.....  
**Applicant's or Solicitor's Signature**

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

**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*



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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*

21/11/07

**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: Evidence of satisfaction of the debt is required to be deposited see Part 12 esp. clause [12-2070]

**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*



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---

<b>1. Nature of request</b>	<b>Lodger</b> (Name, address, E-mail & phone number)	<b>Lodger Code</b>
REQUEST TO RECORD EXTENSION OF WRIT OF EXECUTION	SMITH & CO. SOLICITORS 218 EDWARD STREET BRISBANE QLD 4000 mail@smithco.com.au (07) 3278 5943	21

---

<b>2. Lot on Plan Description</b>	<b>Title Reference</b>
LOT 2 ON RP223311	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 2007 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	<i>M P Laidlaw, Director</i> MARTIN PETRIE LAIDLAW ..... <i>D T Wright, Director/Secretary</i> DOUGLAS THOMAS WRIGHT .....
21/11/07 <b>Execution Date</b>	<b>Applicant's or Solicitor's Signature</b>

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

**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*



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---

**1. Nature of request**

REQUEST TO REGISTER STANDARD  
TERMS DOCUMENT FOR LEASE

**Lodger** (Name, address, E-mail & phone number) **Lodger  
Code**  
21

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

---

**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

21/11/07

**Execution Date**

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

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

**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  
Page 1 of 3

*Dealing Number*



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<b>1. Nature of request</b>	<b>Lodger</b> (Name, address, E-mail & phone number)	<b>Lodger Code</b>
REQUEST TO RECORD TRANSMISSION BY BANKRUPTCY	SMITH & CO. SOLICITORS 218 EDWARD STREET BRISBANE QLD 4000 mail@smithco.com.au (07) 3278 5943	21

<b>2. Lot on Plan Description</b>	<b>Title Reference</b>
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: USE CURRENT RECORDED ADDRESS

**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*

21/10/07

**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:  

- Extract from the National Personal Insolvency Index;
- Supporting declaration/s.

**Example 12 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 3

**Title Reference [3006134]**

I, **DIGBY NICHOLAS BARTHOLOMEW ROSS** of c/- 13<sup>th</sup> Level, 340 Adelaide Street, Brisbane in the State of Queensland, a Commonwealth Public Servant, do 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*.

**SIGNED AND DECLARED** by **DIGBY NICHOLAS** )  
**BARTHOLOMEW ROSS** at Brisbane in the State of )  
Queensland this 21<sup>st</sup> day of October 2007 )

*D B N Ross*

.....  
(Signature of Declarant)

*H P Thomas JP (Qual.) #19833*

.....  
(Signature of a Justice of the Peace/Solicitor)

HAROLD PETER THOMAS

.....  
(Name of Witness in Full)



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

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

**End of  
Report**

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 advise 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  
Page 1 of 2

*Dealing Number*



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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: LEVEL 30, 1 EAGLE STREET,  
BRISBANE, 4000

**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

21/11/07

**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:

- Extract from the National Personal Insolvency Index (see Example 12);
- Supporting documentation.

**Example 13 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [34567112]**

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

1. On 1 November 2006 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*.

**SIGNED AND DECLARED** by **ARTHUR WAYNE LACHLAN** at Brisbane in the State of Queensland this 21<sup>st</sup> day of November 2007 )  
)  
)

*A W Lachlan*  
.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*  
.....  
(Signature of a Justice of the Peace/Solicitor)

**WILLIAM JOHN BROWN**  
.....  
(Name of Witness in Full)

Example 14 deleted



**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*



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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**

21/11/07

**Execution Date**

*K E Johnstone*

.....  
**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])

**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*



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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**

21/11/07  
**Execution Date**

*J E Cornwall*  
.....  
**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.

## 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  
Page 1 of 4

*Dealing Number*



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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

8/10/07

**Execution Date**

*L F Forbes*

.....  
**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.

**Example 17 (contd)**

**DECLARATION**

**Title Reference [19229134]**

I, **LAWRENCE FABIAN FORBES**, of 3 Brisbane Road, Brisbane in the State of Queensland do 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*.

**SIGNED AND DECLARED** before me at Brisbane     )  
this 8<sup>th</sup> day of October 2007                             )

*L F Forbes*

.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN

.....  
(Name of Witness in Full)

**Example 17 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 3 of 4

**Title Reference [19229134]**

I, **EDITH DORA LEARY**, of 2 Brisbane Road, Brisbane in the State of Queensland do 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*.

**SIGNED AND DECLARED** before me at Brisbane     )  
this 8<sup>th</sup> day of October 2007                             )

*E D Leary*  
.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*  
.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN  
.....  
(Name of Witness in Full)



**Example 17 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 4 of 4

**Title Reference [19229134]**

I, **FRANCIS TERRENCE DARVILLE** of 7 Brisbane Road, Brisbane in the State of Queensland do 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*.

**SIGNED AND DECLARED** before me at Brisbane )  
this 8<sup>th</sup> day of October 2007 )

*F T Darville*

.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN

.....  
(Name of Witness in Full)

**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*



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**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: 22 REAL STREET, ASHGROVE QLD 4060

**6. Request**

I hereby request that: in accordance with the court order dated 20 July 2007 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

21/11/07

**Execution Date**

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

*M J Kendall*, Director  
MARCUS JOHN KENDALL

.....  
*K M Chan*, Director/Secretary  
KEVIN MICHAEL CHAN

**Applicant's or Solicitor's Signature**

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.

## 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



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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: 22 REAL STREET, NARANGBA QLD 4460

---

#### 6. Request

I hereby request that: in accordance with the gazette notice dated 11 May 2007 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  
.....

21/11/07

**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:

- Proclamation revoking resumption.

Example 20 deleted



**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  
Page 1 of 2

*Dealing Number*



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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**

XYZ COPORATION LIMITED ACN 003 976 423

---

**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

21/11/07

**Execution Date**

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

*L Blundell*, Director  
LAUREL BLUNDELL

.....  
*J Smith*, Director/Secretary  
JORDAN RAYMOND SMITH

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

NOTE: Items to be deposited:  
• Supporting documentation.

**Example 21 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [13088190]**

I, **LAUREL BLUNDELL** of 122 Edward Street, Brisbane, Queensland do solemnly and sincerely declare as follows:

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 2002 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 2007 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*.

**SIGNED AND DECLARED** before me at Brisbane     )  
this 21<sup>st</sup> day of November 2007                             )

*L Blundell*  
.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*  
.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN  
.....  
(Name of Witness in Full)

**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  
Page 1 of 1

*Dealing Number*



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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**

JONATHON MATTHEW BRADY AS TRUSTEE UNDER INSTRUMENT NO. 732468931

**4. Interest**

FEE SIMPLE

**5. Applicant**

ANTHEA NICOLA RICHARDS

ADDRESS FOR SERVICE OF NOTICES TO THE APPLICANT: 22 REAL STREET, ASHGROVE QLD 4060

**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**

21/11/07

**Execution Date**

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

*A N Richards*

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

NOTE: Items to be deposited:

- Certified copy of original deed of retirement (or discharge).

**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  
Page 1 of 2

*Dealing Number*



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**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**

10/11/07  
**Execution Date**

*J C Middleton*  
.....  
**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.



**Example 23 (contd)**

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

**DECLARATION**

**FORM 20** Version 2  
Page 2 of 2

**Title Reference [23383085]**

I, **JONATHAN COLIN MIDDLETON** of 30 Inala Avenue, Browns Plains in the State of Queensland do solemnly and sincerely declare as follows:

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 2007 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*.

**SIGNED AND DECLARED** before me at Brisbane     )  
this 10<sup>th</sup> day of November 2007                             )

*J C Middleton*

.....  
(Signature of Declarant)

*WJ Brown JP(Qual.) #12345*

.....  
(Signature of a Justice of the Peace/Solicitor)

WILLIAM JOHN BROWN

.....  
(Name of Witness in Full)

## 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



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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

LOT 999 ON RP999999

**Title Reference**

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: 22 REAL STREET, ASHGROVE QLD 4060

#### 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

21/11/07

**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: 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
- the alternative arrangements whereby the original certificate and a photocopy are presented, checked and the photocopy noted by the Receiving Officer as being a true copy of the original, the noted copy retained and the original returned to the lodger is acceptable.

**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  
Page 1 of 1

*Dealing Number*



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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)

22/11/07

**Execution Date**

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

*J Bloggs*

Authorised Officer

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

**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

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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

21/9/07

**Execution Date**

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

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

## <sup>1</sup>Guide to Completion of Form 14 for Example 26

- |   |           |
|---|-----------|
| <b>Item 1</b>   | [14-4090] |
| Insert the nature of the request.   |           |
| <b>Item 2</b>   | [14-4100] |
| Insert the 'Lot on Plan' descriptions and identify all burdened and, if applicable, benefited lots comprised in the profit a prendre. |           |
| <b>Item 3</b>   | [14-4110] |
| Insert the full name(s) of the registered proprietor(s) or holder(s) of the lot(s) affected by the profit a prendre.                  |           |
| <b>Item 4</b>   | [14-4120] |
| Insert the profit a prendre number.   |           |
| <b>Item 5</b>   | [14-4130] |
| Insert the full name of the applicant.  |           |
| <b>Item 6</b>   | [14-4133] |
| Insert the appropriate words for the relevant request.  |           |
| <b>Item 7</b>   | [14-4136] |
| 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

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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

21/9/07

**Execution Date**

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

*C Johns*, Director  
CHARLES ANTHONY JOHNS.....  
*K Brown*, Director/Secretary  
KENNETH ROBERT BROWN.....  
**Applicant's or Solicitor's Signature**

## 1, 2 **Guide to Completion of Form 14 for Example 27**

### **Item 1**

**[14-4140]**

Insert the nature of the request (i.e. 'Request for reservation of name/extension of reservation of name/withdrawal of reservation of name').

### **Item 2**

**[14-4150]**

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.

### **Item 3**

**[14-4160]**

Insert the full name(s) of the registered owner(s).

### **Item 4**

**[14-4170]**

Insert fee simple.

### **Item 5**

**[14-4180]**

Insert the full name of the applicant.

### **Item 6**

**[14-4190]**

Insert the appropriate words for the relevant request.

### **Item 7**

**[14-4200]**

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*

**Form 14** Version 4  
Page 1 of 1

*Dealing Number*



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<b>1. Nature of request</b>	<b>Lodger</b> (Name, address, E-mail & phone number)	<b>Lodger Code</b>
REQUEST TO RECORD FIRST COMMUNITY MANAGEMENT STATEMENT FOR BRIGHTON VILLA COMMUNITY TITLES SCHEME	SMITH & CO. SOLICITORS 218 EDWARD STREET BRISBANE QLD 4000 mail@smithco.com.au (07) 3278 5943	21

<b>2. Lot on Plan Description</b>	<b>Title Reference</b>
LOT 70 ON SP900432	50046270

<b>3. Registered Proprietor/State Lessee</b>
BRIGHTON PTY LTD ACN 007 768 903

<b>4. Interest</b>
NOT APPLICABLE

<b>5. Applicant</b>
BRIGHTON PTY LTD ACN 007 768 903

<b>6. Request</b>
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

21/10/07

**Execution Date**

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

*C Johns*, Director  
CHARLES ANTHONY JOHNS

.....  
*K R Brown*, Director/Secretary  
KENNETH ROBERT BROWN

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



## 1, 2 **Guide to Completion of Form 14 for Example 28**

### **Lodger Details**

[14-4218]

The name, address, contact phone number and lodger code (if applicable) should be completed by the person/firm actually lodging the request for registration.

### **Item 1**

[14-4220]

Insert the nature of the request.

Example:

‘Request to record first community management statement for Brighton Villa community titles scheme’.

### **Item 2**

[14-4230]

Insert the lot on plan description and title reference for each current parcel which will be subdivided to create the scheme land.

Example:

2. Lot on Plan Description	Title Reference
Lot 70 on RP885798	50046270

### **Item 3**

[14-4240]

Insert the name(s) of the registered owner(s) as per the title(s).

### **Item 4**

[14-4250]

Insert not applicable.

### **Item 5**

[14-4260]

Insert the name of the applicant – registered owner(s).

### **Item 6**

[14-4270]

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’.

### **Item 7**

[14-4280]

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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Page 1 of 1

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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

(seal of body corporate)

*J Cleese*, Chairperson  
JASON JOHN CLEESE

.....  
*C Booth*, Secretary/Treasurer  
CELESTE SYBIL BOOTH

21/10/07

**Execution Date**

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

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

## 1, 2 **Guide to Completion of Form 14 for Example 29**

### **Lodger Details**

[14-4290]

The name, address, contact phone number and lodger code (if applicable) should be completed by the person/firm actually lodging the request for registration

### **Item 1**

[14-4300]

Insert the nature of the request.

Example:

‘Request to record new community management statement for Fawlty Towers community titles scheme 2345.’

### **Item 2**

[14-4310]

Insert the description and title reference for the common property for the scheme.

Example:

2. Lot on Plan Description	Title Reference
Common property of Fawlty Towers community titles scheme 2345	19201331

### **Item 3**

[14-4320]

Insert the name of the body corporate e.g. ‘Body corporate for Fawlty Towers community titles scheme 2345’.

### **Item 4**

[14-4330]

Insert not applicable.

### **Item 5**

[14-4340]

Insert the name of the body corporate e.g. ‘Body corporate for Fawlty Towers community titles scheme 2345’.

### **Item 6**

[14-4350]

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.’

### **Item 7**

[14-4360]

Execution may be by the applicant or applicant’s solicitor. If signed by a solicitor print the full name of the solicitor signing.

### 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

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 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

(seal)

C Johns, Chairperson  
CHARLES ANTHONY JOHNS

.....  
K R Brown, Secretary  
KENNETH ROBERT BROWN

21/10/07

Execution Date

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

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

**1, 2 Guide to Completion of Form 14 for Example 30**

- |  |           |
|--|-----------|
| <b>Item 1</b>  | [14-4370] |
| Insert the nature of the request.  |           |
| <b>Item 2</b>  | [14-4380] |
| Insert the description and title reference of the common property e.g. ‘Common property of Brighton Villa community titles scheme 1246’. |           |
| <b>Item 3</b>  | [14-4390] |
| Insert the name of the body corporate e.g. ‘Body corporate for Brighton Villa community titles scheme 1246’.                             |           |
| <b>Item 4</b>  | [14-4400] |
| Insert not applicable.   |           |
| <b>Item 5</b>  | [14-4410] |
| Insert the name of the body corporate.   |           |
| <b>Item 6</b>  | [14-4420] |
| Insert the appropriate request which includes the new address for service of the body corporate.   |           |
| <b>Item 7</b>  | [14-4430] |
| Execute as required.   |           |

### 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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---

#### 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

NOT APPLICABLE

#### Title Reference

---

#### 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

21/9/07

**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:

- Copy of evidence certified by the relevant issuing agency

## Guide to Completion of Form 14 for Example 31

<b>Item 1</b>	[14-4440]
Insert the nature of the request.	
<b>Item 2</b>	[14-4450]
Insert not applicable.	
<b>Item 3</b>	[14-4460]
Insert the name of the principal/attorney as registered.	
<b>Item 4</b>	[14-4470]
Insert the reference to the power of attorney to be updated.	
<b>Item 5</b>	[14-4480]
Insert full name of principal/attorney to be registered.	
<b>Item 6</b>	[14-4490]
Insert details of the request.	
<b>Item 7</b>	[14-4500]
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*

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<b>1. Nature of request</b>	<b>Lodger</b> (Name, address, E-mail & phone number)	<b>Lodger Code</b>
SUBDIVISION OF WATER ALLOCATION	A. Water-Owner PO Box 999 ANYTOWN QLD 4999 (07) 4999 9999	

<b>2. Lot on Plan Description</b>	<b>Title Reference</b>
LOT 1234 ON AP1234	46009999

<b>3. Registered Proprietor/State Lessee</b>
ALFRED BRIAN WATER-OWNER and BETTY BEATRICE WATER-OWNER

<b>4. Interest</b>
WATER ALLOCATION

<b>5. Applicant</b>
ALFRED BRIAN WATER-OWNER and BETTY BEATRICE WATER-OWNER

<b>6. Request</b>
I hereby request that: the Water Allocation shown in Item 2 be subdivided in accordance with Dealing Certificate No. 199999 deposited herewith.

<b>7. Execution by applicant</b>
----------------------------------

21/9/07	<i>A B Water-Owner</i> <i>B B Water-Owner</i>
<b>Execution Date</b>	<b>Applicant's or Solicitor's Signature</b>
<small>Note: A Solicitor is required to print full name if signing on behalf of the Applicant</small>	

## 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)



## <sup>2, 3</sup> **Guide to Completion of Form 14 for Example 32**

**Item 1** [14-4510]

Insert the nature of the request.

**Item 2** [14-4520]

Insert Lot/Plan description of water allocation to be subdivided. Only one Water Allocation is permitted on each Form 14 –General Request.

**Item 3** [14-4530]

Insert the full name(s) of the registered owner(s).

**Item 4** [14-4540]

Insert: Water Allocation.

**Item 5** [14-4550]

Insert the full name of the applicant.

**Item 6** [14-4560]

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.

**Item 7** [14-4570]

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

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1. Nature of request

AMALGAMATION OF WATER ALLOCATION

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

A. Water-Owner  
PO Box 999  
ANYTOWN QLD 4999  
(07) 4999 9999

2. Lot on Plan Description

LOT 1234 ON AP1234  
LOT 1235 ON AP1234

Title Reference

46009999  
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

21/9/07

Execution Date

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

A Water-Owner, Director  
ALFRED BRIAN WATER-OWNER

.....  
B Water-Owner, Director/Secretary  
BETTY BEATRICE WATER-OWNER

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

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)

## <sup>2, 3</sup> **Guide to Completion of Form 14 for Example 33**

**Item 1** [14-4580]

Insert the nature of the request.

**Item 2** [14-4590]

Insert Lot/Plan description of all Water Allocations to be amalgamated. Only one amalgamation request is permitted on each Form 14 – General Request.

**Item 3** [14-4600]

Insert the full name(s) of the registered owner(s).

**Item 4** [14-4610]

Insert: Water Allocation.

**Item 5** [14-4620]

Insert the full name of the applicant.

**Item 6** [14-4630]

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.

**Item 7** [14-4640]

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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**1. Nature of request**

CHANGE OF WATER ALLOCATION

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

**Lodger Code**

B. F. Pioneer  
PO Box 999  
ANYTOWN QLD 4999  
(07) 4999 9999

**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**

21/9/07

**Execution Date**

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

*B F Pioneer*

**Applicant's or Solicitor's Signature**

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)

## <sup>2, 3</sup> **Guide to Completion of Form 14 for Example 34**

**Item 1** [14-4650]

Insert the nature of the request.

**Item 2** [14-4660]

Insert Lot/Plan description of the water allocation to be changed. Only one Water Allocation is permitted on each Form 14 –General Request.

**Item 3** [14-4670]

Insert the full name(s) of the registered owner(s).

**Item 4** [14-4680]

Insert: Water Allocation.

**Item 5** [14-4690]

Insert the full name of the applicant.

**Item 6** [14-4700]

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.

**Item 7** [14-4710]

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

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1. Nature of request

RECORD STATUTORY CHARGE

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

Lodger Code

TR CONSTRUCTIONS P/L  
PO BOX 53  
BRISBANE 4001  
trconstructions@email.com

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 Act (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

## <sup>1,2</sup>**Guide to Completion of Form 14 for Example 35**

**Item 1** [14-4720]

Insert the nature of the request.

**Item 2** [14-4725]

Insert Lot/Plan description/s and title reference/s.

**Item 3** [14-4730]

Insert the full name(s) of the registered owner(s) (the respondent).

**Item 4** [14-4735]

Insert: Fee Simple.

**Item 5** [14-4740]

Insert the full name of the applicant (the claimant). If the applicant is a company include the Australian Company Number.

**Item 6** [14-4745]

Insert the appropriate words for the relevant request.

For example:

I hereby request that: A Charge under section 100B of the Building Industry Fairness Act (Security of Payment) Act 2017 and as set out in the attached evidence be recorded against the land referred to in item 2.

**Item 7** [14-4750]

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*

**Form 14** Version 4  
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**1. Nature of request**

RECORD THE EXTENSION OF STATUTORY CHARGE 960000677

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

**Lodger Code**

TR CONSTRUCTIONS P/L  
PO BOX 53  
BRISBANE 4001  
trconstructions@email.com

**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



## <sup>1,2</sup>**Guide to Completion of Form 14 for Example 36**

**Item 1** [14-4755]

Insert the nature of the request.

**Item 2** [14-4760]

Insert Lot/Plan description/s and title reference/s.

**Item 3** [14-4765]

Insert the full name(s) of the registered owner(s) (the respondent).

**Item 4** [14-4770]

Insert: the dealing number of the Statutory Charge to be extended.

**Item 5** [14-4775]

Insert the full name of the applicant (the claimant). If the applicant is a company include the Australian Company Number.

**Item 6** [14-4780]

Insert the appropriate words for the relevant request.

For example:

Statutory Charge dealing number XXXXXXXXXX be extended pursuant to section 100C(2) and (4) of the Building Industry Fairness Act (Security of Payment) Act 2017 and in accordance with the attached evidence.

**Item 7** [14-4785]

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

Duty Imprint

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1. Nature of request

RECORD THE RELEASE OF  
STATUTORY CHARGE 960000677

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

RHODES AND ASSOCIATES  
SOLICITORS  
PO BOX 99  
BRISBANE 4001  
Nicholas.Rhodes@rhodesandassoc.com.au

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 Act (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.

## 1,2 Guide to Completion of Form 14 for Example 37

### Item 1 [14-4790]

Insert the nature of the request. (Either Release or Setting Aside)

### Item 2 [14-4795]

Insert Lot/Plan description/s and title reference/s.

### Item 3 [14-4800]

Insert the full name(s) of the registered owner(s) (the respondent(s)).

### Item 4 [14-4805]

Insert: the dealing number of the Statutory Charge.

### Item 5 [14-4810]

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.

### Item 6 [14-4815]

Insert the appropriate words for the relevant request.

For example:

- *For a Release - request by claimant:*  
Statutory Charge dealing number XXXXXXXXXXXX be removed pursuant to section 100D(2) of the Building Industry Fairness Act (Security of Payment) Act 2017.
- *For a Release – request by registered owner:*  
Statutory Charge dealing number XXXXXXXXXXXX be removed pursuant to section 100D(4) of the Building Industry Fairness Act (Security of Payment) Act 2017 and in accordance with the attached statutory declaration.
- *For a Setting Aside:*  
Statutory Charge dealing number XXXXXXXXXXXX be removed pursuant to section 100E(4) of the Building Industry Fairness Act (Security of Payment) Act 2017 and in accordance with the attached court order.

### Item 7 [14-4820]

Execute as required.

## Duty

[14-5500]

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 Office of State Revenue.

Form 14 – General Request list of likely requests	Duty Notation Required
Abolishment of council and vesting in another	yes
Acquisition of land by Commonwealth	no
Agreement – <i>River Improvement Trust Act 1940</i>	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 <i>Local Government Regulation 2012</i>	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 – <i>Local Government (Planning and Environment) Act 1990</i>	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 <i>Land Act 1994</i> )	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
Retirement of trustee only	yes
Register any direction, licence or order of the Supreme Court not being a vesting order	no

<b>Form 14 – General Request list of likely requests</b>	<b>Duty Notation Required</b>
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 <i>Land Title Act 1994</i> or s. 317 of the <i>Land Act 1994</i> )	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.

[14-6000] deleted

[14-7000] deleted

## Fees

[14-8000]

Fees payable to the Titles Registry are subject to an annual review. Refer to the Titles Fee Calculator available online or see the current:

- <sup>1,2</sup>Land Title Regulation;
- <sup>1,3</sup>Land Regulation
- <sup>2,3</sup>Water Regulation.

## Cross References and Further Reading

[14-9000]

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 48 – State Land

Part 49 – Water Allocations

Megarry, RE and Wade, WHR, *The Law of Real Property*, 5th edn, London Stevens, 1984

Butt, P, *Land Law*, 2nd edn, Law Book Company, 1988

Bradbrook, A, MacCallum, S and Moore, AP, *Australian Real Property Law*, Law Book Company, 1990

Darvall, C and Fernon, NT, McDonald, Henry and Meek: *Australian Bankruptcy Law and Practice*, Law Book Company (loose-leaf service)

## Notes in text

[14-9050]

Note<sup>1</sup> – This numbered section, paragraph or statement does not apply to water allocations.

Note<sup>2</sup> – This numbered section, paragraph or statement does not apply to State land.

Note<sup>3</sup> – This numbered section, paragraph or statement does not apply to freehold land.