<table>
<thead>
<tr>
<th>Part</th>
<th>Para</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>02</td>
<td>0100</td>
<td>Clarify the practice in relation to completing the Mortgagee Panel for trustees</td>
</tr>
<tr>
<td>02</td>
<td>4020</td>
<td>Clarify the practice in relation to completing the Lodger Details panel</td>
</tr>
<tr>
<td>02</td>
<td>4070</td>
<td>Clarify that only an A.C.N. or A.R.B.N. can be shown</td>
</tr>
<tr>
<td>12</td>
<td>4000</td>
<td>Clarify requirements for completion of Item 5</td>
</tr>
<tr>
<td>21</td>
<td>2230</td>
<td>Include new paragraph relating to consents by other parties</td>
</tr>
<tr>
<td></td>
<td>2235(new)</td>
<td></td>
</tr>
<tr>
<td>23</td>
<td>2020</td>
<td>Update to reflect amendments made by the <em>Natural Resources and Other Legislation Amendment Act 2019</em></td>
</tr>
<tr>
<td>23</td>
<td>4010</td>
<td>Clarify the practice in relation to completing the Lodger Details panel</td>
</tr>
<tr>
<td>39</td>
<td>0000</td>
<td>Update to reflect the change to the small lot size to 450m² in the <em>Natural Resources and Other Legislation Amendment Act</em></td>
</tr>
<tr>
<td>39</td>
<td>4000</td>
<td>Removal of county and parish references and minor update to fees information</td>
</tr>
<tr>
<td></td>
<td>8000</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>2060</td>
<td>Update wording to refer to “and” instead of an “an”</td>
</tr>
<tr>
<td>52</td>
<td>0010</td>
<td>Update text in relation to time to comply with requisition</td>
</tr>
<tr>
<td>52</td>
<td>0305</td>
<td>Refresh text to include legislative authority and clarify process</td>
</tr>
</tbody>
</table>
# Part 2 – Mortgage (National Mortgage Form)

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Trustee

If a registered owner or holder of an interest is recorded as trustee on title, the Capacity Field of the Mortgagor Panel of the NMF must specify that the mortgagor is holding the interest in a trustee capacity, for example:

<table>
<thead>
<tr>
<th>Mortgagor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
</tbody>
</table>

Tenant in Common

A tenant in common can execute a mortgage over their undivided part or share in the lot or interest in favour of the other tenant/s in common or any other person.

Joint Tenant

A mortgage by a joint tenant over their interest is registrable without severing the joint tenancy. However, it would appear that upon the death of a mortgagor who is a natural person, such a mortgage is cancelled.

Capacity of Mortgagee

Individual

A minor or a person who lacks legal capacity cannot be a mortgagee.

Corporation

A company incorporated under the Corporations Act 2001 (Cth) has the same capacity as a natural person, including the power to borrow money and give mortgages (s. 124 of the Corporations Act). This is subject to any specific exclusion of these powers in the company’s constitution (see part 50 – Corporations and Companies).

Trustee

Where the mortgagee is a trustee, the Registrar will not make any enquiries about the authority of the trustee to enter into the mortgage, as s. 21 of the Trusts Act 1973 allows a trustee to invest trust funds in any form of investment unless expressly forbidden by the instrument creating the trust.

Under s. 28(1)(b) of the Land Title Act 1994 or s. 278(a) of the Land Act 1994 the particulars necessary to identify every interest registered in a register must be recorded in that register.

If a Mortgagee is to be recorded as registered proprietor in a trustee capacity, the Capacity Field of the Mortgagee Panel of the NMF must specify that the mortgagee is holding the interest in a trustee capacity.
Example for a single organisation trustee:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Given Name(s)</td>
</tr>
<tr>
<td>Family Name</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
</tbody>
</table>

Example for multiple individual trustees of the same trust:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
</tr>
<tr>
<td>Family Name</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
<tr>
<td>Given Name(s)</td>
</tr>
<tr>
<td>Family Name</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
</tbody>
</table>

Where the Mortgagee Panel is only completed with trustee mortgagees and the Tenancy (inc. share) Fields are left blank or omitted (as above), the Registrar will record the mortgagees as trustees of the same trust.

If multiple mortgagees are holding their interests on trust for different trusts the words “TENANTS IN COMMON” and the share fraction (as numerator/denominator) must be added to the Tenancy (inc. share) Field for each mortgagee. The total shares must add to 1.

Example of two organisation mortgagees holding their interests on trust for different trusts as tenants in common:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
</tr>
</tbody>
</table>

There is no longer a requirement to provide details of the trust instrument when lodging a mortgage to a trustee mortgagee (e.g. by depositing a certified copy of the trust deed or referring to a previous dealing where the trust deed was deposited).

For the specific requirements in relation to the transfer of a mortgage interest to a trustee mortgagee using a Form 1 – Transfer – see Part 1, esp ¶[1-2390].

Where a mortgagee holds as trustee and wishes to appoint a new trustee, this should be done by using a Form 1 – Transfer (see part 1, esp ¶[1-2400] to ¶[1-2430]).
Guide to Completion of National Mortgage Form

Lodger Details Panel

The standard Fields of the Lodger Details Panel are as follows:

<table>
<thead>
<tr>
<th>Lodger Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodger Code</td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Lodger Box</td>
</tr>
<tr>
<td>Phone</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Reference</td>
</tr>
</tbody>
</table>

None of the Fields are individually mandatory, however the combination of details must suitably identify the lodger contain the minimum information necessary for positive identification and contact by mail, electronic mail and telephone.

If the Lodger Code Field is completed, there is no need to complete the Name Field, Address Field, Lodger Box Field, Phone Field or Email Field because this information can be obtained from Titles Registry records using the lodger code.

If the Lodger Code Field is not completed, the following fields should be completed:

1. The Name Field with the name of the lodger;
2. The Address Field with the postal address of the lodger;
3. The Lodger Box Field with the lodger box reference (if applicable);
4. The Phone Field with the telephone number of the lodger;
5. The Email Field with the email address of the lodger.

The Reference Field can be completed with the lodger’s internal reference for the matter. This data is not required or used by the Titles Registry.

Jurisdiction Panel

The Jurisdiction Field in the Jurisdiction Panel must state QUEENSLAND.

Example:

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>QUEENSLAND</th>
</tr>
</thead>
</table>

Estate and/or interest being mortgaged Panel

Insert FEE SIMPLE, WATER ALLOCATION, LEASE, or type of State tenure e.g. (STATE LEASE), whichever is applicable. If the mortgage only relates to the interest of one Tenant in Common Registered Owner, that Registered Owner’s share fraction share (as numerator/denominator) should be included.

Example: mortgage of an interest in a lease:

<table>
<thead>
<tr>
<th>Estate and/or interest being mortgaged</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEASE NO. 703303243</td>
</tr>
</tbody>
</table>
Mortgagee Panel

The standard Fields of the Mortgagee Panel are as follows:

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgagee</td>
<td></td>
</tr>
<tr>
<td>Given Name(s)</td>
<td>[For an individual]</td>
</tr>
<tr>
<td>Family Name</td>
<td></td>
</tr>
<tr>
<td>Capacity</td>
<td></td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>[For an organisation e.g. a company]</td>
</tr>
<tr>
<td>ACN</td>
<td></td>
</tr>
<tr>
<td>ARBN</td>
<td></td>
</tr>
<tr>
<td>Australian Credit Licence</td>
<td></td>
</tr>
<tr>
<td>Capacity</td>
<td></td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td></td>
</tr>
</tbody>
</table>

### Individual Mortgagee

For each mortgagee that is an individual, the following fields are applicable:

- **Given Name(s):** When combined with the Family Name Field, this must correspond with the full legal name of the individual.
- **Family Name:** When combined with the Given Name(s) Field, this must correspond with the full legal name of the individual.
- **Capacity:** This field is used to supply the capacity in which the mortgagee will hold the mortgage on title (e.g. TRUSTEE – see ¶[2-0100]). If there is no capacity to be recorded, this Field can be left blank or omitted.
- **Tenancy (inc. share):** If there is only one mortgagee this Field can be left blank or omitted. See ¶[2-4075] in relation to completion of this Field where there is more than one mortgagee.

Please note that the panel will expand to include the necessary Fields and data. The use of a Form 20 – Enlarged Panel to include Fields and data for this panel is not permitted.

Example for an individual mortgagee:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
<td>JOHN</td>
</tr>
<tr>
<td>Family Name</td>
<td>CITIZEN</td>
</tr>
</tbody>
</table>

Example for an individual mortgagee holding as trustee:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
<td>JOHN</td>
</tr>
<tr>
<td>Family Name</td>
<td>CITIZEN</td>
</tr>
<tr>
<td>Family Name</td>
<td>TRUSTEE</td>
</tr>
</tbody>
</table>

### Organisation Mortgagee

For each mortgagee that is an organisation (e.g. a company), the following Fields are applicable:
Name: this Field must contain the full legal entity name of the organisation.

ACN: If the Mortgagee has an ACN, the 9 digit ACN must be entered. If there is no ACN or this Field can be left blank or omitted. An ABN is not permitted in this field.

ARBN: If the Mortgagee has an ARBN, the 9 digit ARBN must be entered. If there is no ARBN this Field can be left blank or omitted. An ABN is not permitted in this field.

Australian Credit Licence: This is an optional field. If the mortgagee has no Australian Credit Licence this Field can be left blank or omitted.

Capacity: This field is used to supply the capacity in which the mortgagee will hold the mortgage on title (e.g. TRUSTEE – see ¶[2-0100]). If there is no capacity to be recorded, this Field can be left blank or omitted.

Tenancy (inc. share): If there is only one mortgagee this Field can be left blank or omitted. See ¶[2-4075] in relation to completion of this Field where there is more than one mortgagee.

It is not permissible to:

• include an ABN in the ACN Field or ARBN Field; or

• alter the National Mortgage Form in any way to include a Field for the insertion of an ABN for an organisation mortgagee.

Please note that the panel will expand to include the necessary Fields and data. The use of a Form 20 – Enlarged Panel to include Fields and data for this panel is not permitted.

Example for an Australian Company Mortgagee:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Australian Credit Licence</td>
</tr>
</tbody>
</table>

Example for an Australian Company Mortgagee holding as Trustee:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
</tbody>
</table>
Completion of the Tenancy (inc. share) Field for multiple Mortgagees

Declared Trustees
Where multiple trustees of the same trust are to be registered on title as the only mortgagees to the mortgage, the Tenancy (inc. share) Field must be left blank or omitted for each mortgagee.

Example for multiple individual mortgagees holding the interest as trustees of the same trust:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th>Given Name(s)</th>
<th>Family Name</th>
<th>Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JOHN</td>
<td>CITIZEN</td>
<td>TRUSTEE</td>
</tr>
<tr>
<td></td>
<td>MARY</td>
<td>CITIZEN</td>
<td>TRUSTEE</td>
</tr>
</tbody>
</table>

Where the Mortgagee Panel is only completed with trustee mortgagees and the Tenancy (inc. share) Fields are left blank or omitted (as above), the Registrar will record the mortgagees as trustees of the same trust.

If a trustee mortgagee holds their interest as tenant in common with another mortgagee that is not a trustee of the same trust, the words “TENANTS IN COMMON” and the share fraction (as numerator/denominator) must be added to the Tenancy (inc. share) Field for each mortgagee. The total shares must add to 1.

Example of two organisation mortgagees holding their interests on trust for two different trusts as tenants in common:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th>Name</th>
<th>ACN</th>
<th>Capacity</th>
<th>Tenancy (inc. share)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ALPHA HOLDINGS PTY LTD</td>
<td>123123123</td>
<td>TRUSTEE</td>
<td>TENANTS IN COMMON 1/2</td>
</tr>
<tr>
<td></td>
<td>BRAVO HOLDINGS LIMITED</td>
<td>321321321</td>
<td>TRUSTEE</td>
<td>TENANTS IN COMMON 1/2</td>
</tr>
</tbody>
</table>

Example of an organisation mortgagee holding two separate interests on trust for two different trusts:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th>Name</th>
<th>ACN</th>
<th>Capacity</th>
<th>Tenancy (inc. share)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ALPHA HOLDINGS PTY LTD</td>
<td>123123123</td>
<td>TRUSTEE</td>
<td>TENANTS IN COMMON 1/2</td>
</tr>
<tr>
<td></td>
<td>ALPHA HOLDINGS PTY LTD</td>
<td>123123123</td>
<td>TRUSTEE</td>
<td>TENANTS IN COMMON 1/2</td>
</tr>
</tbody>
</table>
**Joint Tenants**

If multiple mortgagees hold as joint tenants, the words “Joint Tenants” should be added to the Tenancy (inc. share) Field for the first joint tenant.

Example of two organisation mortgagees holding as joint tenants:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>ALPHA BANK LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>123123123</td>
</tr>
<tr>
<td>Australian Credit Licence</td>
<td>659800</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>JOINT TENANTS</td>
</tr>
<tr>
<td>Name</td>
<td>BRAVO BANK LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>321321321</td>
</tr>
</tbody>
</table>

Example of an individual mortgagee and an organisation mortgagee holding as joint tenants:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
<td>JOHN</td>
</tr>
<tr>
<td>Family Name</td>
<td>CITIZEN</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>JOINT TENANTS</td>
</tr>
<tr>
<td>Name</td>
<td>BRAVO BANK LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>321321321</td>
</tr>
</tbody>
</table>

**Tenants in Common**

If multiple mortgagees hold as tenants in common, every mortgagee must have the words “Tenants in Common” and the share fraction (as numerator/denominator) added to the Tenancy (inc. share) Field for each mortgagee. The total shares must add to 1.

Example of 2 organisation mortgagees holding as tenants in common:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>ALPHA BANK LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>123123123</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>TENANTS IN COMMON 1/3</td>
</tr>
<tr>
<td>Name</td>
<td>BRAVO BANK LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>321321321</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>TENANTS IN COMMON 2/3</td>
</tr>
</tbody>
</table>
Example of an individual trustee mortgagee and organisation trustee-mortgagee holding as tenants in common:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
</tr>
<tr>
<td>Family Name</td>
</tr>
<tr>
<td>Capacity</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
</tbody>
</table>

| Capacity | TRUSTEE |
|-----------|
| Tenancy (inc. share) | TENANTS IN COMMON 3/5 |

**Mixed Tenancies (Joint Tenants inter-se holding as Tenants in Common with other mortgagees)**

If some of the mortgagees hold as joint tenants, and they hold as tenants in common with one or more other mortgagees, the words “JOINT TENANTS INTER-SE” and the share fraction (as numerator/ denominator) that group of mortgagees hold is added to the Tenancy (inc. share) Field for the first mortgagee in the group of joint tenants and the words “TENANTS IN COMMON” and the share fraction (as numerator/ denominator) are added to the Tenancy (inc. share) Field of every other mortgagee. The total shares must add to 1.

Example:

Alpha Bank Limited and Bravo Bank Limited hold half a share as joint tenants inter-se, holding as tenants in common with Charlie Bank Limited, who hold the other half share. This would be shown as:

<table>
<thead>
<tr>
<th>Mortgagee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Name</td>
</tr>
<tr>
<td>ACN</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
</tr>
</tbody>
</table>
Example of two individual mortgagees holding as joint tenants inter-se, holding as tenants in common with a corporation:

<table>
<thead>
<tr>
<th>Mortgagee</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Given Name(s)</td>
<td>JOHN</td>
</tr>
<tr>
<td>Family Name</td>
<td>CITIZEN</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>JOINT TENANTS INTER-SE 3/5</td>
</tr>
<tr>
<td>Given Name(s)</td>
<td>JOAN</td>
</tr>
<tr>
<td>Family Name</td>
<td>CITIZEN</td>
</tr>
<tr>
<td>Name</td>
<td>BIG BANK-INVESTMENT COMPANY LIMITED</td>
</tr>
<tr>
<td>ACN</td>
<td>6987987987</td>
</tr>
<tr>
<td>Australian Credit Licence</td>
<td>659726</td>
</tr>
<tr>
<td>Tenancy (inc. share)</td>
<td>TENANTS IN COMMON 2/5</td>
</tr>
</tbody>
</table>

**Operative words and Terms and Conditions of this Mortgage Panel**

The standard fields of the *Operative words and Terms and Conditions of this Mortgage Panel* are as follows:

The mortgagor mortgages the estate and/or interest in land specified in this mortgage to the mortgagee as security for the debt or liability described in the terms and conditions set out or referred to in this mortgage, and covenants with the mortgagee to comply with those terms and conditions.

**Terms and Conditions of this Mortgage**

(a) Document Reference

(b) Additional terms and conditions

A description of the debt or liability secured by the mortgage (see ¶[2-2020]) must be detailed under the heading *Terms and Conditions of this Mortgage* by utilising one of the following three methods:

- using a Standard Terms Document without:
  - amendment (e.g. deleting or substituting clauses); and
  - any other description of the debt or liability being entered; or
- using a Standard Terms Document with:
  - amendments (e.g. deleting or substituting clauses); and/or
  - additional terms and conditions or another description of the debt or liability; or
- not using a Standard Terms Document and entering the terms and conditions or other description of the debt or liability.

Instructions on how to complete the NMF using the above three methods are provided under the relevant headings below.

**Using a Standard Terms Document**

**Using a Standard Terms Document without amendment or other description of the debt or liability**

If a Standard Terms Document is being used without amendment or any additional terms and conditions or other description of the debt or liability (see ¶[2-2020]):

---

Updated: 0 July 2018 26 June 2019
Part 12 – Request to Register Writ of Execution

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• Actions taken under statutory charges by the Commonwealth or State e.g. land tax charge may take precedence over a writ of execution.

• A transfer by mortgagee exercising power of sale, executed on or after 7 June 2001, overrides a writ of execution, provided the mortgage under which the power is exercised was registered prior to the registration of the writ of execution.

• A transfer of a lease under the Land Act sold by the Chief Executive pursuant to Chapter 5, Part 4, Division 3A, Subdivision 4 of the Land Act overrides a writ of execution.

Transfer under a Writ of Execution

See part 1, esp. ¶1-2530 and ¶1-2540.

Forms

General Guide to Completion of Forms

For general requirements for completion of forms see part 59 – Forms.
REQUEST TO REGISTER WRIT/WARRANT OF EXECUTION

1. Lot on Plan Description  
LOT 77 ON RP94912

2. Registered Proprietor/Lessee  
LEONARD LLEWELLYN JONES

3. Interest being bound or affected  
FEE SIMPLE

4. Applicant  
SMITH AND SMITH PTY LTD A.C.N. 123 123 123

5. Particulars of Writ/Warrant  
Writ/Warrant of Execution No. 106 of 2007

Enforcement Debtor – LEONARD LLEWELLYN JONES

6. Request
a) The applicant makes this application as the enforcement creditor.
b) The Writ/Warrant has not been wholly satisfied. An office copy of the Writ/Warrant is attached.
c) The registered Owner/Lessee of the interest is identical with the enforcement debtor in the Writ/Warrant.
d) It is requested that the particulars of the Writ/Warrant be registered.

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

MW Smith  
Mark Wayne Smith  
Director

JD Smith  
John David Smith  
Director/Secretary

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 e.g. Legal Practitioner, JP, C Dec)
Guide to Completion of Form 12

Item 1

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

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on RP 204939</td>
<td>11223078</td>
</tr>
</tbody>
</table>

2.3 Water Allocation Description
A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. A water allocation has no reference to County or Parish, hence these fields are not completed. All plans referring to water allocations are administrative plans. Administrative plan is abbreviated to AP as the prefix of the plan identifier.

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>WA 27 on AP 7900</td>
<td>46012345</td>
</tr>
</tbody>
</table>

1.3 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 crown plans).

<table>
<thead>
<tr>
<th>Lot on Plan Description</th>
<th>Title reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 27 on CP LIV1234</td>
<td>40567123</td>
</tr>
</tbody>
</table>

Item 2
Insert the full name of the registered proprietor/lessee/sublessee. If the title for the lot, lease or sublease under the Land Act 1994 or other interest is in the name of more than one registered proprietor or lessee or sublessee under the Land Act, but the writ was issued against only one of them, then only the name of the registered proprietor or lessee or sublessee under the Land Act against whom the writ of execution was issued should be shown. If there is a discrepancy between the name on the writ of execution and the name on the title, identification should be provided in Item 6(c).

Item 3
Insert ‘Fee simple’, type of State tenure e.g. State lease, ‘Water Allocation’ or ‘Lease No. [number]’.

Item 4
Insert the name of the enforcement creditor as shown in the writ of execution.

Item 5
Insert the relevant particulars from the writ of execution.
1. **Writ/Warrant of Execution No.**

Insert either the Court File Number or the handwritten Warrant Number (only if present) recorded on the Warrant (refer to the Queensland Enforcement Warrant example below).

2. **Court**

Insert the Court issuing the Enforcement Warrant (and registry if relevant).

3. **Enforcement Debtor**

Insert the name of the Enforcement Debtor.

Queensland Enforcement Warrant Example:

<table>
<thead>
<tr>
<th>Warrant Number</th>
<th>MAGISTRATES COURT OF QUEENSLAND</th>
<th>W/N 106/07</th>
</tr>
</thead>
<tbody>
<tr>
<td>REGISTRY:</td>
<td>BRISBANE</td>
<td></td>
</tr>
<tr>
<td>NUMBER:</td>
<td>125/2006</td>
<td></td>
</tr>
</tbody>
</table>

Plaintiff: _______________ SMITH AND SMITH PTY LTD A.C.N. 123 123 123

AND

Defendant: _______________ LEONARD LLEWELLYN JONES

**ENFORCEMENT WARRANT - SEIZURE AND SALE OF PROPERTY**

Enforcement Creditor: _______________ SMITH AND SMITH PTY LTD A.C.N. 123 123 123

Enforcement Debtor: _______________ LEONARD LLEWELLYN JONES

**Item 6**

Where the enforcement creditor is a natural person the request must be made by the enforcement creditor personally and Item 6(a) must be completed as follows ‘The applicant makes this application as the Enforcement Creditor’. The signature of the enforcement creditor must be witnessed by a qualified person.

Where the Enforcement Creditor is an entity (other than a natural person) that has the capacity to hold an interest (e.g. a corporation):

- if the execution is made by the Enforcement Creditor in its own name, Item 6(a) must state ‘The applicant makes this application as the Enforcement Creditor’. The execution must be by the corporation in a manner permitted by law (e.g. affixing of the seal of the corporation or stating its name and Australian Company Number and showing the designations of the signatories).

- if the execution is made by an authorised officer of the Enforcement Creditor corporation, Item 6(a) must state ‘The applicant makes this application as an authorised officer of the Enforcement Creditor’. The officer’s title/position within the corporation must be shown in the execution. The execution must be witnessed by a qualified person.
# Part 21 – Plans and Associated Documents

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<td>[21-2290]</td>
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<tr>
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</tr>
</tbody>
</table>
If a person signs the plan on behalf of the registered owner/lessee under a power of attorney, the power of attorney must be registered in the Land Registry prior to the registration of the plan. If the power of attorney is not a general power of attorney, it must grant the attorney power to subdivide. If the attorney has been delegated power to sell, this will be accepted as sufficient authority to subdivide.

When the subject land is owned/leased by a corporation, the official designations of the persons signing on behalf of the corporation must be shown. The Australian Company Number should be included as part of the registered owner’s name and in the seal if one is affixed (see part 50 – Corporations and Companies and part 60 – Miscellaneous for more details).

A mortgagee in possession can execute a plan of subdivision on behalf of the registered owner(s)/lessee(s). Evidence of default and service of the notice of demand is required to be deposited. The appropriate manner to recite in the registered owner’s panel is ‘XY as mortgagee in possession under Mortgage No [number]’. No reference to the registered owner’s name appears on the plan, however, the new indefeasible titles will be created in the name of the registered owner, subject to the registered mortgage.

## Consents

**Consent of Mortgagee, Lessee, Covenantantee or Grantee of an Easement, Carbon Abatement Interest or of a Profit a Prendre**

Section 50(1)(j) of the *Land Title Act 1994* requires that a plan of subdivision (see definition of *plan of subdivision* in s. 49 of Land Title Act) must be consented to by:

- all registered mortgagees of each lot the subject of the plan; and
- all other registered proprietors (for example a lessee, covenantantee or the grantee of an easement or of a profit a prendre), whose interests are affected by a plan.

The term ‘affected’ in this context means, the spatial extent of a registered interest is intersected by the spatial extent of new road or a new lot (including a lot for public use) depicted on a plan. The registered interest is partly or wholly extinguished to the extent intersected.

The consent must be on a Form 18 – General Consent unless otherwise stated below.

The following matrix shows where a consent is required by a registered proprietor whose interest is affected (see the definition above) by a plan of subdivision. The table does not apply to plans prepared under the *Acquisition of Land Act 1967*.

<table>
<thead>
<tr>
<th>Affected interest</th>
<th>Plan depicts new lots but no public use land shown</th>
<th>Plan depicts new lots and shows public use land other than road</th>
<th>Plan depicts new road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage</td>
<td>Yes*</td>
<td>Yes*</td>
<td>Yes*</td>
</tr>
<tr>
<td>Lease</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Easement (including a high-density development easement) – other than public utility easement</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No – if easement only for right of way</td>
</tr>
<tr>
<td>Affected interest</td>
<td>Plan depicts new lots but no public use land shown</td>
<td>Plan depicts new lots and shows public use land other than road</td>
<td>Plan depicts new road</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Easement – public utility</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No – if Minister’s approval granted (by way of Statement of Intent, letter or Form 18)</td>
<td>No – if grantee is the local government that approves the plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>No – if easement only for public thoroughfare</td>
</tr>
<tr>
<td>Profit a prendre</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Covenant – preservation or use of land</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No – if the grantee is the local government approving the plan</td>
<td></td>
</tr>
<tr>
<td>Covenant – binding ownership of lots</td>
<td>Release of covenant required</td>
<td>Release of covenant required</td>
<td>Release of covenant required</td>
</tr>
<tr>
<td>Carbon Abatement Interest</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

²Where the relevant current certificate of title is deposited with a plan it is taken to be a consent by the first mortgagee.

A chargee of a recorded statutory charge is not required to consent to the registration of a plan unless there are specific provisions in the relevant legislation identifying the right of possession or redemption under the charge.

**Consent of other parties**

Section 50(1)(k) of the *Land Title Act 1994* and Section 290J(1)(l)(iv) of the *Land Act 1994* require that a plan of subdivision (see definition of plan of subdivision in s. 49 of Land Title Act and s. 290E of Land Act) that affects land the subject of a conservation agreement under the *Nature Conservation Act 1992* must be consented to by the chief executive of the department in which that Act is administered. Conservation agreement is defined in the schedule to the *Nature Conservation Act.*

The consent must be on a Form 18 – General Consent.

²Certificate of Title

If a current Certificate of Title exists, it must be lodged with the survey plan for cancellation except where the plan is for an acquisition action under the *Acquisition of Land Act 1967* and the plan is signed by the constructing authority.

**Plan Registration Compliance Checklist**

A survey plan with a certification on the face of the plan by a cadastral surveyor dated on and from 1 July 2005 and not endorsed in Item 11 on the plan administration sheet (Form 21B) by an accredited surveyor must be accompanied by a Form 10 – Plan Registration Compliance Checklist under the *Survey and Mapping Infrastructure Act 2003* when lodged.
Part 23 – Priority Notice, Extension of Priority Notice and Withdrawal of Priority Notice

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sufficiently describe:

- the lot(s)/water allocation(s) affected by the instrument which the applicant is or will be a party to; and

- each instrument to be lodged to which the notice relates (the Transaction Instruments) including the instrument which the applicant is or will be a party to; and

• state the order in which the Transaction Instruments are intended to be lodged.

When Priority Notice can be deposited

A priority notice may only be deposited in the circumstances set out below.

(1) In relation to freehold land.

(2) In relation to a water allocation.

(3) By or for an applicant (a person who is or will be a party to an instrument that is to be lodged that will affect the lot(s)/water allocation(s) or an interest in the lot(s)/water allocation(s)).

(4) For Transaction Instruments including the instrument the applicant is or will be a party to.

Operation and Effect of Priority Notice

A priority notice operates from the time of deposit until the earlier of:

• the time when the priority notice lapses which is:

  - the time when all the Transaction Instruments specified in the notice have been lodged registered in the order stated in the notice (see Priority Notice Form Transaction Instruments Panel); or

  - if an extension request has not been deposited: the day that is 60 days after the notice was deposited; or

  - if an extension request (Extension of Priority Notice Form) has been deposited: the day that is 90 days after the notice was deposited; or

• the time when the priority notice is:

  - withdrawn by the applicant (Withdrawal of Priority Notice Form); or

  - removed on order of the Supreme Court; or

  - cancelled by the Registrar.

While current, a priority notice prevents registration of any instruments affecting the lot/water allocation or an interest in the lot/water allocation other than:

• an instrument the lodgement of which the applicant has consented to. The consent must be in a Form 18 – General Consent, deposited with the instrument;
an instrument of transfer or release of mortgage executed by a mortgagee whose interest was registered before the notice was deposited;

an instrument lodged before the priority notice was deposited;

a **Transaction Instrument** if it is lodged in the order stated in the priority notice (see Priority Notice Form Transaction Instruments Panel);

a caveat; and

another instrument that, if registered, would not affect an interest the subject of the notice;

an instrument listed as a **Transaction Instrument** in an earlier priority notice if the earlier priority notice has not lapsed or been withdrawn, removed or cancelled.

### Extension of Priority Notice

The 60 day currency period of a priority notice can be extended by 30 days (to a currency period of 90 days) by depositing an extension request to extend the notice. Only one extension request may be deposited for a priority notice.

An extension request must:

- be prepared using an **Extension of Priority Notice Form**;
- be signed by or for the **applicant** for whom the priority notice was deposited; and
- be deposited while the priority notice is current.

### Lodged Instruments that are not **Transaction Instruments**

If an instrument is lodged (‘A’) and it is prevented from being registered by the earlier deposit of a priority notice, it will be requisitioned, advising that a priority notice has been deposited.

If the **Transaction Instruments** referred to in the priority notice (see Priority Notice Form Transaction Instruments Panel) are subsequently lodged within the currency period, the first instrument (A) will be requisitioned for withdrawal within 14 days. If the first instrument (A) is not withdrawn within that 14 day period, it will be withdrawn by the Registrar (s. 147 of the Land Title Act 1994). In a situation where the first instrument (A) would be capable of registration after the **Transaction Instruments** referred to in the priority notice are registered, it will be withdrawn and re-entered to follow them.

The result is that competing instruments are taken to have been lodged after the **Transaction Instruments** detailed in the Transaction Instruments Panel whilst the notice is still current.

For example:

1. A Priority Notice is deposited on 20 February and details a Transfer between the registered owner (Atkins) and Brown (the Purchaser/applicant) as a **Transaction Instrument** in the Priority Notice Form Transaction Instruments Panel. It is allocated a dealing number as an administrative advice and recorded in the relevant register.

2. A Transfer between the registered owner (Atkins) and Johns (a competing instrument not listed as a **Transaction Instrument** in the Transaction Instruments Panel in the priority notice) is lodged on 3 March (i.e. during the 60 day currency period of the
General Guide to Completion of *Priority Notice Form*

For more detailed instructions on the completion of the *Priority Notice Form* Panels and how to add or delete Fields within the Panels in Microsoft Word – refer to the *Guide to completion – Priority Notice Form* available from the Titles Registry forms page.

**Lodger Details**

Complete with the Lodger Details.

The combination of details must contain the minimum information necessary for positive identification and contact by mail, electronic mail and telephone.

If the Lodger Code Field is completed, there is no need to complete the Name Field, Address Field, Lodger Box Field, Phone Field or Email Field.

If the Lodger Code Field is not completed, the following fields should be completed:

1. The Name Field with the name of the lodger;
2. The Address Field with the postal address of the lodger;
3. The Lodger Box Field with the lodger box reference (if applicable);
4. The Phone Field with the telephone number of the lodger;
5. The Email Field with the email address of the lodger.

The Reference Field can be completed with the lodger’s internal reference for the matter. This data is not required or used by the Titles Registry.

**Jurisdiction**

The Jurisdiction must always state QUEENSLAND.

**Title Reference/Lot on Plan Description**

1. **Freehold Land Description**

Complete with the Title Reference(s) over which the priority notice will be deposited and insert all of the Lot on Plan Descriptions for each Title Reference. The Lot on Plan Description 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.

Example:

<table>
<thead>
<tr>
<th>Title Reference</th>
<th>Lot on Plan Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>11223078</td>
<td>Lot 27 on RP204939</td>
</tr>
<tr>
<td>52223988</td>
<td>Lot 1 on SP123456&lt;br&gt;Lot 2 on SP123456</td>
</tr>
</tbody>
</table>

2. **Water Allocation Description**

Complete with the Title Reference(s) over which the priority notice will be deposited and insert the relevant description for each Water Allocation. A water allocation should be identified as ‘Water Allocation’, ‘Allocation’ or ‘WA’. All plans referring to water allocations are
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High-density Development Easement to take effect in the future

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Part 39 – High-density Development Easement

General Law

As part of urban densification and urban renewal, one type of development is the creation of small lot subdivisions, where lot sizes are much smaller than traditional development lot sizes, typically 70m² to 300m² to 450m². The size of these lots necessitates unique architectural solutions to provide suitable living spaces. Part 6 Division 4AA of the *Land Title Act 1994* provides for the registration of statutory easements over lots, containing buildings (terrace type houses) with shared common walls. These easements are now referred to as high-density development easements.

These lots are being created as standard format lot subdivisions rather than community title schemes under the *Body Corporate and Community Management Act 1997* and therefore the statutory easement provisions in Part 6A Division 5 of Land Title Act for community titles schemes do not apply.

Purpose of High-density Development Easement

The purposes for high-density development easements are limited to one or more of the following:

(a) support;
(b) shelter;
(c) projections;
(d) maintenance of building close to boundary;
(e) roof water drainage.

Creation of High-density Development Easement

High-density development easements may only be created over 2 small adjoining lots, and only if—

a) any of the following applies—

(i) a wall of a building situated on 1 of the adjoining lots is also a wall of a building situated on the other adjoining lot, and the wall is on the common boundary of the 2 adjoining lots;

(ii) a wall of a building is situated on 1 of the adjoining lots is adjacent to a wall of a building situated on the other adjoining lot, each wall is constructed on the same foundation and the foundation is on the common boundary of the 2 adjoining lots;

(iii) a wall of a building situated on 1 of the adjoining lots is adjacent to a wall of a building situated on the other adjoining lot, each wall is constructed on a
Consent to High-density Development Easement by Lessee

In view of the provisions of s. 184(1) of the Land Title Act 1994, a new high-density development easement requires the consent of every affected lessee of any lot affected by the high-density development easement. The consent must be given on a Form 18 – General Consent and be deposited with the Form 39 – High-density Development Easement.

Merger of a High-density Development Easement within a Lot

If the Registrar creates a single indefeasible title for a number of lots and those lots comprise both the lots the subject of a high-density development easement, the high-density development easement is extinguished by virtue of s. 87(b) of the Land Title Act 1994.

Similarly, if lots subject of a high-density development easement are amalgamated into one lot by survey, on creation of the indefeasible title for the amalgamated lot the high-density development easement is extinguished by virtue of s. 87(b) of the Land Title Act.

Modification or Extinguishment of a High-density Development Easement by Surrender

By Order of the Court

Section 181 of the Property Law Act 1974 enables the court to modify or extinguish a high-density development easement. The court has power to:

(a) order any person to execute any instrument/s in registrable form to give effect to the order; and

(b) order the production of any Certificate of Title, deed or other instrument relating to any land.

If the court orders that the applicant is to execute instrument/s for giving effect to the order, the Registrar’s requirements in the following cases are set out below:

(a) If the court order modifies some or any of the purposes and therefore the statutory provisions applying to the high-density development easement, then a Form 14 – General Request to register the order of the court is lodged, together with a copy of the order and the Certificates of Title for both the affected lots (if issued).

(b) If the court order is for the full surrender of the high-density development easement, then a Form 40 – Surrender of High-density Development Easement, together with the Certificates of Title for both the affected lots (if issued) are lodged. A copy of the court order is required if any person authorised by the court, other than the registered proprietor of the lots, has executed any instrument.

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

See also part 40 – Surrender of High-density Development Easement.

Forms

General Guide to Completion of Forms

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

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Privacy Statement
Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. Registered Owners
   DAVID JOHN TYSON
   MICHAEL WAYNE SMITH

2. Lot on Plan Descriptions of Affected Land
   LOT 3 ON SP123456
   COUNTY: STANLEY
   PARISH: CHUWAR
   TITLE REFERENCE: 15432099

   LOT 6 ON SP134567
   COUNTY: STANLEY
   PARISH: CHUWAR
   TITLE REFERENCE: 16253266

3. Consideration
   $1.00

4. Purpose/s of High-density Development Easement
   - Support (section 95 Land Title Act 1994)
   - Shelter (section 96 Land Title Act 1994)
   - Projections (section 96A Land Title Act 1994)
   - Maintenance of building close to boundary (section 96B Land Title Act 1994)
   - Roof water drainage (section 96C Land Title Act 1994)

   Note: rule through if purpose is not applicable

5. Grant/Execution
   The registered owners identified in item 1 reciprocally grant the High-density Development Easement over the land identified in item 2, for the purpose/s stated in item 4, and covenant with each other in terms of Division 4AA of the Land Title Act 1994.

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

   P L Fish
   ..........................................................signature
   PETA LAUREL FISH
   ..........................................................full name
   SOLICITOR
   ..........................................................qualification
   Witnessing Officer
   (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)
   P L Fish
   ..........................................................signature
   PETA LAUREL FISH
   ..........................................................full name
   SOLICITOR
   ..........................................................qualification
   Witnessing Officer
   (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

   David J Tyson
   Execution Date: 21 / 12 / 2017
   Registered Owner's Signature

   Michael W Smith
   Execution Date: 21 / 12 / 2017
   Registered Owner's Signature
Guide to Completion of Form 39

General
A Form 39 – High-density Development Easement is used when a high-density development easement is granted under Part 6 Division 4AA of the Land Title Act 1994.

Item 1
Insert the full name of the parties to the high-density development easement as shown on the current title search, i.e. the registered owners of both lots affected by the high-density development easement. If the registered owner is a tenant in common, all tenants in common must join in one high-density development easement and not grant high-density development easements individually.

Item 2
Lot on Plan Descriptions of Affected Land
Insert the lot on plan descriptions of the affected land.

Item 3
Insert the monetary or other consideration.

Item 4
The inapplicable purposes must be deleted by being ruled through.

Item 5
All registered owners of the lots the subject of the high-density development easement must execute as required. Separate executions are required for each registered owner, even if they are the same for both lots.

See also part 60 – Miscellaneous, esp ¶[60-0900] ff.

Case Law
Nil.

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

• Land Title Regulation—Schedule 2, item numbers 2(h) and 2(m);

Cross References and Further Reading
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Whenever a body corporate authorises the recording of an instrument or document in the Registry, it must be signed under the seal of the body corporate.

By a Body Corporate of a Scheme Where the Standard Module, Small Schemes Module, Accommodation Module or Commercial Module Regulations Apply

If an instrument or document is not signed under seal by at least two committee members, one being the chairperson or secretary (or the secretary or treasurer with another for small schemes), the Registrar of Titles, will require evidence of the authority for the execution. Suitable evidence would be a copy of the ordinary resolution, signed under the body corporate seal by a committee member. For more information about the deposit of supporting documentation, see [60-1030].

Where positions on the body corporate have not been filled because the first annual general meeting of the body corporate has not been held, a new CMS may be signed by the original owner under the body corporate seal provided a statutory declaration by the original owner stating that the first annual general meeting has not been held is deposited.

In situations where all scheme lots are owned by the same registered owner and no resolution has been passed regarding the affixing of the seal, it is to be affixed in one of the following ways:

(a) where the registered owner is a natural person and –
   
   (i) is also the sole owner –

   ‘AB chairperson/secretary, the sole registered owner for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

   See CMS Example 5.

   (ii) is a joint tenant or a tenant in common –

   ‘AB chairperson/secretary, the nominee of DEF and GHI the sole registered owners for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

(b) where the registered owner is a corporation –

   ‘AB chairperson/secretary, the nominee of XYZ Pty Ltd the sole registered owner for and on behalf of the Body Corporate for [scheme name] community titles scheme [number].’

Where a body corporate manager has been engaged by a body corporate and is executing an instrument or document on their behalf, a copy of the resolution which authorises the body corporate manager to affix the body corporate seal must be deposited with the instrument or document when lodged. The resolution must be made in accordance with the regulation module that applies to the scheme and be certified by the body corporate under the body corporate seal. If the body corporate manager is a company, the body corporate seal must be affixed together with an execution by the company in a manner permitted by law (e.g. under the seal of the company with the designations of the signatories shown).

See CMS Example 6.
By a Body Corporate of a Specified Two-lot scheme

A specified two-lot scheme body corporate may execute a document as follows:

(a) the body corporate seal is attached to the document in the presence of—
- the owner of each lot or each owner’s representative; or
- if one person owns both lots, by the owner of the lots or the representative of the owner.

The designation of each signatory must be shown adjacent to their signature, for example ‘Lot Owner’ or ‘Lot Owner Representative’.

If there are two or more co-owners of a lot, the signature of only one co-owner is required;

or

(b) the manner in which a lot owner agreement directs or authorises (for example by a body corporate manager). A certified copy of the lot owner agreement authorising the engagement of the manager or the other manner of execution, must be deposited with the document (see 60-1030].

Reserving a Name for a Scheme [45-2080]

See part 14, esp ¶[14-2500]¶

Community Management Statement – Principal Document and Basic Requirements [45-2140]

Purpose of a Community Management Statement

A CMS is a document that identifies scheme land and provides particulars of the scheme in keeping with s. 66 of the BCCMA. The particulars include:

- the name of the community titles scheme;
- the name of the body corporate;
- the name and address of the original owner for a first CMS;
- the applicable regulation module;
- a schedule of lot entitlements (contributions and interests);
- the service location diagrams as required by s. 66(1)(d) as they relate to the scheme;
- the by-laws (including identification and allocation to lots of any exclusive use areas);
- a future development concept drawing etc. if applicable; and
- anything else relating to the regulation module.
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Part 52 – Administrative Advices

General Law

A number of Acts provide for notices to be provided to the Registrar for entry in the registers. Authority to enter advices in the registers is contained in ss. 29 and 34 of the Land Title Act 1994 and ss. 280 and 281 of the Land Act 1994.

The purpose of these notices is to advise interested parties that a matter authorised under the relevant Act exists. These notices are entered as administrative advices on the relevant title for the lot that is the subject of the notice.

The entry of an administrative advice may prevent further dealings with the land being registered. This is determined by the legislation authorising the entry of the administrative advice.

The fee payable for the deposit of a dealing to record or remove an administrative advice will apply unless there is a statutory exemption.

Administrative Advices Which May Prevent Registration of Dealings

Notice under Miscellaneous Legislation

Entered on title – ADMIN NOTING.

In some instances the legislation under which a notice of this type was entered may prevent registration of a dealing. For general information about notices under miscellaneous legislation see [52-0280].

The following notice is one example that may prevent registration of a dealing.

Notice of Suspension of Attorney’s Powers under the Public Guardian Act 2014

A Notice of Suspension is given to the Registrar where the Public Guardian, under the provisions of the Public Guardian Act, temporarily suspends the powers of an attorney for a person with impaired decision making capacity (the person) and appoints the Public Trustee as attorney for financial matters for the person during the period of suspension.

A Form 14 – General Request with a copy of the Notice of Suspension is required to be deposited. The Notice of Suspension also contains details of the appointment of the Public Trustee as attorney. The Notice of Suspension is recorded on the relevant title.

The notice will remain on the title until the person is no longer the holder of the interest.

Caveator’s Notice of Action under the Land Title Act 1994

Entered on title – NTCE OF ACTN.

Section 126 of the Land Title Act (the Act) makes provision for caveats lodged under Part 7 Division 2 of the Act to lapse. Exceptions to the lapsing provisions are set out in s. 126(1) of the Act. For further information about these exceptions, see ¶[11-0170].

To prevent the lapsing of a caveat, a caveator must:
• start a proceeding in a Court of competent jurisdiction to establish the interest claimed under the caveat; and

• notify the Registrar that a proceeding has been started and identify the proceeding by depositing a Form 14 – General Request (Notice of Action) within specified time limits (for further information on the specified time limits, see ¶[11-0190].

The Form 14 – General Request (Notice of Action) must clearly identify the caveat, the court action number of the proceeding, and all relevant titles. A copy (see [60-1030]) of the originating proceeding issued out of a court of competent jurisdiction and showing the court action number must be deposited with the Form 14. No deposit fee is payable. A copy of a court order that establishes an interest claimed under a caveat may be used in lieu of a copy of the originating proceeding even if the court order was made before the caveat was lodged. A copy of the originating proceeding or a copy of a court order deposited with a caveat is not sufficient to comply with the requirements of s. 126(4)(b) of the Act.

The entry of a Notice of Action as an administrative advice on a title does not automatically prevent a caveat from lapsing, as there are other factors which determine the effect of a Notice of Action, namely:

(a) whether the notice was lodged within the prescribed time; and

(b) whether the claim and grounds are reflected in the proceedings.

If either of the above factors are not met, the notice will not have any effect on the caveat. A requisition will be issued for the notice to be withdrawn from the registry within seven days.

If a deficiency other than those mentioned above is found in the notice during examination, a requisition will be issued for rectification within twenty-eight days. For further information see ¶[11-2010] and part 60 – Miscellaneous, esp ¶[60-0030].

Removal

If a dealing being registered has the effect of removing a caveat from the title, the Registrar will also remove any Notice of Action that is associated with that caveat.

\textbf{2}Caveatee’s Notice under s. 126(2) of the \textit{Land Title Act 1994} \[52-0020\]

Entered on title – NOTICE.

The caveatee under a lodged caveat may serve a notice on the caveator to commence a proceeding in a court of competent jurisdiction, within 14 days of service of the notice, to establish the interest claimed in the caveat (s. 126(2)(a) of the Land Title Act).

The Act defines a caveatee as a registered proprietor of the lot, or someone (other than the caveator) who has an interest in the lot.

Section 126(2)(b) of the Act further requires a caveatee to notify the Registrar within 14 days of the service of such notice on the caveator. The notification to the Registrar must be made by way of a Form 14 – General Request (Caveatee’s Notice). A deposit fee is not applicable. A copy of the notice which was sent to the caveator must be deposited with the notification to the Registrar.

The notification by the caveatee to the Registrar must provide:

(a) sufficient information to link the land and the caveat to the notice; and
Notice of Recreation Area Agreement under the *Recreation Areas Management Act 2006*

Under the provisions of s. 10 of the Recreation Areas Management Act (the Act), the chief executive after entering into a recreation area agreement must notify the Registrar to enter a noting against the relevant titles.

A deposit fee is not applicable.

**Removal**

On notification by the chief executive officer that the recreation area agreement is amended or cancelled, the Registrar must remove the notice from the register (s. 13(2) of the Act).

A deposit fee is not applicable.

Notice of Transfer under the *South East Queensland Water (Restructuring) Act 2007*

Where the Registrar has received notification under s. 116A(8) of the South East Queensland Water (Restructuring) Act that s. 116A applies to the land, a noting to this effect will be recorded on the relevant title. A deposit fee is applicable.

**Removal**

Under s. 116(9) of the South East Queensland Water (Restructuring) Act, the Registrar must cancel the notice if asked to do so by the asset owner.

A deposit fee is applicable.

Notice of Native Title Determination under the *Native Title Act 1993 (Cth)*

Entered on title – NT DETERM.

Where a native title determination has been made under the Native Title Act a request by the department administering the *Native Title (Queensland) Act 1993* is made to the Registrar to enter a noting against relevant titles.

Notice of Land Management Plan under the *Land Act 1994*

Entered on title – LAND NOTICE.

Where approval of a land management plan for trust land has been given by the Minister, a notification may be given to the Registrar to enter a noting against relevant titles (s. 48 of the Land Act).

A deposit fee is not applicable.

¶[52-0300] deleted

Notice of an Affected Area under the *Planning Act 2016*

Entered on title – AFF AREA NOT.

Under the provisions section 269(2) of the Planning Act (the Act), the owner of registered premises with an affected area must give notice, within 20 business days after the premises are registered under the Act, to the Registrar to record a noting against relevant titles.

Under the provisions section 271(2) of the Act, an applicant for a relevant development application within an affected area must give notice, within 20 business days after making the application, to the Registrar to record a noting against relevant titles.
A deposit fee is applicable.

**Removal**

On notification by the registered owner, that registration of the premises has ended, or on notification by the applicant that the relevant development application has been refused, lapsed or withdrawn, the Registrar must remove the notice from the register (s. 269(7) or s. 271(3) of the Act).

The Registrar may, if requested, also remove a notice if satisfied on reasonable grounds that the registration of the premises has expired or been cancelled or that the relevant development application has been refused, lapsed or withdrawn.

A deposit fee is applicable.

1**Notice of an Environmental Offset Protection Area under the Environmental Offsets Act 2014** [52-0310]

Entered on title – OFFSET AREA.

Under s. 30 or 33 of the Environmental Offsets Act (the Act), the chief executive of the department administering the Act may declare that land is an environmental offset protection area.

Notice must be given to the Registrar that the declaration has been made and this information is recorded in the register (s. 31 or s. 34 of the Act).

A deposit fee is not applicable.

**Removal**

Under s. 34 of the Act, the Registrar must remove the notice if asked to do so by the chief executive.

1**Notice of a Conduct and Compensation Agreement under the Mineral and Energy Resources (Common Provisions) Act 2014** [52-0315]

Entered on title – CON COM AGMT

Where a conduct and compensation agreement (CCA) is entered into under section 83 of the Mineral and Energy Resources (Common Provisions) Act (the MERCP Act), the resource authority holder must give the Registrar a notice to record an administrative advice within 28 days of entering into the CCA (section 92(1) of the MERCP Act).

There is no requirement for a copy of the agreement to be deposited. If the applicant is acting as an agent for the resource authority holder or the current resource authority holder differs from that named in the original agreement, reference to this must be stated on the Form 14 - General Request.

Where a solicitor signs the Form 14 on behalf of the applicant, they must print their name in full adjacent to their signature. Where the applicant signs the Form 14 the details of the signatory’s authority to sign on behalf of the applicant must be provided (i.e. their name, position or designation and the name of the company). If an agent is acting on behalf of the applicant they must also include reference to their authority to sign on behalf of the applicant.

Deposit fees apply and are the responsibility of the resource authority holder as the applicant.