Preparation checklist Form 9 — Easement

This checklist contains general information to assist practitioners complete a basic easement. It is not intended to be a complete guide. For further information about the requirements of a Form 9 — Easement, refer to Part 9 of the Land Title Practice Manual available at www.business.qld.gov.au/industry/titles-property-construction/titles-property/practice-manual.

Items

Item 1
☐ Do the grantor and the registered owner on the title to the burdened lot agree?

Item 2
☐ Do the servient tenement description and the easement description on the survey plan agree and is shown as — for example Easement [identifier] on SP [number]. For the whole of the land insert the full description of the lot.
☐ Do the dominant tenement description and the description on the title to the benefitted lot agree?

Item 3
☐ Is the interest being burdened shown — for example Fee simple, State Tenure, Unallocated State Land?

Item 4
☐ Is the interest being benefitted shown — for example Fee simple or State Tenure?

Item 5
☐ Has the grantee been shown correctly and agree with the registered proprietor shown on the title of the benefitted lot?

Item 6
☐ Is the consideration fully expressed? Note: Nil is not a valid consideration.

Item 7
☐ Do the easement purpose and the covenants in an attached schedule or standard terms document agree?

Item 8
☐ Are the non-applicable clauses deleted?
☐ Is the form signed and dated by all parties?
☐ If executed under a power of attorney, is the attorney clause completed, showing the principal’s name, the attorney’s name or the attorney’s position and the Queensland register power of attorney number.
☐ If executed under a common seal, is it legible and capable of being copied?
☐ If a company has executed without a common seal, are the company name and ACN/ARBN shown?
☐ Are the designations of the signatories for a company shown?
☐ Is the witness qualified in accordance with Schedule 1 of the Land Title Act 1994 and their full name shown?

Form and evidence
☐ Have the correct form and version been used?
☐ Are details of duty noted?
☐ Are the lodger’s details shown?
☐ Are all pages numbered consecutively?
Is a survey plan required to be lodged prior to lodgement of the easement form?

Does the preceding survey plan identify the easement as 'proposed'? **Note:** if 'proposed' is not shown, the easement form must be lodged.

Is the consent of a lessee on a Form 18—General Consent required to be deposited?

Is a court order required to be deposited?

Are there restrictive covenants?

If State tenure, is the Minister's approval deposited and all requirements satisfied?

**Easement involving a body corporate**

If executed by a body corporate, is the execution under the seal of the body corporate and dated?

Is the name in the body corporate seal in accordance with s. 33(1) of the *Body Corporate and Community Management Act 1997*?

Is the body corporate seal legible and capable of being copied?

Are the designations of the signatories shown?

If executed by other than two members of the committee — one of which must be the chairperson or secretary (secretary or treasurer for small schemes) — is a copy of the authorising resolution, certified by a committee member, deposited? See part [45-2060] of the LTPM for information relating to execution by a body corporate of a Specified Two-lot scheme.

Is a certified copy of the resolution (required by s. 155 of the *Body Corporate and Community Management Act 1997*) from the body corporate for the community titles scheme deposited?