

# **The Land Victoria Lodging Book**

## **Section 2 – Approved Forms**

**A guide to dealings – Version 4.1**

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## INTRODUCTION

**Section 121 of the *Transfer of Land Act 1958* provides the process for the approval of forms acceptable for lodging in Land Victoria:**

- The Registrar may approve forms and makes them available in paper or electronically. The Registrar of Titles may also license a person to provide them (Section 121(2) *Transfer of Land Act 1958*).
- The Registrar may approve a person's forms for on-selling in paper or electronically (Section 121(4) *Transfer of Land Act 1958*).
- The Registrar may approve a person's forms for their use in paper or electronically (Section 121(7) *Transfer of Land Act 1958*).

**All such forms must comply with the current regulations made under the *Transfer of Land Act 1958* specifying the standards for quality and information required in Instruments to be lodged with the Registrar for registration.**

**Important points to remember:**

- B4 size approved forms dated before 1 June 1992 will be accepted for lodgement (no sealing fee required).
- B4 size approved forms dated on or after 1 June 1992 will be liable for payment of a sealing fee in addition to the normal registration fee.
- Forms approved for use prior to 1 June 1995 must not be printed on white 80 gsm paper.

**All current approved forms are available in hard copy from Land Victoria and available online at [www.dse.vic.gov.au](http://www.dse.vic.gov.au), go to Property, Titles and Maps.**

## PRE-PRINTED APPROVED FORMS

**The panels of the pre-printed approved forms are designed to maximise the available space on the form. Where the panel in a form is not adequate an A1 Annexure Page must be used. If more than one panel is to be continued on the Annexure Page, each continuation must have set out the relevant panel heading.**

**A list of the pre-printed approved forms is set out on the following page. These forms are available on the Department of Sustainability and Environment website at [www.dse.vic.gov.au/property](http://www.dse.vic.gov.au/property) > Land titles > Land Victoria forms, guides and fees. Most forms are interactive and can be completed online.**

The pre-printed approved forms are as follows:

<b>Form</b>	<b>Description</b>
<b>A1</b>	<a href="#"><u>Annexure Page</u></a>
<b>APA</b>	<a href="#"><u>Application of Notice of Intention to Acquire Land</u></a>
<b>APR</b>	<a href="#"><u>Application by Legal Personal Representative</u></a> Statutory Declaration
<b>ASP</b>	<a href="#"><u>Application by Surviving Proprietor</u></a> Statutory Declaration
<b>C</b>	<a href="#"><u>Caveat</u></a>
<b>DM</b>	<a href="#"><u>Discharge of Mortgage or Charge</u></a>
<b>M1A</b>	<a href="#"><u>Mortgage</u></a> – A basic form of mortgage that secures a principal sum lent by the mortgagee to the mortgagor either at a stated rate of interest or interest free.
<b>M1B</b>	<a href="#"><u>Mortgage</u></a> – A mortgage to secure a form of indebtedness to the mortgagee where the debtor may be the mortgagor and/or a third party. The mortgage provides for loans, advances or financial accommodation. <a href="#"><u>Generic Mortgage (Principal Sum)</u></a> <a href="#"><u>Generic Mortgage (All Monies)</u></a>
<b>MCP</b>	<a href="#"><u>Memorandum of Common Provisions</u></a>
<b>T1</b>	<a href="#"><u>Transfer of Land</u></a>
<b>T2</b>	<a href="#"><u>Transfer of Land [Creation and/or Reservation of Easement and/or Covenant]</u></a>
<b>T3</b>	<a href="#"><u>Transfer by Mortgagee or Annuitant</u></a>
<b>WC</b>	<a href="#"><u>Withdrawal of Caveat</u></a>
<b>OC1</b>	<a href="#"><u>Owners Corporation Information (Unlimited Owners Corporation)</u></a>
<b>OC2</b>	<a href="#"><u>Owners Corporation Information (Limited Owners Corporation)</u></a>
<b>OC3</b>	<a href="#"><u>Notification of Change of Address of an Owners Corporation</u></a>
<b>OC4</b>	<a href="#"><u>Owners Corporation Information (Notification of Alteration)</u></a>
<b>OC5</b>	<a href="#"><u>Owners Corporation Information (Notification of Making Owners Corporation Rules)</u></a>

## **A1 – ANNEXURE PAGE**

### **USE**

The approved A1 Annexure Page must be used where additional pages are required when completing an approved form. This will be where there is insufficient space to accommodate the required information in any panel of the approved form. When completed the A1 Annexure Page and the approved form must be attached by being stapled in the top left corner.

The relevant approved form must be clearly referred to in the annexure, e.g. *see Annexure Page 2*.

### **IDENTIFICATION PANEL**

Complete by inserting the Annexure reference (i.e. Annexure Page 2), type, date of and the parties to the approved form to which it is annexed.

All parties to the parent document must sign this panel. Where one of the parties is an incorporated body it is not necessary for the common seal to be affixed; it is sufficient for the persons who attested the affixing of the seal or completed any other mode of execution on behalf of the incorporated body on the relevant approved form to sign the annexure page.

Where an attorney has executed the parent approved form it is not necessary to repeat the full attestation clause. The signature of the Australian Legal Practitioner under the *Legal Profession Act 2004* is sufficient.

### **PANEL HEADING**

If a panel on the parent form is being continued, enter the panel heading and the additional text on the Annexure Page.

If more than one panel is to be continued on the Annexure Page each continuation must contain the panel heading.

## **APA – APPLICATION BY ACQUIRING AUTHORITY**

### **USE**

The APA form is used by an authority to enter on the relevant folio of the Register a notice of intention to acquire land or an easement over land under the *Land Acquisition and Compensation Act 1986*.

### **FEE**

Regulation 13 Land Acquisition and Compensation Regulations 1998

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

- APA form
- Certificate of Title **not** required
- A copy of the Notice of Intention to Acquire must be annexed to the application

### **LAND**

If the application affects the whole of the land in a folio of the Register, only the Volume and Folio numbers of the Certificate of Title should be inserted.

If the application affects only part of the land in a folio of the Register, this should be stated and a lot and plan number or Crown description given in addition to the Volume and Folio numbers. If necessary the affected land should be defined by reference to the notice attached e.g. *that part of the land in Volume 1234 Folio 567 as is specified in the notice of intention to acquire a copy of which is attached and referred to in the notice of intention to acquire panel below.*

### **APPLICANT**

Insert the full name and address of the acquiring authority.

### **NOTICE OF INTENTION TO ACQUIRE**

Insert the date of service of the notice.

### **ADDRESS FOR SERVICE OF NOTICE**

Insert the full name and Victorian address to which the Registrar of Titles is to serve notice of any Instrument lodged after registration of the application. It is not acceptable to use a *care of* address or a *post office box* number (except other than that of an Australian Legal Practitioner's or Licensed Conveyancer's office).

### **DATE**

This form must be dated.

### **EXECUTION**

The application must be signed by a responsible officer of the acquiring authority and the office held by the person should be set out.

If there is insufficient space in any panel, the approved A1 Annexure Page must be used.

## **APR – APPLICATION BY LEGAL PERSONAL REPRESENTATIVE USE**

The APR form is used by the executor(s) or administrator(s) of a deceased sole proprietor or tenant in common of land, mortgage, charge or lease.

### **NOTE:**

If the deceased proprietor is registered as a joint proprietor, the ASP form must be used by the surviving proprietor(s).

### **FEE**

Schedule 2 Item 27 Section 49 Transfer of Land (Fees) Regulations 2004

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

- APR form
- Certificate of Title
- Evidence of representation

**NOTE: Duplicate mortgage not required when mortgage is affected.**

### **LAND**

Insert the Volume and Folio numbers, and the registered number of the mortgage, charge or lease number where applicable.

### **APPLICANT**

Insert the full name and address for future notices including postcode of the Executor or Administrator. It is not acceptable to use a *care of* address or a *post office box* number.

### **NOTE:**

If the supporting evidence shows any variation in the applicant's name compared to the Grant of Probate or Letters of Administration, then proof of identity by Statutory Declaration may be required.

### **REPRESENTATIVE CAPACITY**

Insert the representative capacity of the applicant(s)

e.g. 'as Executor of the Will of .....deceased.'

'as Administrator of the estate of .....deceased.'

### **DECEASED REGISTERED PROPRIETOR**

Insert the full name of the deceased. If there is any variation between the name of the deceased in the Grant of Probate or Letters of Administration or other evidence produced and the deceased's name as registered on title, mortgage, charge or lease, a recital or Statutory Declaration should be used to explain the difference in name.

### **DATE OF DEATH OF REGISTERED PROPRIETOR**

Insert the date of death of the deceased registered proprietor.

### **DATE**

This form must be dated.

**EXECUTION**

**The usual signature of the applicant, their Australian Legal Practitioner or their Licensed Conveyancer. The signature does not need to be witnessed.**

**ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**For further assistance to complete this form see notes in this Section.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**



## **Evidence of legal personal representation**

**Evidence of legal personal representation may be provided as follows:**

- 1. By Statutory Declaration in the form provided on the following page.**

**Paragraph 4 of the Statutory Declaration should be completed with the full recital of any limitations set out in the Grant of Probate or Letters of Administration. A copy of the front page of the Grant of Probate must also be exhibited to the Statutory Declaration but does not have to be certified.**

**Paragraph 5 of the Statutory Declaration should show the means of knowledge of the declarant. Acceptable means of knowledge include:**

**'I am the applicant' or 'I am the Australian Legal Practitioner for the applicant'.**

**or**

- 2. By production of a certified photocopy of the front page of the Grant of Probate or Letters of Administration.**

**A certification in the following form may be endorsed on the photocopy by the Australian Legal Practitioner or a Fellow of the Institute of Legal Executives (Victoria) for the applicant:**

**'I certify that this is a true copy of the front page of the (Grant of Probate/Letters of Administration) of which it purports to relate and that the grantee has not been removed.'**

**Signature of Australian Legal Practitioner or Legal Executive.**

## **ASP – APPLICATION BY SURVIVING PROPRIETOR**

### **USE**

The ASP form is used by the surviving proprietor(s) when two or more people are registered as joint proprietors on a Certificate of Title, mortgage, charge or lease.

### **NOTE:**

If the deceased proprietor is registered as a tenant in common the APR form must be used by the executor/administrator of the deceased's interest.

### **FEE**

Schedule 2 Item 28 Section 50 Transfer of Land (Fees) Regulations 2004

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

- ASP form
- Certificate of Title
- Statutory Declaration (see below)
- State Revenue Office Notice of Acquisition

**NOTE: Duplicate mortgage not required when mortgage is affected.**

### **LAND**

Insert Volume and Folio numbers and the registered number of the mortgage, charge or lease where applicable.

### **APPLICANT**

Insert the full name and address for future notices including postcode of the surviving proprietor. It is not acceptable to use a *care of* address or a *post office box* number.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital or Statutory Declaration should be used to explain the difference in the name.

### **DECEASED REGISTERED PROPRIETOR**

Insert the full name of the deceased.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital or Statutory Declaration should be used to explain the difference in the name.

### **EXECUTION**

The usual signature of the applicant, their Australian Legal Practitioner or their Licensed Conveyancer.

### **DATE**

This form must be dated.

## **ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

## **STATUTORY DECLARATION**

**A form of Statutory Declaration is provided on a following page.**

**The Statutory Declaration is sufficient proof of death (a full death certificate or extract is not required). The declaration is usually made by the applicant but may be made by any person who has sufficient means of knowledge to declare the matters set out.**

**Clause 3 of the declaration requires the person making it to state his/her means of knowledge. For example, the statement *'the deceased was my wife/husband'* and/or *'I attended her/his funeral'* would be acceptable.**

### **NOTE:**

**The Penal Clause must be applicable to the state in which the Statutory Declaration was declared.**

**If there is insufficient space in any panel the approved A1 Annexure page must be used.**

## **C – CAVEAT**

### **USE**

The C caveat form is for recording of a notice of a Caveator's interest in land under Section 89 of the *Transfer of Land Act 1958*.

### **FEE**

Schedule 2 Item 61 Section 89 Transfer of Land (Fees) Regulations 2004

### **DUTY**

No duty payable unless claim is pursuant to a mortgage or charge executed before 1 July 2004 – refer to State Revenue Office.

### **LODGING REQUIREMENTS**

- C form
- Certificate of Title not required

### **LAND**

If the caveat affects the whole of the land in a folio of the Register, only insert the Volume and Folio numbers.

If the caveat affects only part of the land in a folio of the Register, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.

If the caveat affects a mortgage, charge or lease, the type and reference number of the Instrument and the relevant folio of the Register should be set out.

### **CAVEATOR**

Insert the full name of the Caveator.

The Caveator must be a natural person or a legal entity.

**NOTE:** The use of the expression 'and/or nominee' in this panel is not acceptable.

### **ESTATE AND INTEREST CLAIMED**

Insert the estate or interest claimed in the land (e.g. '*an estate in fee simple*', '*an interest as mortgagee*').

### **FOUNDATIONS OF CLAIM**

Insert the grounds of claim which should disclose how the estate or interest arises. If any document is referred to the names of the parties and its date must be set out.

### **EXTENT OF PROHIBITION**

If absolutely is not appropriate, delete the word 'ABSOLUTELY' and specify the conditions under which registration may be effected.

**ADDRESS FOR SERVICE OF NOTICE**

**Insert full name and an address for the service of notice of Instruments lodged after recording of the caveat. It is not acceptable to use a care of address (except other than that of an Australian Legal Practitioner's or Licensed Conveyancer's office) or a post office box number.**

**EXECUTION**

**The caveat must be signed by the Caveator, their agent, their Australian Legal Practitioner or their Licensed Conveyancer. For all Agents (other than an Australian Legal Practitioner or Licensed Conveyancers) written proof of agency must be supplied where an agent signs for the caveator unless a letter of agency is already filed with Land Victoria.**

**When a Caveator company executes, the usual company execution is required.**

**DATE**

**This form must be dated.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**

## **DM – DISCHARGE OF MORTGAGE OR CHARGE**

### **USE**

The DM form is used to discharge a registered mortgage or charge as to either the whole or part of the affected land.

### **FEE**

**Schedule 2 Item 52 Section 84(1) Transfer of Land (Fees) Regulations 2004 (excepting discharge of a mortgage under the provisions of the *Soldier Settlement Act 1958* where no fee is payable)**

**An extra lodging fee is payable for:**

- each additional mortgage being discharged.
- each additional estate in a multi-estate mortgage.

### **DUTY**

**Not payable**

### **LODGING REQUIREMENTS**

- DM form
- Certificate of Title

**NOTE: Duplicate mortgage not required**

### **LAND**

**If the whole of the land in a folio of the Register is being discharged, only insert the Volume and Folio numbers.**

**If only part of the land in a folio of the Register is being discharged, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.**

### **MORTGAGE OR CHARGE NUMBER**

**Insert the registered number of the mortgage or charge to be discharged.**

### **MORTGAGEE OR ANNUITANT**

**Insert the full name of the mortgagee or annuitant.**

**If any part of the name varies from what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.**

### **NOTE:**

**If the Mortgagee or Annuitant is deceased, the usual application pursuant to Section 49 *Transfer of Land Act 1958* or Section 50 *Transfer of Land Act 1958* must be lodged first.**

**EXECUTION**

**The usual execution of the mortgagee or annuitant.**

**If the executing party is an incorporated body, the appropriate formalities should be adhered to.**

**The signature of the mortgagee or annuitant does not have to be witnessed.**

**DATE**

**This form must be dated.**

**ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**

## **M1A – MORTGAGE OF LAND**

### **USE**

The M1A mortgage form is used for mortgages of land when a principal sum is lent by the mortgagee to the mortgagor either at a stated rate of interest or interest free.

### **FEE**

Schedule 2 Item 48 Section 74 Transfer of Land (Fees) Regulations 2004 (excepting mortgage where Rural Finance Corporation of Victoria is mortgagee under the provisions of the *Soldier Settlement Act 1958* where no fee is payable)

### **NOTE:**

If the mortgage has more than one estate, a further fee for each additional estate is required.

### **DUTY**

No duty payable unless mortgage is executed before 1 July 2004 – refer to State Revenue Office.

### **LODGING REQUIREMENTS**

- M1A form
- Certificate of Title

### **LAND**

If the whole of the land in a folio of the Register is being mortgaged, only insert the Volume and Folio numbers.

If only part of the land in a folio of the Register is being mortgaged, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information

### **ESTATE AND INTEREST BEING MORTGAGED**

Insert the estate and interest being mortgaged (e.g. *all the mortgagor's estate and interest in fee simple*).

### **MORTGAGOR**

Insert the full name of the person mortgaging the land.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital or Statutory Declaration should be provided to explain the difference in name.

### **MORTGAGEE**

Insert the full name and address for future notices of the mortgagee. It is not acceptable to use a *care of* address or a *post office box* number.

### **PRINCIPAL SUM**

Insert the amount being lent.

### **HOW AND WHEN PRINCIPAL SUM IS TO BE REPAYED**

Insert how and when the principal sum is to be repaid (i.e. monthly/quarterly/half yearly), amount of instalments and dates when instalments are due.



**RATE OF INTEREST AND HOW PAYABLE**

Insert the rate of interest and how payable. If the loan is interest free, insert *Nil*.

**DATE**

This form must be dated.

**MEMORANDUM OF COMMON PROVISIONS**

Insert the number of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles to be included in the mortgage. If no MCP is to be included, the panel should be completed by the insertion of *Nil*.

**EXECUTION**

The usual execution of the mortgagor.

If the executing party is an incorporated body, the appropriate formalities should be adhered to.

The signature of the mortgagor must be witnessed by an adult person who is not a party to the mortgage.

**ORDER TO REGISTER**

If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.

Page 2 of the form is for any additional covenants, execution and attestation and the continuation of any panel if there is insufficient space.

## **M1B – MORTGAGE OF LAND**

### **USE**

The M1B mortgage form is used for a mortgage of land to secure a form of indebtedness to the mortgagee where the debtor may be the mortgagor and/or a third party. The mortgage provides for loans, advances or financial accommodation.

### **FEE**

Schedule 2 Item 48 Section 74 Transfer of Land (Fees) Regulations 2004 (excepting mortgage where Rural Finance Corporation of Victoria is mortgagee under the provisions of the *Soldier Settlement Act 1958* where no fee is payable)

### **NOTE:**

If the mortgagee has more than one estate, a further fee for each additional estate is required.

### **DUTY**

No duty payable unless mortgage is executed before 1 July 2004 – refer to State Revenue Office.

### **LODGING REQUIREMENTS**

- M1B form
- Certificate of Title

### **LAND**

If the whole of the land in a folio of the Register is being mortgaged, only insert the Volume and Folio numbers.

If only part of the land in a folio of the Register is being mortgaged, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.

### **ESTATE OR INTEREST BEING MORTGAGED**

Insert the estate and interest being mortgaged (e.g. *all the mortgagor's estate and interest in fee simple*).

### **MORTGAGOR**

Insert the full name of the person mortgaging the land.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.

### **MORTGAGEE**

Insert the full name and address for future notices of the mortgagee. It is not acceptable to use a *care of* address or a *post office box* number.

### **DEBTOR**

Insert the full name of the debtor, if none insert *Nil*.

### **DATE**

This form must be dated.

## **MEMORANDUM OF COMMON PROVISIONS**

**Insert the number of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles to be included in the mortgage. If no Memorandum of Common Provisions is to be included, the panel should be completed by the insertion of *Nil*.**

## **ADDITIONAL COVENANTS**

**Additional covenants may be included by using one or more of the approved Annexure Page A1 forms.**

## **EXECUTION**

**The usual execution of the mortgagor.**

**If the executing party is an incorporated body, the appropriate formalities should be adhered to.**

**The signature of the mortgagor must be witnessed by an adult person who is not a party to the mortgage.**

## **ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**

## **GENERIC MORTGAGE (PRINCIPAL SUM) – MORTGAGE OF LAND**

### **USE**

The Generic Mortgage (Principal Sum) form is used for mortgages of land when a principal sum is lent by the mortgagee to the mortgagor either at a stated rate of interest or interest free.

### **FEE**

Schedule 2 Item 48 Section 74 Transfer of Land (Fees) Regulations 2004 (excepting mortgage where Rural Finance Corporation of Victoria is mortgagee under the provisions of the *Soldier Settlement Act 1958* where no fee is payable)

### **NOTE:**

If the mortgagee has more than one estate, a further fee for each additional estate is required.

### **DUTY**

No duty payable unless mortgage is executed before 1 July 2004 – refer to State Revenue Office.

### **LODGING REQUIREMENTS**

- Generic Mortgage (Principal Sum) Form
- Certificate of Title

### **MEMORANDUM OF COMMON PROVISIONS**

Insert the number of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles to be included in the mortgage. If no MCP is to be included, the panel should be completed by the insertion of *'Nil'*.

### **LAND**

If the whole of the land in a folio of the Register is being mortgaged, only insert the Volume and Folio numbers.

If only part of the land in a folio of the Register is being mortgaged, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information

### **MORTGAGOR**

Insert the full name of the person mortgaging the land.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital or Statutory Declaration should be provided to explain the difference in name.

### **ESTATE AND INTEREST BEING MORTGAGED**

Insert the estate and interest being mortgaged (e.g. *all the mortgagor's estate and interest in fee simple*).

### **MORTGAGEE**

Insert the full name and address for future notices of the mortgagee. It is not acceptable to use a *care of* address or a *post office box* number.

**PRINCIPAL SUM**

Insert the amount being lent.

**HOW AND WHEN PRINCIPAL SUM IS TO BE REPAYED**

Insert how and when the principal sum is to be repaid (i.e. monthly/quarterly/half yearly), amount of instalments and dates when instalments are due.

**RATE OF INTEREST AND HOW PAYABLE**

Insert the rate of interest and how payable. If the loan is interest free, insert *Nil*.

**COVENANTS**

Additional covenants may be included by using one or more of the approved Annexure Page A1 forms.

**DATE**

This form must be dated.

**EXECUTION**

The usual execution of the mortgagor.

If the executing party is an incorporated body, the appropriate formalities should be adhered to.

The signature of the mortgagor must be witnessed by an adult person who is not a party to the mortgage.

**ORDER TO REGISTER**

If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.

If there is insufficient space in any panel the approved A1 Annexure Page must be used.

## **GENERIC MORTGAGE (ALL MONIES) – MORTGAGE OF LAND USE**

The Generic Mortgage (All Monies) Form is used for a mortgage of land to secure all monies owed by the mortgagor to the mortgagee.

### **FEE**

Schedule 2 Item 48 Section 74 Transfer of Land (Fees) Regulations 2004 (excepting mortgage where Rural Finance Corporation of Victoria is mortgagee under the provisions of the *Soldier Settlement Act 1958* where no fee is payable).

### **NOTE:**

If the mortgagee has more than one estate, a further fee for each additional estate is required.

### **DUTY**

No duty payable unless mortgage is executed before 1 July 2004 – refer to State Revenue Office.

### **LODGING REQUIREMENTS**

- Generic Mortgage (all monies) Form
- Certificate of Title

### **MEMORANDUM OF COMMON PROVISIONS**

Insert the number of the Memorandum of Common Provisions (MCP) retained by the Registrar of Titles to be included in the mortgage. If no Memorandum of Common Provisions is to be included, the panel should be completed by the insertion of *Nil*.

### **LAND**

If the whole of the land in a folio of the Register is being mortgaged, only insert the Volume and Folio numbers.

If only part of the land in a folio of the Register is being mortgaged, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.

### **MORTGAGOR**

Insert the full name of the person mortgaging the land.

### **NOTE:**

If any part of the name varies to what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.

### **ESTATE OR INTEREST BEING MORTGAGED**

Insert the estate and interest being mortgaged (e.g. *all the mortgagor's estate and interest in fee simple*).

### **MORTGAGEE**

Insert the full name and address for future notices of the mortgagee. It is not acceptable to use a *care of* address or a *post office box* number.

### **COVENANTS**

Additional covenants may be included by using one or more of the approved Annexure Page A1 forms.

**DATE**

**This form must be dated.**

**EXECUTION**

**The usual execution of the mortgagor.**

**If the executing party is an incorporated body, the appropriate formalities should be adhered to.**

**The signature of the mortgagor must be witnessed by an adult person who is not a party to the mortgage.**

**ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**

## **MCP – MEMORANDUM OF COMMON PROVISIONS**

### **USE**

**Section 91A *Transfer of Land Act 1958* enables the deposit with Land Victoria of a statement of common provisions for inclusion in documents to be lodged for registration.**

**Regular use is made of a Memorandum of Common Provisions (MCP) to include provisions in Instruments and plans e.g. covenants in mortgages, restrictive covenants and easements in transfers and covenants in leases.**

**The covenants in each MCP are to be numbered consecutively from number 1.**

### **FEE**

**Schedule 2 Item 63 Section 91A Transfer of Land (Fees) Regulations 2004**



## **T1 – TRANSFER OF LAND**

### **USE**

**The T1 transfer form must be used for transfers of land (including transfers by direction) other than transfers:**

- containing a restrictive covenant or a covenant created by statute (use T2 form);
- creating or reserving easements (use T2 form);
- by mortgagee under power of sale (use T3 form);
- under the ***Local Government Act 1989*** (see LODGING BOOK SECTION 5 –ASSOCIATED ACTS).

### **FEE**

**Schedule 2 Item 21 Section 45 Transfer of Land (Fees) Regulations 2004**

### **DUTY**

**Payable or transfer denoted as exempt unless transfer is:**

- to an exempt authority or municipality;
- from joint proprietors to the same persons as tenants in common in equal shares or vice versa.

### **LODGING REQUIREMENTS**

- T1 form
- Certificate of Title
- State Revenue Office Notice of Acquisition

### **LAND**

**If the whole of the land in a folio of the Register is being transferred, only insert the Volume and Folio numbers.**

**If only part of the land in a folio of the Register is being transferred, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.**

### **ESTATE AND INTEREST**

**Insert the estate and interest being transferred (e.g. *all my estate in fee simple*). If less than the full interest, specify the interest (e.g. *One equal undivided half part or share*).**

### **CONSIDERATION**

**Consideration may be monetary, non-monetary or a combination of both. If monetary, show the full amount paid in figures (including GST if applicable). `Nil` is not acceptable. A consideration must be shown. Examples of considerations are set out in the LODGING BOOK SECTION 1 – GENERAL INFORMATION.**

**TRANSFEROR**

Insert the full name of the person transferring the land.

If any part of the name varies to what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.

**TRANSFeree**

Insert the full name and address including postcode of the transferee for future notices. It is not acceptable to use a *care of* address or a *post office box* number.

For two or more transferees: If no Manner of Holding is shown the transferees will be registered as joint proprietors. If the transferees are to hold as tenants in common this must be stated and the quantum of shares set out. A guide to different manners of holding is set out in the LOGDING BOOK SECTION 1 –GENERAL INFORMATION.

**DIRECTING PARTY**

The full name of the directing party (if any). If none leave blank.

**DATE**

This form must be dated.

**EXECUTION AND ATTESTATION**

The signature of each party must be witnessed by an adult person who is not a party to the transfer.

If the executing party is an incorporated body, the appropriate formalities should be adhered to.

**ORDER TO REGISTER**

If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.

If there is insufficient space in any panel the A1 Annexure Page must be used.

## **T2 – TRANSFER OF LAND**

### **USE**

**The T2 transfer form must be used for transfers of land which:**

- contain a restrictive covenant or a covenant created pursuant to statute; and/or
- create or reserve easements; except transfers under the ***Local Government Act 1989*** and where a mortgagee or chargee transfers under power of sale (T3 form).

### **FEE**

**Schedule 2 Item 21 Section 45 Transfer of Land (Fees) Regulations 2008**

### **DUTY**

**Payable or transfer denoted by State Revenue Office unless transfer is to an exempt government or semi-government authority or municipality.**

### **LODGING REQUIREMENTS**

- T2 form
- Certificate of Title
- State Revenue Office Notice of Acquisition

### **NOTE:**

- (a) **If an easement is created or reserved, the Certificate(s) of Title for the dominant and servient land must be supplied.**
- (b) **If an easement is created or reserved for carriageway or way purposes, consent from the relevant council must be supplied.**

### **LAND**

**If the whole of the land in a folio of the Register is being transferred, only insert the Volume and Folio numbers.**

**If only part of the land in a folio of the Register is being transferred, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.**

### **ESTATE AND INTEREST**

**Insert the estate and interest being transferred (e.g. *all my estate in fee simple*). If less than the full interest, specify the interest.**

### **CONSIDERATION**

**Consideration may be monetary, non-monetary or a combination of both. If monetary, show the full amount paid in figures (including GST if applicable). *Nil* is not acceptable. A consideration must be shown. Examples of considerations are set out in the LODGING BOOK SECTION 1 – GENERAL INFORMATION.**

## **TRANSFEROR**

**Insert the full name of the person transferring the land.**

**If any part of the name varies to what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.**

## **TRANSFeree**

**Insert the full name and address including postcode of transferee for future notices. It is not acceptable to use a *care of* address or a *post office box* number.**

**For two or more transferees: If no Manner of Holding is shown the transferees will be registered as joint proprietors. If the transferees are to hold as tenants in common this must be stated and the quantum of shares set out. A guide to different manners of holding is set out in the LODGING BOOK SECTION 1 –GENERAL INFORMATION.**

## **DIRECTING PARTY**

**The full name of the directing party (if any). If none leave blank.**

## **CREATION AND/OR RESERVATION OF EASEMENT AND/OR RESTRICTIVE COVENANT**

**Insert any easement being created or reserved and indicate dominant and servient land and/or full details of any restrictive covenant including the land to be burdened and the land that will take the benefit of the covenant.**

## **DATE**

**This form must be dated.**

## **EXECUTION AND ATTESTATION**

**The signature of each party must be witnessed by an adult person who is not a party to the transfer.**

**If the executing party is an incorporated body, the appropriate formalities should be adhered to.**

## **ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**Page 2 of the form is for execution and attestation and the continuation of any panel, should there be insufficient space, the A1 Annexure Page must be used.**

## **T3 – TRANSFER OF LAND BY MORTGAGEE OR ANNUITANT USE**

The T3 form must be used for transfers of land by a mortgagee or annuitant under a power of sale.

### **FEES**

Schedule 2 Item 21 Section 45 Transfer of Land (Fees) Regulations 2004.

### **DUTY**

Payable or transfer denoted by State Revenue Office unless transfer is to an exempt authority or municipality.

### **LODGING REQUIREMENTS**

- T3 form
- Certificate of Title
- State Revenue Office Notice of Acquisition

### **LAND**

If the whole of the land in a folio of the Register is being transferred, only insert the Volume and Folio numbers.

If only part of the land in a folio of the Register is being transferred, see Land Descriptions in the LODGING BOOK SECTION 1 – GENERAL INFORMATION for more information.

### **MORTGAGE OR CHARGE NUMBER**

Insert the mortgage or charge number under which power of sale is being exercised.

### **CONSIDERATION**

Insert the consideration amount in figures.

### **MORTGAGEE OR ANNUITANT**

Insert the name of the mortgagee or annuitant shown on the mortgage or charge.

If any part of the name varies to what is recorded on the Register, a recital, Statutory Declaration or Certificate of Incorporation should be provided to explain the difference in name.

### **TRANSFeree**

Insert the full name and address, including postcode, of the transferee for future notices. It is not acceptable to use a *care of* address or a *post office box* number.

For two or more transferees: If no Manner of Holding is shown the transferees will be registered as joint proprietors. If the transferees are to hold as tenants in common this must be stated and the quantum of shares set out. A guide to different Manners of Holding is set out in the LODGING BOOK VERSION 4.1 – SECTION 1 –GENERAL INFORMATION

### **SUBSISTING ENCUMBRANCES**

All affecting encumbrances registered or notified in the Register prior to the mortgage or charge and those subsequently registered or notified that fall within the exceptions in Section 77(4) of the *Transfer of Land*

***Act 1958* must be referred to specifically or by a general statement e.g. 'any encumbrances affecting the land'. Any mortgage or charge continuing to affect must be referred to specifically.**

**CREATION AND/OR RESERVATION OF EASEMENT AND/OR RESTRICTIVE COVENANT**

**Insert any easement being created or reserved and indicate dominant and servient land and/or full details of any restrictive covenant including the land to be burdened and the land that will take the benefit of the covenant.**

**DATE**

**This form must be dated.**

**ORDER TO REGISTER**

**If the Certificate of Title has been Made Available, the Order to Register must be completed and signed by the Made Available party.**

**EXECUTION AND ATTESTATION**

**The signature of each party must be witnessed by an adult person who is not a party to the transfer.**

**If the executing party is an incorporated body, the appropriate formalities should be adhered to.**

**If there is insufficient space in any panel the approved A1 annexure page must be used.**

## **WC – WITHDRAWAL OF CAVEAT**

### **USE**

The WC form is used to withdraw a caveat recorded in the Register as to either whole or part of the affected land.

### **FEE**

Schedule 2 Item 61 Section 89 Transfer of Land (Fees) Regulations 2004

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

- Withdrawal of Caveat form
- Certificate of Title not required.

**NOTE: Caveat may be withdrawn as to part of the land affected.**

### **LAND**

If the caveat is to be withdrawn as to the whole of the land in a folio of the Register, only the Volume and Folio numbers should be inserted.

If the caveat is to be withdrawn as to only part of the land in a folio of the Register, this should be stated, and a lot and plan number or Crown description given in addition to the Volume and Folio numbers. Any necessary diagrams should be endorsed on an approved Annexure Page (Approved Form A1).

If the withdrawal of caveat affects a mortgage, charge or lease, insert the type, reference number of the Instrument and the relevant folio of the Register.

### **CAVEAT NUMBER**

Insert the registered number of the caveat to be withdrawn.

### **CAVEATOR**

Insert the full name of the caveator.

If any part of the name varies to what is recorded on the register, a recital or Statutory Declaration should be provided to explain the difference in name.

### **DATE**

This form must be dated.

### **EXECUTION**

The withdrawal of caveat must be signed by the Caveator, their agent, their Australian Legal Practitioner, or their Licensed Conveyancer in the appropriate area of the panel.

If the executing party is an incorporated body, the appropriate formalities relating to the affixing of the common seal, or other mode of execution for that body, should be adhered to.

If the caveat to be withdrawn was not executed personally by the Caveator, a withdrawal by him/her, lodged by other than an Australian Legal Practitioner or Licensed Conveyancer, must be accompanied by a Statutory Declaration stating that the person executing the withdrawal is identical to the Caveator.

**If the withdrawal of caveat is executed by an agent (not being an Australian Legal Practitioner or Licensed Conveyancer), written proof of agency will be required unless a letter of agency is already filed with Land Victoria.**

**If there is insufficient space in any panel the approved A1 Annexure Page must be used.**



## **OC1 – OWNERS CORPORATION INFORMATION (UNLIMITED OWNERS CORPORATION)**

### **USE**

**Lodged to accompany a certified Plan creating an Unlimited Owners Corporation.**

### **FEE**

**Not applicable**

### **DUTY**

**Not payable**

### **LODGING REQUIREMENTS**

- OC1 form
- Owners Corporation: accompanying documents lodgement checklist

### **OWNERS CORPORATION NO.**

**Insert the Owners Corporation number as shown on the Owners Corporation Schedule.**

### **PLAN NO.**

**Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS#####, including the alpha check digit where applicable.**

### **POSTAL ADDRESS FOR SERVICES OF NOTICES**

**Insert the postal address of the Owners Corporation to which notices are to be sent. It is not acceptable to use a *care of* address or a *post office box* number.**

### **THE PURPOSES OF THE OWNERS CORPORATION**

**The purpose for which an Owners Corporation exists will vary but the following suggested wording may be suitable:**

**'The purpose of Owners Corporation No.# Plan No. PS##### is to manage the land affected by the Owners Corporation (except the use of any common property affected by a Limited Owners Corporation)'**

**THE BASIS FOR THE ALLOCATION OF LOT ENTITLEMENT AND LOT LIABILITY**

The basis for allocation may vary but the following suggested wording may be suitable:

**'In determining the lot entitlement, regard has been had to the value of each lot and the proportion that the value bears to the total value of the lots affected by the Owners Corporation.**

**In determining the lot liability, regard has been had to the amount that is just and equitable for the owners of each lot to contribute towards the administrative and general expenses of the Owners Corporation.'**

or

**When all lots affected have the same entitlement and liability:**

**'All lots affected by the Owners Corporation have been allocated an equal portion of the total entitlement and liability.'**

**Variations**

**When a sub-range of the lots affected have the same entitlement and liability:**

**'Lots .... to .... (B.I.) have been allocated an equal portion of their total entitlement and liability of .....' (Repeat where appropriate.)**

or

**When a sub-group of the lots affected have the same entitlement and liability:**

**'Lots ...., ...., ...., ...., ...., and .... have been allocated an equal portion of their total entitlement and liability of .....' (Repeat where appropriate.)**

or

**When the total entitlement and the total liability are different in the examples above:**

**'.....an equal portion of their total entitlement of ..... and an equal portion of their total liability of..... .'**

**ADDITIONAL FUNCTIONS AND OBLIGATIONS THAT ARE TO BE CARRIED OUT OR COMPLIED WITH BY THE UNLIMITED OWNERS CORPORATION**

**'Functions and Obligations to be carried out or complied with on behalf of the Limited Owners Corporation No.# Plan No. PS##### are.....'**

**This only applies where there are multiple overlapping Owners Corporations and a Limited Owners Corporation has referred functions and obligations to the Unlimited Owners Corporation.**

**DATE**

**This form must be dated.**

**EXECUTION**

**The usual signature of the applicant, their Australian Legal Practitioner, their Licensed Conveyancer or their agent. The signature does not need to be witnessed.**

## **OC2 – OWNERS CORPORATION INFORMATION (LIMITED OWNERS CORPORATION)**

### **USE**

Lodged to accompany a certified Plan creating a Limited Owners Corporation

### **FEE**

Not applicable

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

- OC2 form
- Owners Corporation: accompanying documents lodgement checklist

### **OWNERS CORPORATION NO.**

Insert the Owners Corporation number as shown on the Owners Corporation Schedule.

### **PLAN NO.**

Insert the certified Plan number i.e. **PS#####**, **RP#####**, **SP#####** or **CS####**, including the alpha check digit where applicable.

### **POSTAL ADDRESS FOR SERVICES OF NOTICES**

Insert the postal address of the Owners Corporation to which notices are to be sent. It is not acceptable to use a *care of* address or a *post office box* number.

### **THE PURPOSES OF THE OWNERS CORPORATION**

The purpose for which an Owners Corporation exists will vary but the following suggested wording may be suitable:

If limited to common property:

'The Purpose of Owners Corporation No.# Plan No. **PS#####** is to manage the common property within the land affected by the Owners Corporation'

or

If limited to common property services:

'The purpose of Owners Corporation No.# Plan No. **PS#####** is to manage the common services relating to sewerage and drainage etc.'

**NOTE:** The purposes for a Limited Owners Corporation may be specified in the Owners Corporation Schedule of the certified Plan, but must be provided on the OC2 form. If purposes are provided in both the certified Plan and OC2 form both must agree.

### **THE BASIS FOR THE ALLOCATION OF LOT ENTITLEMENT AND LOT LIABILITY**

The basis for allocation may vary but the following suggested wording may be suitable:

'In determining the lot entitlement, regard has been had to the value of each lot and the proportion that the value bears to the total value of the lots affected by the Owners Corporation.'

**'In determining the lot liability, regard has been had to the amount that is just and equitable for the owners of each lot to contribute towards the administrative and general expenses of the Owners Corporation.'**

**or**

**When all lots affected have the same entitlement and liability:**

**'All lots affected by the Owners Corporation have been allocated an equal portion of the total entitlement and liability.'**

**Variations**

**When a sub-range of the lots affected have the same entitlement and liability:**

**'Lots .... to .... (B.I.) have been allocated an equal portion of their total entitlement and liability of .....' (Repeat where appropriate.)**

**or**

**When a sub-group of the lots affected have the same entitlement and liability:**

**'Lots ...., ...., ...., ...., ...., and .... have been allocated an equal portion of their total entitlement and liability of ..... (Repeat where appropriate.)**

**or**

**When the total entitlement and the total liability are different in the examples above:**

**'.....an equal portion of their total entitlement of ..... and an equal portion of their total liability of..... '**

**DETAILS OF THE LIMITATIONS WHERE THE OWNERS CORPORATION IS LIMITED OTHER THAN AS TO COMMON PROPERTY**

The details of the limitations may vary but the following suggested wording may be suitable:

'Owners Corporation No.# Plan No. PS##### is limited to the management and administration of the common services, being sewerage and drainage.....'

**NOTE:** Details of the limitations will not be required if the Owners Corporation Schedule on the certified Plan indicates that the Owners Corporation is limited to common property.

**FUNCTIONS AND OBLIGATIONS THAT ARE TO BE CARRIED OUT OR COMPLIED WITH BY THE UNLIMITED OWNERS CORPORATION**

'Functions and Obligations to be carried out or complied with by the Unlimited Owners Corporation No.# Plan No. PS##### are.....'

This only applies where there are multiple overlapping Owners Corporations and this Owners Corporation has referred functions and obligations to the Unlimited Owners Corporation.

**DATE**

This form must be dated.

**EXECUTION**

The usual signature of the applicant, their Australian Legal Practitioner, their Licensed Conveyancer or their Agent. The signature does not need to be witnessed.

## **OC3 – NOTIFICATION OF CHANGE OF ADDRESS OF AN OWNERS CORPORATION**

### **USE**

Where the Owners Corporation(s) has/have changed its/their address for service of notices.

### **FEE**

Regulation 6 Item 26 Section 34(2) Subdivision (Registrar's Fees) Regulations 2004

### **DUTY**

Not payable

### **LODGING REQUIREMENTS**

OC3 form

### **ADDRESS OF OWNERS CORPORATION**

Insert address for the service of notice of Instruments lodged after recording of the notification. It is not acceptable to use a *care of* address or a *post office box* number.

### **OWNERS CORPORATION NO.**

Insert the Owners Corporation number as shown on the current Owners Corporation Search Report available from Land Victoria.

### **PLAN NO.**

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS####, including the alpha check digit where applicable.

### **DATE**

This form must be dated.

### **EXECUTION**

If the notification is sealed by the Owners Corporation, the common seal of the Owners Corporation must only be affixed to a document in accordance with Sections 20 and 21 of the *Owners Corporations Act 2006*.

If the notification is signed by a delegate appointed by Owners Corporation pursuant to Section 11 *Owners Corporations Act 2006* a statement that the signatory is a delegate and whether she/he is a member, secretary or manager must be included in the notification.

**OC4 – OWNERS CORPORATION INFORMATION  
(NOTIFICATION OF ALTERATION)**

**USE**

Where the Owners Corporation is specifying or varying its purpose and function.

**FEE**

Regulation 6(4) Section 27H Subdivision (Registrar's Fees) Regulations 2004

**DUTY**

Not payable

**LODGING REQUIREMENTS**

OC4 form

**OWNERS CORPORATION NO.**

Insert the Owners Corporation number as shown on the current Owners Corporation Search Report available from Land Victoria.

**PLAN NO.**

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS####, including the alpha check digit where applicable.

**THE PURPOSES OF THE OWNERS CORPORATION**

The purpose for which an Owners Corporation exists will vary but the following suggested wording may be suitable:

**For Unlimited:**

'To manage the land affected by the Owners Corporation No.#'

**For Limited:**

'To manage the common services relating to sewerage and drainage etc.'

**For Limited to Common Property:**

'To manage the common property within the land affected by the Owners Corporation.'



**FUNCTIONS AND OBLIGATIONS THAT ARE TO BE CARRIED OUT OR  
COMPLIED WITH BY THE UNLIMITED OWNERS CORPORATION**

**For an Unlimited:**

**'Additional functions and obligations to be carried out or complied with  
on behalf of Limited Owners Corporation No.# are...'**

**For a Limited:**

**'Functions and obligations to be carried out or complied with on behalf of  
Unlimited Owners Corporation No.# are...'**

**DATE**

**This form must be dated.**

**EXECUTION**

**If the notification is sealed by the Owners Corporation, the common seal  
of the Owners Corporation must only be affixed to a document in  
accordance with Sections 20 and 21 of the *Owners Corporations Act  
2006*.**

**If the notification is signed by a delegate appointed by Owners  
Corporation pursuant to Section 11 *Owners Corporations Act 2006* a  
statement that the signatory is a delegate and whether she/he is a  
member, secretary or manager must be included in the notification.**

**OC5 – OWNERS CORPORATION INFORMATION  
(NOTIFICATION OF MAKING OWNERS CORPORATION RULES)**

**USE**

Where an Owners Corporation being created in a certified Plan has Owners Corporation Rules.

**FEE**

Regulation 6 Item 10 Section 27E(1) Subdivision (Registrar's Fees)  
Regulations 2004

**DUTY**

Not payable

**LODGING REQUIREMENTS**

- OC5 form
- Copy of the Owners Corporation Rules

**OWNERS CORPORATION NO.**

Insert the Owners Corporation number as shown on the Owners Corporation Schedule.

**PLAN NO.**

Insert the certified Plan number i.e. PS#####, RP#####, SP##### or CS####, including the alpha check digit where applicable.

**DATE**

This form must be dated.

**EXECUTION**

The usual signature of the applicant, their Australian Legal Practitioner, their Licensed Conveyancer or their Agent. The signature does not need to be witnessed.