

DEALINGS CHECKLIST for LODGING AGENTS and SOLICITORS

Checklist for lodgment of dealings for registration in LPI

Note: This checklist is designed to compliment items in letters of requisition. It should be used by Lodging Agents and Solicitors to ensure that dealings comply with relevant LPI requirements for lodgment. Not all Categories are appurtenant to all dealings.

Y = Yes and NA = Not Applicable

Item	Aboriginal Land Rights Act, 1983	Y	NA
1.1	s.38 letter from transferee and valuation certificate or written approval furnished		
1.2	s.40(3) land purchased as an investment – advice letter from the secretary of the transferee furnished		
1.3	s.40AA letter from the New South Wales Aboriginal Land Council furnished		
1.4	s.40AA show that approved determination within <i>Commonwealth Native Title Act</i> has been made		
1.5	s.40D Certificate from NSW Aboriginal Land Council and secretary of local Aboriginal Land Council furnished		
1.6	cl.17 sch.2 Local Aboriginal Land Council seal affixed to dealing and attested by either Chairperson or Treasurer and countersigned by the Secretary		
1.7	Evidence of corporate status - Certificate pursuant to Aboriginal Councils and Associations Act 1976 furnished		
1.8	Statement of authority or copy of articles of association for Aboriginal Association/Corporation furnished		

Item	Annexures	Y	NA
2.1	Clauses in any annexure are numbered sequentially		
2.2	All pages of any dealing, including annexure(s) are numbered sequentially as 'page ___ of ___ pages'		
2.3	First and last pages of any annexure are signed by all parties to the dealing(s)		

Item	Consents	Y	NA
3.1	Minister for Natural Resources consent furnished		
3.2	Minister for Lands consent furnished		

Item	Evidence	Y	NA
4.1	Original Death Certificate or Probate, or photocopy certified to be a true copy by a JP or law agent furnished		
4.2	Photocopy of rate notice certified to be a true copy of original by a solicitor, JP or law agent furnished		
4.3	Original or copy of rate notice + Statutory Declaration identifying land as that in title furnished		
4.4	Application accompanied by a statutory declaration signed by all registered proprietors/holders furnished		

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Item	Execution	Y	NA
5.1	Dealings are correctly and completely executed		
5.2	Application is executed by at least one registered proprietor or their solicitor		
5.3	The name and capacity is stated for any party signing on behalf of another party		
5.4	Any common seal is clearly affixed in black or dark blue ink		
5.5	The power or authority under which a dealing has been executed is stated		
5.6	The registration number of any power of attorney is stated		
5.7	Where applicable, dealing(s) have been executed under ss.127(1) or 127(2) <i>Corporations Act 2001</i>		
5.8	The relevant statutory declaration or execution clause with resolution details is included for execution by a delegate or attorney of the local council when disposing of council owned land		
5.9	Executions are properly witnessed		
5.10	The full name and address of any witness is stated		
5.11	The telephone number of each witness is stated		

Item	Fees	Y	NA
6.1	The current lodgment fee for all dealings, including multiple instruments, have been paid		
6.2	Any cheque or money order is made out to Department of Lands		

Item	Folio Management	Y	NA
7.1	A s.31A(2) Primary Application has been lodged to convert any Old System or Crown Title Land referred to in the dealing(s) to Torrens Title		
7.2	Any compiled plan annexed to a dealing meets LPI guidelines or has been lodged for registration as a deposited plan (with necessary pre approval for lodgment of a compiled plan)		
7.3	Compiled plan annexed to dealing complies with Schedule 6 <i>Real Property Regulation 2008</i>		
7.4	Survey Information Only plan lodged for registration as a deposited plan		

Item	General Issues	Y	NA
8.1	ACN, ARBN or ABN (where required) is clearly stated		
8.2	Full postal address (including postcode or 'for service of notices on caveator') is shown		
8.3	Alterations to dealing(s) are initialled/signed by all parties		
8.4	Any necessary written authorities to use Certificate(s) of title/WAL Certificate are furnished		
8.5	The estate or interest referred to is correct and complete		
8.6	Forms have not been altered from approved format or meet terms of LPI licensing agreement		
8.7	All parties are correctly referred to as per Certificate(s) of title/WAL Certificate		
8.8	Dealing(s) as drawn are unambiguous and will provide the desired result		
8.9	All marginal note(s)/clause(s) are either completed or deleted		
8.10	Action has been taken to address any Caveat noted on the Register		
8.11	Action has been taken to address any Writ noted on the Register		
8.12	Priority between all dealing(s) is clearly established		

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Item	General Issues Continued	Y	NA
8.13	All required Certificate(s) of title or WAL Certificate is/are herewith or produced		
8.14	Quality of print on all dealing(s)/annexure(s) complies with Sch. 2 <i>Real Property Regulation 2008</i>		
8.15	Your representative may be required to attend our Client Service Counter to discuss requisitions		N/A
8.16	The Office of State Revenue, Stamp Duties Division has noted all dealing(s)/alteration(s)		
8.17	The shares/tenancy for all parties is stated (where required)		
8.18	The reference to title is correct and current		
8.19	Dealing(s) make no reference to a Trust. Any reference has been deleted and the deletion verified		
8.20	For further information see the Registrar General's Directions on the website www.lands.nsw.gov.au		N/A

Item	Leases	Y	NA
9.1	A surveyed deposited plan has been lodged for any lease which is for part of the land in a Certificate of title and for a term which (including any option of renewal) exceeds 5 years		
9.2	Car parking spaces mentioned in the land description are correctly referred to		
9.3	The lease does not conflict with any current lease with the same land/premises description		
9.4	The commencing and terminating dates are correctly stated		
9.5	Commercial complex – shop number appears in the index page or new index page furnished		
9.6	Statutory Declaration as regards any option to renew/purchase for expired lease on title is furnished		
9.7	Statutory Declaration for request to surrender lease by operation of law furnished		
9.8	Statutory Declaration for request to surrender lease by re-entry furnished		
9.9	Statutory Declaration as evidence for a transfer of Retirement Village lease furnished		

Item	Notice Of Sale (NOS) forms	Y	NA
10.1	All sections of the NOS form are completed within the white panels on the face of the form		
10.2	A completed NOS form is lodged (General Requisition)		
10.3	A completed NOS form is lodged for every dealing affecting ownership/tenancy (Specific Requisition)		

Item	Statutory Declarations	Y	NA
11.1	Statutory Declaration refers to the relevant local Act/Ordinance of the State/Country where made		
11.2	Statutory Declaration furnished as regards the severance of a joint tenancy		
11.3	Statutory Declaration(s) made before a prescribed functionary		

I have used the checklist to assist with lodgment of this/these dealing(s) and all relevant items have been addressed.

Name:

Signed:

Date:

Reference:

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Change Log

Date	Item	Details of changes made
4.4.2007	1.6	Attestation to be by Chairperson or Treasurer and counter signed by the Secretary
8.4.2008	5.8	A transfer of land by a local council may be executed by a delegate or attorney of the council provided the execution is accompanied by a statutory declaration or amplified execution clause referencing the council resolution details
26.9.2008	7.3, 8.14	Real Property Regulation 2003 updated to Real Property Regulation 2008

Note: this change log does NOT form part of the Checklist

DEALINGS CHECKLIST for LODGING AGENTS and SOLICITORS

Checklist for lodgment of old system deeds for registration in LPI

Note: This checklist is designed to compliment items in letters of requisition. It should be used by Lodging Parties to ensure that deeds comply with LPI requirements for lodgment.

Y = Yes and NA = Not Applicable

Item	Old System Deeds	Y	NA
.1			
.2			
.3			
.4			
.5			
.6			
.7			
.8			

I have used the checklist to assist with lodgment of this/these deed(s) and all relevant items have been addressed.

Name:

Signed:

Date:

Surveyor's Reference: