

## Information Bulletin No 26

June 2000

# Old System Conversion or Removal of a Caution by Official Search

### 1. Introduction

This method of title conversion provides an alternative to conversion by Primary Application and may also be used to remove a caution from an existing Torrens title. It cannot be used where ownership is based on possession or the plan indicates that the land may be adversely occupied or the Official Search raises doubts about the owner's title.

### 2. Using an Official Search as the basis for Old System title conversion

An Official Search of the Old System Deeds Register is one undertaken by qualified Land and Property Information New South Wales (LPINSW) staff which will wherever possible, extend to a 'good root of title' sufficient to prove uninterrupted ownership. The Official Search can be used as the basis for issue of a full Torrens title.

To request conversion by Official Search, complete the Application for Official Search form, statutory declaration confirming ownership and if necessary consent of mortgagee and lodge them at the Property Information Inquiry Service counter, first floor of LPINSW. Alternatively the Application may be lodged by mail. Note, that an undertaking to pay fees incurred by the search is incorporated in the application form. Where the search involves party walls and/or easements, additional search fees will apply as the search will be extended to confirm the uninterrupted enjoyment of that right.

### 3. Removing a Caution notification from a Qualified Torrens title

The Application for Official Search form may also be used to request removal of a Caution recorded on a Qualified Torrens title. It must be accompanied by a completed statutory declaration confirming ownership and where the land is mortgaged, the consent of the mortgagee.

Following completion of a satisfactory search, the applicant will be asked to lodge:

- a Request (form 11R) for removal of Caution; and
- the Qualified Torrens title.

**Note:** *For further information on removal of cautions generally please refer to paragraphs 485 in Land Titles Office Practice by Baalman and Wells.*

#### 4. Removing a Limitation notification from title

The applicant may do one of the following to remove the Limitation from the title:

- lodge a new deposited plan of survey at the same time as the Official Search; or
- comply with the requirements set out in paragraph 5.

#### 5. Exemptions from new plans of survey

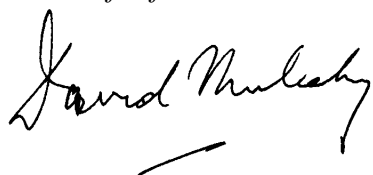
**Subject to the written approval of the Manager, Old System Plans Section a new plan of survey is not required:**

- where the subject parcel is a lot in a registered deposited plan of survey made within 12 years of the date of lodgment or the land is surrounded by registered deposited plans of survey made within 12 years of the date of lodgment. There must be no conflict between the surveys represented in these plans.
- where the subject parcel is a lot in a registered deposited plan of survey more than 12 years old and evidence is furnished that the land and adjoining lands are vacant and unfenced
- where the subject parcel is a lot in a registered deposited plan of survey more than 12 years old, the land is fenced and the consents of all adjoining owners to the plan and the position of the occupations/fencing shown thereon are furnished
- where the subject parcel is a lot in a registered compiled deposited plan based on a prior registered deposited plan of survey made within 12 years from the date of lodgment
- where the subject parcel is a lot in a registered compiled deposited plan and is surrounded by registered deposited plans of survey made within 12 years of the date of lodgment. There must be no conflict between the surveys represented in these plans.

Inquiries relating to dealings may be made in person at the Client Service Counter, ground floor, by telephone on 9228 6713 or fax 9223 9464. Inquiries relating to plans should be made at the Plan Support Counter, level 2, North wing, Land and Property Information, 1 Prince Albert Road, Queens Square, Sydney by telephone on 9228 6798 or by fax on 9221 4405.

First Issued November 1994  
Title Creation Division

*This bulletin replaces Information Bulletin No. 20 and the November 1994 edition of Information Bulletin No. 26.*



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**Registrar General**

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