

Information Bulletin No 5

August 1999

Preparation of Instruments for Registration in the General Register of Deeds

General Provisions

1. The lodging party is required to present the Index Particulars Form at the time of registration/lodgment. The particulars should comply with the current Guidelines for Indexing Old System Registrations.

The Index Particulars Forms should be typed and must be completed by:

- the person lodging the instrument, or
- a party to the instrument, or
- a solicitor or agent acting for the person lodging, or a party to, the instrument.

This requirement must be complied with from 2 November 1992

The Index Particulars Form will contain details including:

- the nature of the instrument,
- its date,
- the type of registration required (i.e. General Register, Bill of Sale, Crop Lien, Wool Lien, Stock Mortgage, Resumption or Causes, Writs and Orders. Where a bill of sale is being registered for a power of attorney contained in one of its clauses, the registration type is General Register), and
- parties to the instrument,
- land affected, if applicable.

2. **Paper Size.** Registration copies (including annexures) must be prepared on A4 size paper. Where a registration copy is prepared by Land and Property Information New South Wales (LPINSW), it is suggested that the original be prepared on A4 size paper to assist preparation of a suitable registration copy.

3. **Paper Quality.** Paper should be white and sufficiently non-absorbent to prevent ink spread. It should be of uniform reflectance to aid constant film density and should have a matt flat surface. Paper of 80 gsm in substance is the required standard and all sheets, including annexures should be on white paper and single sided.

4. **Types Size** of the text should be such that the height of the smallest character, including lower case, is not less than 1.8mm (i.e. 10 point).

5. Margins-Information Area. Sheets must have clear margins:

- on the face of the first sheet - of not less than 25mm (at the top) and 10mm (on the left-hand side, the right-hand side and at the bottom),
and
- on subsequent sheets - of not less than 10mm all round.

All information must be within those margins.

6. Carbon copies are not acceptable.

- 7. Alterations** or deletions to original 'Old System' instruments should be initialled by the appropriate person, in the margin opposite the correction. Where fresh matter is added or a material alteration is made to an instrument which has been marked by the Office of State Revenue or is required to be marked, the addition or alteration must be noted by the Office of State Revenue.

Alterations to 'Old System' registration copies should be initialled opposite the alteration by the person who certifies the index particulars.

- 8. Statutory Declaration** is replaced by a certification on the Index Particulars Form that the registration copy is a true copy of the original. When (in certain circumstances) the original is lodged or where the registration copy is prepared by LPINSW, Clause 1 is deleted from the certification on the Index Particulars Form.

- 9.** The option to use a **memorandum** of standard terms and conditions for mortgages, leases, bills of sale, liens etc. is now available. Memoranda registered under section 80A Real Property Act 1900 may be referred to in appropriate classes of registrations.

Each memorandum must contain the following certificate:

On behalf of (insert name of mortgagee, lessor, firm etc.) I certify that this memorandum, comprising pages, contains the provisions which are deemed to be incorporated in such (insert nature of instruments which will refer to this memorandum) as refer to this memorandum.

Signature

The registration fee for memoranda will vary according to the type of instrument for which they are used.

- 10.** The facility for LPINSW to prepare registration copies is not available for Bills of Sale, Resumptions, Causes, Writs and Orders, Stock Mortgages and Crop and Wool Liens.
- 11.** The day and time of **registration** will no longer be shown on the original or registration copy. The date of registration will be recorded in the index and priority or order of registration will be determined by the registration number.

Registration will be attested by a stamp containing the registration number, date, seal of the Registrar General and initials of the Registration Officer. This stamp will be affixed immediately beneath the execution.

12. The Registrar General may refuse to accept any original, registration copy or request for LPINSW to prepare the registration copy, which does not comply with the Regulations or is not suitable for storage on any medium or combination of media used to store and reproduce registrations.

13. Amendments. The present policy of not entering marginal notes to amend a registration copy will continue. Where there is an error in the registration copy the only avenue for correction is by re-registration. Errors in original documents will normally be rectified by a Deed of Confirmation or Rectification.

The Registrar General may amend index particulars to agree with particulars shown in the Index Particulars Form at the time of lodgment. Again, the only method of rectifying incorrect information in an Index Particulars Form is by re-registration.

14. Lodgment should be made by hand. Lodging parties should ensure that complete and correct index particulars are supplied, as the time required to obtain such details may exceed the time prescribed for lodgment/registration of some instruments.

The registration copy will be microfilmed (and/or scanned) and the paper registration copy (including originals lodged as registration copies) destroyed. **Copies of documents** will be provided through the Document Copy Service, ground floor, Records wing.

15. Deposited Deeds. When an instrument registered in the automated index is permanently deposited, a notation will be placed in the Notings Field of its index entry. This will replace the notation previously made in the top margin of manual registration copies.

Those instruments which are permanently deposited and receive an index entry as an Unregistered Deposited Deed will be indexed in the automated index.

Information Bulletin No. 19 sets out standards required for the preparation of dealings and instruments registered at LPINSW.

General Register of Deeds

1. **Search** of the chain of title should highlight information required for the index particulars, i.e:
 - any change in the vendor's name since the interest being dealt with was acquired, a vendors entry will be made under the old and new names,
 - identification of the Link Conveyance,
 - identification of the locality, which is that shown in the index entry for the Link Conveyance,
 - determination as to whether the subject land is the whole or part of the land in the Link Conveyance, and
 - where necessary, identification of the Principal Deed.
2. **Original document** does not change in its format or content (except as regards plans - see 4) - the Link Conveyance is not designed to replace the metes and bounds description.
3. **Memoranda** of standard terms and conditions can now be used for mortgages, leases etc. Memoranda registered under section 80A Real Property Act 1900 can also be referred to in appropriate classes of 'old system' instruments.
4. **Plans** or diagrams annexed to instruments must:
 - not have a part of a lot shown unless the lot is shown as a whole unit elsewhere in the plan,
 - be suitable for scanning and/or microfilming so that a clear image can be obtained on retrieval,
 - not use colour for hatching or any other purpose, and
 - have all line work, dimensions, hatchings or notations in clear dense black ink.
5. **Torrens Title Land.** Registration in the General Register of Deeds of any instrument which is registrable under the Real Property Act 1900 and relates only to land under that Act, is of no effect and may be refused. This also applies to Resumptions and Causes, Writs and Orders.
6. **Index Particulars** must be provided at the time of lodgment on an Index Particulars Form. Vendors and Purchasers entries must be such that the chain of title is maintained.
7. **Requests for Preparation of Registration Copies by LPINSW.** Originals must be of sufficient standard for an acceptable registration copy to be prepared and must not be permanently bound,

Clause 1 of the certification on the Index Particulars Form should be deleted.

8. **Payment of Fees** will be on the White (LT 10-1310) Lodgment Form.

9. The name, address and delivery box number (if any) of the person by whom, or on whose behalf the original instrument and copy are lodged, shall be endorsed on the original and registration copy.

Causes, Writs and Orders (CWO)

1. **Search** of the chain of title will require identification of the same particulars as for an instrument affecting real estate in the General Register of Deeds. For a vacation or renewal, the Principal Deed is the Cause, Writ or Order being renewed or vacated.
2. **Original Application** should be prepared on A4 size paper and comply with the requirements for registration copies in the General Register of Deeds. The format is basically the same except that registration is in the General Register of Deeds. Supporting evidence is unchanged.
3. **Registration** may be effected by lodging the original application and supporting evidence - a registration copy is not necessary. In such cases, Clause 1 of the certification on the Index Particulars Form should be deleted.

If lodgment of a registration copy is preferred, the copy must be prepared by the lodging party.

Where registering a renewal or vacation lodging parties will still need to verify the registration number of the subject CWO.

4. **Index Particulars** must be provided at the time of lodgment on an Index Particulars Form.
5. Where **evidence** supplied by a Court or other government office is larger than A4 size it will be accepted.
6. **Torrens Title Land.** Registration in the General Register of Deeds of any Cause, Writ or Order which is registrable under the Real Property Act 1900 and relates only to land under that Act, is of no effect and may be refused.

Resumptions

1. **Search** of the chain of title will require the same particulars to be identified as for an instrument affecting real estate in the General Register of Deeds. For a rescission or an erratum notice, the Principal Deed is the resumption affected.
2. **The Notice of Resumption** should be prepared on A4 size paper and comply with the requirements for registration copies in the General Register of Deeds.
3. **Registration** may be effected by lodging the Notice of Resumption only - a registration copy is not necessary. Where the original Notice of Resumption is being used as the registration copy, Clause 1 on the Index Particulars Form should be deleted. If lodgment of a registration copy is preferred, the copy must be prepared by the lodging party.
4. **Index Particulars** must be provided at the time of lodgment on Index Particulars Form.

5. Gazette Notification. It is suggested that the index particulars be included at the end of each gazette notice as follows:

..... being part (or whole) of link conveyance Book No..... located at of which the registered owner is.....

The full names of the registered owner(s) are required to be shown.

6. Form 13 has been replaced by Form 2:

***NOTICE OF RESUMPTION OF LAND NOT SUBJECT
TO THE REAL PROPERTY ACT 1900***

[Conveyancing Act 1919, Section 196A(3)(a)]

(Extract from Gazette

I, _____ of _____, certify that the above matter is a true copy of the notification of resumption published in the Government Gazette on _____ at page _____

(Signature)

(Date)

Stock Mortgages, Wool and Crop Liens

1. Original Mortgage/Lien is unchanged, with the exception that the information previously required to be shown in memorials of stock mortgages must be included in each stock mortgage i.e:

- the date of the mortgage,
- the full name of the mortgagor and mortgagee,
- the consideration or amount of the loan,
- the number and description of the brand or other distinctive mark on the sheep, cattle or horses being mortgaged, and
- the place where the sheep, cattle or horses are being kept or depastured and the name of the principal superintendent or overseer of that place.

2. Memorials of Stock Mortgage have been discontinued and a full copy of the stock mortgage must be lodged as a registration copy.

3. Memoranda of standard terms and conditions can now be used for liens and mortgages.

4. Registration copies must be prepared on A4 size paper and comply with the requirements for registration copies in the General Register of Deeds.

LPINSW will not prepare registration copies of Crop and Wool Liens and Stock Mortgages.

A statutory declaration is not required as the certification on the Index Particulars Form replaces the statutory declaration.

The receipt clause is not required as the registration number will be shown in the registration stamp - the date and time of registration will not be endorsed on the original or registration copy.

Carbon is not acceptable in the registration copy.

5. Index Particulars must be provided at the time of lodgment on an Index Particulars Form.

Bills of Sale

1. The Original Bill of Sale (ordinary and traders) does not change in content, however there are the following changes to its format:

- the original and registration copy are to be drawn on A4 size paper,
- the requirements as to paper quality, margins etc., for instruments registered in the General Register of Deeds must be complied with, and
- there is no longer a requirement to have a cover sheet.

2. Registration may be effected by **either:**

i) producing the original and a registration copy where:

- the statutory declaration on the original bears original signatures - the signatures can be printed or typed on the registration copy; and
- the affidavit of witness has been executed on the registration copy - the execution or completion of the affidavit of witness is optional on the original;

or

ii) lodging the original as the registration copy, in which case the statutory declaration and affidavit of witness must be completed and the words *true copy of* deleted from Clause 1 of the affidavit of witness. Clause 1 of the certification on the Index Particulars Form should also be deleted.

LPINSW will not prepare registration copies of bills of sale.

3. Memoranda of standard terms and conditions can now be used for ordinary and trader's bills of sale.

4. A Trader's Bill of Sale is Taken to be Registered:

- at, but not before, the expiration of 14 days after being lodged for registration, unless a caveat against its registration is lodged earlier and not removed or withdrawn; or
- if any such caveat is lodged and is not removed or withdrawn before expiration of that period of 14 days - on the removal or withdrawal of the caveat,

unless the bill of sale is earlier withdrawn from registration as a trader's bill of sale.

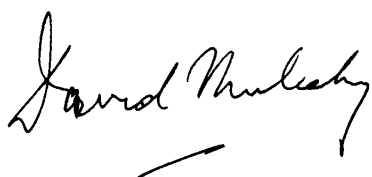
If a caveat is lodged the normal notices will be sent.

Trader's bills of sale will be noted with a lodged stamp which will include the registration number of the bill. The original bill will be returned at the time of lodgment where a registration copy is lodged.

The index can be searched to check whether a caveat has been lodged.

5. Index Particulars must be provided at the time of lodgment on an Index Particulars Form.

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.



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Registrar General

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