

NOTICE TO LODGING PARTIES

LAND SERVICES GROUP

Colonel Light Centre
25 Pirie Street, ADELAIDE 5000

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It appears that some clients are not aware of, or are having difficulty with some procedures which are currently being followed within the Lands Titles Office. To ensure the speedy processing of your documents, we ask that you take note of the following procedures.

1. DESTRUCTION OF DISCHARGED DUPLICATE MORTGAGES

Currently, when a mortgage is discharged as regards the whole of the land to which it relates, the duplicate copy of the mortgage is retained by this office for a period of twelve months prior to its destruction. This practice has led to a number of difficulties, including the costs associated with the handling and storage of the duplicates and the considerable time required to process them.

Commencing on 16 June 1997, the duplicates of mortgages which have been discharged as regards the whole of the land will be **destroyed immediately after registration of the relevant discharge.**

Should a mortgagee wish to retain a duplicate mortgage following its discharge from the whole of the land to which it relates (for example, for "up-stamping" purposes), it will be essential that clients attach an appropriate request to the outside of the duplicate at the time the discharge is lodged in the office. Appropriate instructions for the delivery of the duplicate must also be completed on the outside of the discharge. If these two requirements are not met the duplicate mortgage will be irretrievable following registration of the discharge.

The duplicates of those mortgages which are partially discharged only are unaffected by the above change in practice. Similarly, original mortgages are unaffected and will continue to be retained notwithstanding their subsequent discharge.

2. REJECTION OF DOCUMENTS

The number of documents being referred for correction and reaching the rejection stage has been increasing steadily.

When a document has been referred for correction, the Real Property Act 1886 allows four months for a document to be corrected by the relevant party. Two months prior to the expiration of this time, Notices of Intention to Reject are sent to the person lodging the document and all parties to the document. Once the four month period has expired, under the provisions of Section 220 (3b) of the Act, the document will be rejected and registration fees forfeited.

Until recently, staff have frequently given reminder calls to correcting parties who have not returned documents that have reached the rejection stage. We are unable to continue this practice due to the increase in workload it is causing.

In extenuating circumstances, the time prior to rejection may be extended by written request to the Registrar-General. The onus, however, is on the correcting party to ensure that a written request is made prior to the expiration of the four month period. This request must give the reasons for the extension and indicate the anticipated date when the requisitions will be complied with and the document returned. The correcting party will be advised of the outcome of the request within 7 days of the receipt of the request in the Lands Titles Office.

If a request for extension is not received, documents will be rejected two months following the date of the Notice of Intention to Reject without further contact with any party.

3. TEMPORARY WITHDRAWALS

Lodging parties are responsible for ensuring that documents are lodged in the correct sequence and for the correct placement of series numbers on documents.

During the examination process, documents which are not in the correct sequence will be referred for correction and lodging parties will be required to request a temporary withdrawal, with payment of the associated temporary withdrawal fee(s) and the appropriate consents attached.

4. RETURN OF CANCELLED DUPLICATE CERTIFICATES OF TITLE

This issue continues to cause distress to members of the public who have not been advised by their practitioner that their duplicate certificate of title will not be returned to them once a dealing has been registered.

The general public does not understand that the original certificate of title is the one held in the Lands Titles Office. Often the certificate of title they hand over is beautifully executed on parchment or has sentimental value. To find out that it has been destroyed (as a consequence of the conversion process) can be extremely upsetting to people.

This situation can be easily avoided if you advise your client that the titles are now in a computerised form and do not show the historical information which appeared

on their duplicate title. If they wish to retain the duplicate, please ensure that a request is submitted at the time of lodgement with payment of the appropriate fee and the duplicate will be returned to you.

Our Client Advice Section continues to receive many calls from distressed members of the public about this issue. At the suggestion of the Industry Consultative Committee, we will be referring any enquiries of this nature back to the practitioner concerned.

5. DELIVERY BOX KEYS

To ensure the security of the information which is placed into Delivery Boxes, staff have been instructed not to open boxes for any person who claims to have misplaced or lost the delivery box key.

In cases of genuine loss, a claim form for a new key can be completed and a new key cut at a cost of \$20. Some form of company identification will be required before a claim form is accepted.

In cases of temporary unavailability of the key, a written request on company letterhead addressed to the Manager Client Services, Land Services Group and giving authority to the bearer to access the delivery box, will be sufficient to allow staff to give access. The person attending the delivery box may be required to produce identification.

6. ADVICE OF INCORRECT INFORMATION OR SERVICES

The Land Services Group aims to continually improve the quality of the services and products it provides to clients. Part of this objective is the reduction of errors and this is regularly monitored to improve the accuracy and integrity of our data.

To simplify the collection of relevant statistical information, we would appreciate you directing any enquiries regarding incorrect information or services relating to the land titling and registration process to the Client Advice Section situated on the Second Floor of the Colonel Light Centre, 25 Pirie Street. This includes registration, TATS conversion, LOTS, easements, land description, diagrams and delivery. Queries regarding the delivery of documents, titles and associated documentation will also be accepted at the Delivery Counter on the First Floor.



ALAN J. SHARMAN
REGISTRAR-GENERAL
22 APRIL 1997