

REGISTRAR-GENERAL'S OFFICE

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COLONEL LIGHT CENTRE: 25 Pirie Street ADELAIDE.

PANEL FORM

T2 - TRANSFER

These notes are to be read in conjunction with "GENERAL NOTES RELATING TO PANEL FORMS".

This form is designed for the more complex type of transfer involving truncations of land and the creation of rights associated therewith. It is also suitable for transferring the whole of the land where the larger panels may be required to accommodate numerous certificates of title, transferors, transferees and executions etc.

For the simple type of transfer use Form T1. Use Form T3 for a transfer of a mortgage, encumbrance or lease, and Form T4 when a mortgagee is exercising power of sale. When only an easement is being created use Form T5. A transfer or grant which involves rights of such an intricate nature that the transaction cannot be accommodated in a panel form without genuine difficulty may be set out in narrative style using either of Forms B2 or B3.

NOTES.

The instructional notes on the form must be read carefully before attempting to complete the information required in the panels.

CERTIFICATES OF TITLE BEING TRANSFERRED.

Note 2 on the back of the form will be changed in reprints and for the Regulations to the Real Property Act to read:-

"When no rights are being created herein the quantum of the land being transferred may be defined precisely. When rights are being created herein only show Certificates of Title affected, the OPERATIVE CLAUSE will define the rights and portion of the land affected".

As a consequence of this change the first panel will contain the precise definition of the land being transferred ONLY when no easements are being created. When easements are being created the panel must contain only the reference to the certificate of title affected, with the portion of the land in that certificate of title and rights being created being included in the operative clause.

In the former case the operative clause will not be altered. In the latter case the operative clause will need to be altered to refer to "the land hereinafter described" in lieu of "above described".

See "Appendix A" for examples of how to use this form for a variety of circumstances.

ESTATE AND INTEREST.

Only the estate and interest being transferred is to be shown in this panel. If one of two or more joint tenants is transferring his estate and interest, show - "Estate in fee simple jointly with(show name of other joint tenant/s)". Similarly if the transferor is the proprietor of a moiety but only wishes to transfer

an undivided fourth part, show - "Estate in fee simple in one undivided fourth part".

Different estates may be transferred by showing e.g. "FIRSTLY Estate in fee simple SECONDLY Estate as Crown Lessee under and by virtue of Perpetual Lease No.1436 THIRDLY as Lessee under and by virtue of Memorandum of Lease No.3984268". The certificates of title in the first panel should correspondingly be shown.

ENCUMBRANCES.

Show the registered number of any Lease, Mortgage or Encumbrance to which the land being transferred is subject, as - "Subject to Memorandum of Mortgage No...." or as the case may be.

TRANSFEROR.

Show the full name, address and occupation of the Transferor and identify with the register book as "formerly of" when necessary.

CONSIDERATION.

The consideration need not be expressed in monetary terms. It may be by way of gift, pursuant to agreement or Will etc.

TRANSFeree.

The full names, addresses and occupations of the Transferees must be shown. If they wish to hold "as tenants in common" in equal or unequal shares, or "with no survivorship" then this of course must be stated in precise terms.

ADDRESS FOR NOTICES.

Follow the instructions on the form.

STAMP DUTY CERTIFICATES.

A space has been provided below the bottom panel for any certificates required pursuant to the Stamp Duties Act.

OPERATIVE CLAUSE.

See notes above on "CERTIFICATES OF TITLE BEING TRANSFERRED".

If the land being transferred is capable of being defined precisely in the first panel and there are no rights being created, then the operative clause will not need to be altered.

Should it be necessary to quote only the certificate of title reference in the first panel, and the portion with respective rights following the operative clause, then alter the operative clause as instructed above by substituting the word "hereinafter" in lieu of "above" when relating to the land being transferred.

EXECUTION AND ACCEPTANCE.

The form of execution by the transferor and acceptance by the transferee is unaltered with the exception that the full names of those parties need not be shown in the execution clauses. The word "transferor" can be used in lieu of the full name.

PROOF.

Similar to the execution clause, "transferor" can be used in lieu of the full name in the proof.

26.8.1980

B. J. Kiley
(B. J. KILEY)

ACTING REGISTRAR-GENERAL.

OPERATIVE CLAUSE TO STATE

FIRST PANEL TO STATE

TRANSFER OF

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| <p>1. Portion Only of Certificate of Title
(Note: Form T1 could be used if space permits and no rights are being created).</p> | <p>Lot 3 in Filed Plan No. 5386 being portion of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29</p> | <p>Unaltered.</p> |
| <p>2. Portion in Certificate of Title <u>together with existing Right of Way</u></p> | <p>Lot 3 in Filed Plan No. 5386 being portion of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29 <u>together with a free and unrestricted right of way over the private road more particularly described therein</u></p> | <p>Unaltered.</p> |
| <p>3. Portion in Certificate of Title <u>excluding existing Right of Way</u></p> | <p>The whole of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29</p> | <p>Alter Operative Clause to "Land Hereinafter Described" and add "Lot 3 in Filed Plan No. 5386 expressly <u>excluding</u> the free and unrestricted Right of Way more particularly described therein being Portion of the land above described."</p> |
| <p>4. Of an <u>existing</u> Right of Way to <u>merge</u> with the fee simple of the servient Certificate of Title.</p> | <p>The whole of the land described in Certificate of Title Register Book Volume 3386 Folio 29 together with the free and unrestricted Right of Way more particularly described therein.</p> | <p>Alter Operative Clause to "Land Hereinafter Described" and add "the free and unrestricted Right of Way above described to the intent that the said Right of Way shall merge with and be extinguished in the fee simple of the land comprised in Certificate of Title Register Book Volume 2293 Folio 30"

(Note: In Transferee panel, add "The registered proprietor of the land in Certificate of Title register book Volume 2293 Folio 30").</p> |
| <p>5. Of Portion of Certificate of Title <u>together with new Right of Way</u> coming from same Certificate of Title</p> | <p>The whole of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29</p> | <p>Alter Operative Clause to "Land Hereinafter Described" and add "Lot 3 in Filed Plan No. 5386 <u>together with a free and unrestricted Right of Way over the piece marked "A" in the said Filed Plan be</u>) portion of the land above described".</p> |

TRANSFER OF

FIRST PANEL TO STATE

OPERATIVE CLAUSE TO STATE

- 6. Of Portion in one Certificate of Title, together with new Right of Way coming from second Certificate of Title.
 The whole of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29 and Volume 2293 Folio 30.
 Alter Operative Clause to "Land Hereinafter Described" and add "Lot 3 in Filed Plan No.5386 being portion of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29 Together with a free and unrestricted Right of Way over the piece marked "A" in the said Filed Plan being portion of the land comprised in Certificate of Title Register Book Volume 2293 Folio 30".
- 7. Portion of land in Certificate of Title creating and reserving Party Wall Rights all out of same Certificate of Title
 The whole of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29
 Alter Operative Clause to "Land Hereinafter Described" and add "Lot 3 in Filed Plan No.5386 together with a free and perpetual right etc. (describe party wall rights) and reserving nevertheless etc. (describe reserved party wall rights), being portion of the land above described.
- 8. Whole of the Land in Certificate of Title but reserving easement to other lands
 The whole of the land comprised in Certificate of Title Register Book Volume 3386 Folio 29
 Alter Operative Clause to "Land Hereinafter Described" and add "The whole of the Land above described reserving to the transferor as the registered proprietor of the land in Certificate of Title Register Book Volume 2293 Folio 30 and as appurtenant thereto a full free and unrestricted right and liberty to (describe easement) over piece marked "A" in Filed Plan No.5386 being portion of the land above described.