

Notice

To Lodging Parties

27 April 2018 No 204

Priority Notices in Review

A Priority Notice is a notice lodged in the Lands Titles Office (LTO) that allows a party to protect the priority of dealings they intend to lodge in the LTO.

Priority Notices have been available for use with the implementation of the South Australian Integrated Land Information System (SAILIS) since 27 April 2015. The low uptake in the use of them is concerning and practitioners are urged to use them because of the benefits and protection they provide.

Priority Notices will:

- reserve priority for the dealings set out in the Priority Notice;
- notify parties searching the title of the pending lodgement of dealings;
- assist in fraud prevention, as the early notification of pending transactions will increase the likelihood of a fraudulent conveyancing transaction being detected; and
- improve the accuracy of title searches, as currently there is no record of the lodgement of a dealing on the title until the LTO has processed the dealing and updated the Register Book.

Early lodgement will:

- ensure notification to parties who search the Register Book of the fact a transaction (the essential nature of which will be identified in the notice) is pending;
- protect priority of time as well as the exposure of risk to the conveyancer, solicitor and financial institutions;
- prevent competing interests from being registered (exceptions noted under section 154B of the *Real Property Act 1886*, for example an order of court, warrant of sale, caveat etc.).

It has been noted that difficulties confirming who the mortgagee on title is required to be has led to a reluctance to lodge Priority Notices. We advise discussions continue with financial institutions to remedy this obstacle.

For further information on Priority Notices refer to Notice to Lodging Parties [No 177](#) and Customer Information Bulletin [No 308](#).



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