



LANDS TITLES DIVISION⁵⁷

A DIVISION OF THE DEPARTMENT OF LANDS

NOTICE TO LODGING PARTIES

1. Identification of Parties in Dealings

It has been a long standing practice for conveyancers to identify the moving party in a document (the transferor in a transfer, mortgagee in a discharge of mortgage etc) as regards their address and occupation, or status, with the description registered on the certificate of title. Where this identification has not been established in the document it has been the practice of this Office to raise a requisition requesting that the document recite "formerly of etc."

In future a requisition will not be raised where the identification of proprietors is not established in the document. This will enable this Office to process documents lodged for registration more efficiently. It is pointed out that it is the responsibility of the person certifying the document correct for the purposes of the Real Property Act to ensure that they are dealing with the registered proprietor of the interest in the title.

In the best interests of their clients, conveyancers should continue to adhere to the practice of identifying proprietors in documents, particularly where a series of documents are lodged (e.g. transfer and mortgage) the description of the transferee must agree with that of the mortgagor. This will ensure that the current description of a proprietor is on record when it is required by this Office in the issue of new certificates of title and for the service of notices and proceedings as required by statute.

2. Form of Certificates of Title

In the past all Certificates of Title issued by the Lands Titles Office contained a witness clause and were witnessed and signed by a Deputy Registrar-General or Acting Deputy Registrar-General. In order to streamline procedures the witness clause and the witnessing of new titles will be deleted and the new format of the title will have the date of issue of the title and as currently occurs, be signed by a Deputy Registrar-General. This mode of issue of new Certificates of Title complies with the requirements of the Real Property Act.

3. Certified Copies of Marriage, Death Certificates and evidence of Change of Name

The practice of this office was recently altered to allow for the production of a legible photocopy of a Certified Copy of Marriage or Death Certificate to be produced in lieu of the Certified Copy when lodging for registration an Application to Note Marriage or Death. The photocopy must carry a certification (as set out hereunder) and must be signed by the Solicitor or Licensed Land Broker who certified the document correct.

The authority to certify that the copy is a true and correct copy has been extended to include the party deriving benefit where that party has effected the certification of the document as correct for the purposes of the Real Property Act.

The current practice that allows Certificates to be attached to Applications to Note Marriage and Death is now extended to provide for the acceptance of a legible photocopy of a Certified Copy of evidence of Change of Name to accompany an Application to Note Change of Name of an individual.

Where a registered proprietor has married and that marriage is not registered on the title or where an individual has changed their name and that change has not been registered, and they are divesting themselves of their interest in the title, then this same practice of using such a legible photocopy may be adopted in the relevant documentation.

The necessary certification should read as follows;

"I hereby certify that I have examined the original Certified copy of Certificate of Death/Marriage/Change of Name, have found it to be free from erasure and alteration, and that this is a true and correct copy.

Solicitor/Licensed Land Broker/Party Deriving Benefit".

J.G. MAHER
REGISTRAR-GENERAL

19.9.1988