



Industry Education Webinar:

Document Series Order and
Temporary Withdrawals



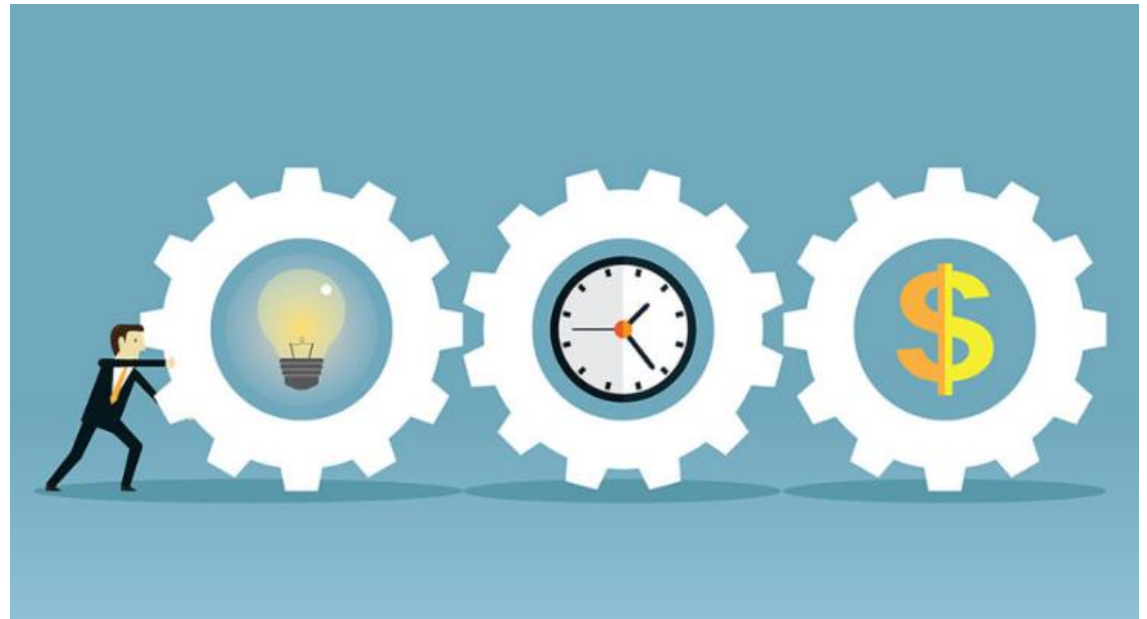


Industry Education Program

Land Services SA is committed to providing an excellent Customer Experience. One way we continue to deliver value to the Industry is through our Industry Education Program, where we produce a range of helpful educational materials, hold regular webinars and Industry Events.

Why are we doing this?

- ✓ Assist in educating the industry by providing regular training updates
- ✓ Assist in reducing requisitions across your business, saving you time and money
- ✓ Supporting you to deliver excellent service to your clients





About our Land Services Team



Natasha Stupel is a Registration Officer with Land Services SA. She has over 30 years' of experience in numerous areas of the Lands Titles Office. Current areas of focus are registration of electronic dealings and training new Registration Officers.

Alastair Byrne is a Senior Registration Officer within Land Services SA. He has over 23 years' experience and his main focus is providing support of complex registration dealings. Alastair has a wealth of knowledge in relation to technical and legislative advice.



Rina Mattiazzo is a Registration Officer at Land Services SA. Rina has many years' experience and brings a wealth of knowledge to Land Services and our clients. Her main focus is on our clients, providing an experience to every customer she deals with.

CONTENTS

- Electronic vs Paper
- Series Order explained
- The MAGIC formula
- Top 3 reasons for withdrawals
- Implications of Encumbrances lodged out of order
- Withdrawal of Caveat – where they belong in series order and why
- Temporary Withdrawal process





Electronic Vs Paper

South Australia aligned the conveyancing requirements for paper and electronic lodgements and as such, there is:

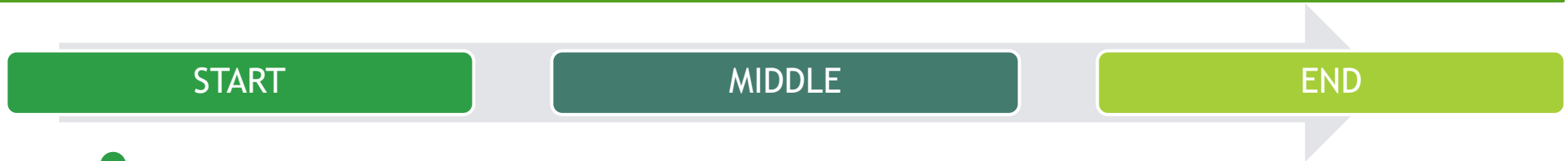
NO difference in the application of series order between Electronic and Paper dealings

NO difference in the temporary withdrawal process between Electronic and Paper dealings





Series Order Explained



Start of the series

Dealings discharging, withdrawing, removing, surrendering, revoking or cancelling an existing endorsement

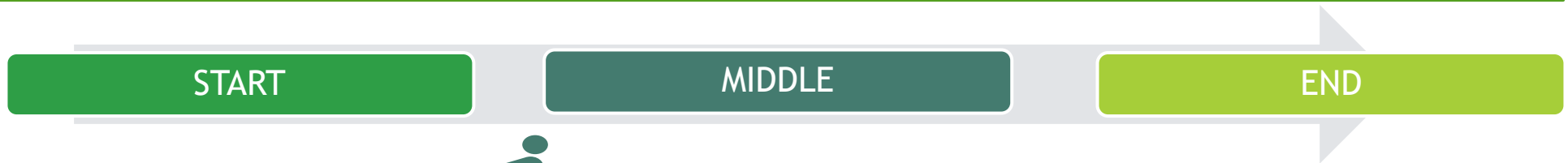
- ▶ Withdrawal or Removal of Caveat
- ▶ Discharge of Mortgage
- ▶ Discharge of Encumbrance
- ▶ Discharge of Advance or Charge
- ▶ Surrender of Lease

This information is of a general nature, and it is the responsibility of the lodging party to ensure series order is correct for the circumstances of the transaction

STRICTLY CONFIDENTIAL



Series Order Explained



Middle of the series

Proprietorship dealings of the fee simple, transferring, transmitting, changing or correcting names and addresses

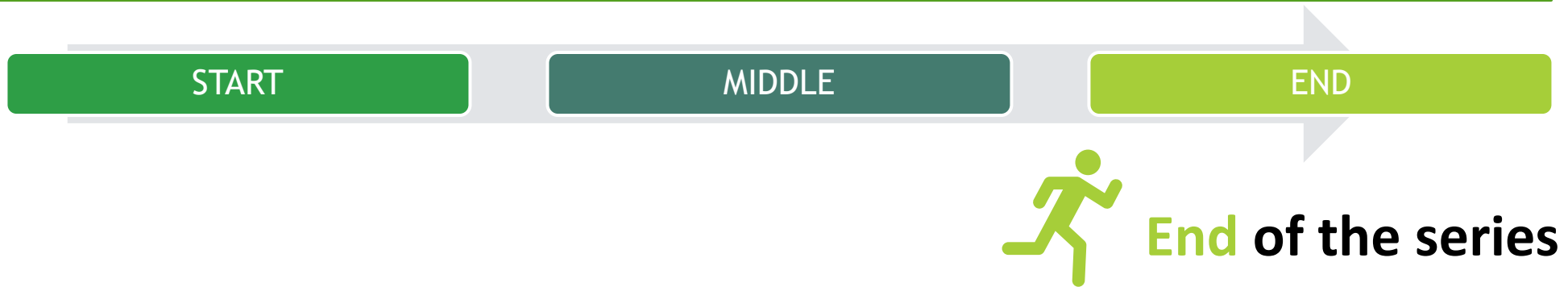
- ▶ Change of Address
- ▶ Change/Correction of Name
- ▶ Application to Note Death By Survivor
- ▶ Transmission Application
- ▶ Transfer

This information is of a general nature, and it is the responsibility of the lodging party to ensure series order is correct for the circumstances of the transaction

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Series Order Explained



Dealings creating a new endorsement for noting, leasing, encumbering and mortgaging

- ▶ Agreements
- ▶ Leases
- ▶ Encumbrances
- ▶ Mortgages

This information is of a general nature, and it is the responsibility of the lodging party to ensure series order is correct for the circumstances of the transaction

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The MAGIC formula



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Top 3 Reasons for Withdrawals

1

Reason One: *Mortgage lodged in series before the Encumbrance*

Outcome

Temporary Withdrawal of Mortgage required to allow the Encumbrance to precede the Mortgage

Prevent by

A final check of the series order before lodging and understanding the implications of Transfer by Mortgagee Exercising Power of Sale

This information is of a general nature, and it is the responsibility of the lodging party to ensure series order is correct for the circumstances of the transaction



Top 3 Reasons for Withdrawals

- 2** **Reason Two:** *Transmission Application lodged when proprietors are still registered as joint tenants*

Outcome

Temporary Withdrawal required for Application to Note Death to precede a Transmission Application

Prevent by

Always perform a Register Search before preparing any dealing.



Top 3 Reasons for Withdrawals

3

Reason Three: *Dealing by registered proprietor lodged in the face of an absolute caveat*

Outcome

Temporary withdrawal to allow Withdrawal of Caveat to precede dealing by registered proprietor

Prevent by

Checking the caveat image to see if Absolute or Permissive.



Caveat Operative Clause

OPERATIVE CLAUSE **delete the inapplicable*

*FORBIDS THE REGISTRATION OR RECORDING OF ANY INSTRUMENT AFFECTING THE ESTATE OR INTEREST OF THE CAVEATEE IN THE LAND DESCRIBED

ABSOLUTE

*PERMITS THE REGISTRATION OR RECORDING OF ANY INSTRUMENT AFFECTING THE ESTATE OR INTEREST OF THE CAVEATEE IN THE LAND DESCRIBED

PERMISSIVE

a) *SUBJECT TO THE CLAIM OF THE CAVEATOR

b) *SUBJECT TO THE CLAIM OF THE CAVEATOR, AND PROVIDED THAT THE CAVEATOR HAS GIVEN ITS WRITTEN CONSENT TO THE DEALING

Address for Service of Notices and Proceedings:

<insert address within South Australia>


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Temporary Withdrawal Process



YOU WILL NEED

- ✓ A letter requesting the Re-Lodgement, signed by the certifier for the benefitting party – refer Guidance Notes for full list.
- ✓ Cheque for the Withdrawal Fee
- ✓ The original, bar-coded, requisitioned dealing
- ✓ Any new dealings (if applicable) together with the appropriate registration fee



Guidance Notes

Withdrawal of a Dealing

RE-LODGE MENT OF A DEALING

GENERAL INFORMATION

A re-lodgement of a dealing can only occur prior to its registration and may be necessary when:

- A required dealing was not included with the series at the time of lodgement and an existing dealing needs to be temporarily withdrawn to allow the new dealing to be registered in the correct order.
- The dealings were lodged with incorrect series numbering or the numbering was unclear.

RE-LODGE MENT PROCESS

- Division dealing re-lodgements are to be re-lodged through the 'drop and go' chute at 101 Grenfell Street. The consent of the certifying party incorporating a statement that the applicant and all affected parties have consented to re-lodgement of the dealing must be included with the re-lodged dealings.
- All other re-lodgements must be done by appointment at Land Services SA.
- The correcting agent is to contact Land Services SA (08 8423 5000) to make an appointment for a Temporary Withdrawal with one of the following:
 - The Face to Face Officer - for non-division dealings; or
 - The relevant Property Examiner - for Division dealings.
- Regional clients only can request a re-lodgement via post to:
 - Land Services SA, GPO Box 543 Adelaide SA 5001
- At this appointment, the correcting agent must provide the following:
 - A letter requesting the re-lodgement of the dealing. This letter is to include the intended order of the dealings after the re-lodgement process.
 - For Agents acting with a Client Authorisation:
 - the written consent of the Certifying Party only is required;
 - For Self-Represented Parties:
 - the written consents of the Certifying Party or a Representative of the Correcting Party
 - Written consents from all the applicable parties. A list of the necessary consents can be found at the end of these notes. If in doubt, please ask the Client Advice Officer for assistance.
 - The appropriate fees for a re-lodgement transaction
 - Any new dealings (if applicable) together with the appropriate registration fee.

Industry Education Hub



Land Services SA partner with the SA Government and relevant Industry Bodies to deliver a range of Educational Materials to support property industry professionals. This webpage is dedicated to the publication of Industry Education Materials to assist conveyancing and survey professionals.

Hot Tip:
Keep updated on
LSSA's webinars and
video's

Industry Education Series	+
eConveyancing	+
Digital Plan Lodgement	+
SAILIS Video Tutorials	+
Land Services SA Fact Sheets	+



An aerial photograph of a suburban neighborhood, showing numerous houses with varying rooflines and colors, interspersed with green trees. The entire image is covered with a semi-transparent green overlay. The word "Questions" is written in white, sans-serif font, positioned to the right of a thin white vertical line.

Questions

